



**TESTIMONY OF THE CRITICAL ISSUES FORUM: ADVOCACY
FOR SOCIAL JUSTICE OF MONTGOMERY COUNTY, MARYLAND
ON MARCH 1, 2021
BEFORE THE HOUSE JUDICIARY COMMITTEE
IN SUPPORT OF HB 638 --UNTRACEABLE AND UNDETECTABLE FIREARMS**

Honorable Chair Luke Clippinger, Vice-Chair Vanessa E. Atterbeary, and Members of the House Judiciary Committee:

The Critical Issues Forum: Advocacy for Social Justice (CIF), provides this testimony in support of HB 638, relating to untraceable and undetectable firearms.

CIF is a coalition of three synagogues, Temple Beth Ami, Kol Shalom, and Adat Shalom, with over 1,750 households and three denominations of Judaism: Reform, Conservative, and Reconstructionist. CIF serves as a vehicle for our congregations to speak out on policy issues that relate to our shared values, including the Jewish traditions that emphasize the sanctity and primary value of human life.

Ghost guns - firearms made from kits without serial numbers or manufactured from undetectable materials - cause significant law enforcement problems. First, persons not otherwise legally allowed to obtain firearms can acquire ghost guns. Second, ghost guns used in crimes are untraceable. Third, lethal firearms that are banned or tightly controlled by state or federal law, such as AR-15 / AK-47 style semi-automatic rifles and 45 caliber semi-automatic pistols, may be made or purchased as ghost guns. For these reasons, ghost guns significantly contribute to gun violence, a widespread problem in Maryland and the country at large.

This is further evidenced by the statement made by the United States Attorney for Maryland, Robert K. Hur, when the musician Martrel Reeves pled guilty to possession of a ghost gun. Mr. Hur noted the serious law enforcement issue caused by ghost guns, stating: "So-called 'ghost guns' circumvent the laws designed to prevent felons from possessing firearms because they have no serial numbers and do not require background checks."¹

This is a real and growing problem. The Baltimore Sun reported that "more than 12,000 ghost gun kits [were] shipped to Maryland during 2016 through 2019 with cumulative sales over \$1,000,000.00."² It further reported that "Fox45 News found suppliers of ghost gun kits to Maryland have seen sales nearly quadruple."³ And, that last year (2019) , the "ATF saw the

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<https://foxbaltimore.com/features/operation-crime-justice/atf-finding-more-untraceable-guns-ghost-guns-in-baltimore>

² Supra, note 1

³*Id.*

recovery of 117 ghost guns in Maryland.”⁴ Significantly, “[b]y March of 2020, more than half that number had already been recovered.”⁵ During 2020 the Montgomery County Police recovered at least 40 ghost guns.⁶ It is also an issue in the District of Columbia. There the police found three ghost guns in 2017, 116 in 2019, and 282 by mid-December of 2020.⁷

Specific cases behind these statistics are chilling. In 2018, a student at Clarksburg High School was arrested for bringing a home-built gun to his school. In the student’s home, the police found an AR-15 rifle in mid assembly.⁸ In 2019, a Montgomery County man was arrested for selling ghost guns. Prosecutors said he had sold the guns to drug dealers, heroin users, robbers, and gang members.⁹ In 2016, the Baltimore police responded to an incident involving a man armed with a ghost gun that was an AR-15 style rifle loaded with armor piercing bullets. He was a violent repeat offender.¹⁰

Maryland Attorney General Brian Frosh, in a press release announcing that Maryland had joined 19 other states supporting a lawsuit challenging the federal government’s failure to regulate ghost guns, stated: “ghost guns endanger residents of [Maryland] and impede law enforcement’s ability to investigate and prosecute criminal activity.”¹¹ The amicus brief asserted that “these weapons have spread increasingly across the country and are now a consistent and pervasive component of crime in our communities.”¹²

HB 638 is designed to address the harmful consequences of untraceable and undetectable ghost guns while recognizing there are those who wish to lawfully manufacture firearms as a hobby. Specifically, the bill does not ban the practice of selling partially completed firearm receivers and frames, the critical parts of a gun, or impose a new regulatory scheme for state created serial numbers. Instead, like the federal law imposing serial number requirements, HB 638 places the responsibility of serialization on the manufacturer or seller of the unfinished receiver or frame.

