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Judicial Proceedings Committee

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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Senate Judicial Proceedings Committee

**Senate Bill 624 - Public Safety - Untraceable and Undetectable Firearms
“Ghost Guns”**

Untraceable Firearms are not just guns with serial numbers crossed off, they also include guns that have been designed to get around state laws, and the federal definition of a firearms. These are not homemade guns in the traditional sense. Today in this do it yourself culture, we are not just buying meal kits, we are buying gun kits. Someone who prepares a meal from a kit is just about as much of a chef as someone is a gun manufacturer for drilling a few holes into an unfinished lower receiver. We cannot allow the exception to swallow the rule.

The state of Maryland can join many other states that have recognized the proliferation of so-called 80% receiver sales on the internet, and have deemed public safety to be a priority. SB 624 is a nuanced approach to restrict gun sales to bypass our background check system in Maryland. This is a different approach than our bill last year SB 958, which would have banned ghost guns completely in the state of Maryland. Lawful hobbyists should applaud this evolution.

After consultation with law enforcement and activists from a wide range of perspectives, including hobbyists, our bill creates a background check process through our existing Handgun Qualification License (HQL), and a serialization process in-line with our existing requirements for firearms sold in Maryland. The costs are de minimus to enact this bill, the cost of inaction is sizable as MS-13 and other organizations exploit these loopholes to avoid detection and prosecution.

As for the justification of this bill, I challenge you to watch a video of kids assembling guns with mere hand-drills. After the veto-override of SB208 and HB4 from 2020, we can't let one loophole be filled while another metastasizes. These guns are used in serious crimes for the specific purpose that they are not traceable and don't require background checks. The penalty

should be similar to crossing off a serial number on a gun purchased lawfully. Prosecutorial discretion will play an important role for the implementation of this bill, so we have an amendment to remove references to the enforcement of those provisions and clarified that the registration of these guns of course includes the serial number engraved on the former ghost gun.

This bill does not hamper lawful possession or construction of firearms, but it does close a deadly background check loophole, and provides law enforcement a mechanism to investigate crimes, as they would for any other firearm manufactured after 1968. Again, these are not guns made from a gunsmith, if the users want to fashion a gun from scratch, they would be exempt under the language of this bill. The term “firearm” under federal law is the tripping point here, and the difference between an 80% lower receiver and a “firearm” are potentially just 4 little holes, as can be seen on the testimony submitted titled ATF & the Rising Threat of Ghost Guns.

To review, a ghost gun is a do it yourself gun, but the kits that are sold, don’t require you to do much to make a firearm. This is like saying a Blue Apron food kit sold to your house is not food, because it is not a finished meal. The actions of a non-specialist can transform the kit into a meal, or here a gun, and to use federal definitions to argue otherwise is illogical, dangerous and disingenuous. The 80% receiver is a misnomer as well, because while the final 20% of work is minimal, the 80% that is sold encompasses not only the raw material, but a prepared material ready to eat to revisit our prior analogy. This isn’t even Blue Apron, this is a TV microwavable dinner, and yes, it looks, sounds like, and even tastes like a meal. Just like an unfinished frame or receiver looks, sounds like, and even kills like a gun, in the time it takes to prepare dinner.

There are provisions for undetectable firearms as well in this legislation, but those provisions are secondary to the importance of the common sense requirement of a background check for purchases of all “firearm varieties” and the serialization. There is federal law in this space, but the language we provide is better and something local prosecutors could use in Maryland.

There are at least two clarifying amendments the supporters of this bill are willing to accept. Those include removing reference to the penalty structure and allowing for common sense prosecutorial discretion, and adding the serialized numbers explicitly on the registration requirement. With these clarification and perhaps a few others, we believe this bill is not only ripe for action, but the language is nuanced for a variety of real life scenarios. The status quo is not an option, the background check loophole for ghost guns must be filled immediately.

For these reasons, I respectfully request a favorable report on SB 624, as amended.