Hobbyists purchasing a serialized unfinished receiver or frame will simply need to demonstrate that they have obtained a Handgun Qualification License, thus demonstrating that they are legally authorized to possess the receiver or frame. Consequently, it treats hobbyists similarly to others in Maryland who lawfully obtain completed receivers and frames. Those who currently own unserialized firearms will be able to inscribe a serial number on their weapon and retain it. HB 638 addresses these urgent issues in multiple ways, including:

1. Requiring that any firearm or unfinished frame or receiver be marked with unique identifying information by the importer or manufacturer;
2. Prohibiting possession of a firearm or unfinished frame or receiver that does not contain the identifying information;
3. Keeping records of the sales and transfers of firearms or unfinished receivers and frames to allow for tracing of firearms;

⁴ *Id.*

⁵ *Id.*

⁶ https://apps.montgomerycountymd.gov/ccllims/DownloadFilePage?FileName=2695_1_13180_Bill_4-2021_Introduction_20210119.pdf (January 14, 2021) -Legislative Memorandum on County Bill 4-21:

⁷ Mayor Bowser to Chairman Mendelson, DC Council, letter dated February 28, 2020

⁸ <https://wjla.com/features/7-on-your-side/ghost-guns> (May 21, 2018)

⁹ <https://wtop.com/montgomery-county/2019/12/long-prison-term-for-maryland-man-who-sold-untraceable-guns-to-criminals/>

¹⁰ <https://www.wbaltv.com/article/concern-grows-over-untraceable-ghost-guns-readily-available-online/8729989#>

¹¹ AG press release

¹² AGs Amicus brief at 6

4. Providing a qualification and background checking process similar to handgun requirements to prevent persons prohibited by the State of Maryland from obtaining an unfinished receiver or frame or the firearm made from such products;
5. Establishing a legacy process for those who possess unserialized receivers, frames, and firearms prior to January 1, 2022;
6. Allowing for suspension of prosecution for a non-serious first violation; and
7. Prohibiting the manufacture, possession, sale, transfer, or purchase of a covert or undetectable firearm.

When HB 638 becomes the law in Maryland, we will join eight other jurisdictions that have enacted laws addressing ghost guns: California;¹³ Connecticut;¹⁴ Hawaii;¹⁵ New Jersey;¹⁶ Rhode Island;¹⁷ Washington;¹⁸ New York;⁵ and the District of Columbia.¹⁹

CIF supports HB 638 because it provides a common-sense solution to the ghost gun challenge which will undoubtedly save lives. Significantly, it achieves these goals without infringing on the rights of gun owners and hobbyists.

However, CIF believes that there is an inadvertent flaw in Section 5-704(C)(4) of the bill, which provides for recordkeeping, as follows:

A federally licensed firearms dealer, federally licensed firearms manufacturer, and federally licensed firearms importer shall maintain a record log of any sale or transfer of a firearm or an unfinished frame or receiver **as required by federal law and regulation.** . . .

While this language is apparently intended to import the specific standards for record keeping that exist under federal law, under existing federal law and regulation, as interpreted by the federal government, **there are no federal record-keeping requirements for unfinished frames and receivers.** Consequently, companies who make unfinished receivers and frames would be able to continue to exploit the same loopholes their industry relies on to evade Maryland's record keeping requirement and resulting firearms will remain untraceable.

CIF suggests Section 5-704(C)(4) be deleted and replaced by the following:

A person who sells or transfers a firearm or an unfinished frame or receiver that has been marked in accordance with Subsections (A) and (B) of this Section shall keep records of such transfer or sale, including the serial number of the product, the name and address of the person receiving the product, the date of the transfer or sale, and the handgun qualification license number of the person receiving the product, and shall make such records available to law enforcement upon request.

With this amendment, companies who make unfinished receivers and frames will be required to keep sales/transfer records and law enforcement will be able to trace firearms completed from unfinished frames and receivers.

¹³ Cal. Penal Code. § 29180 (2016)

¹⁴ Conn. Pub. Act No. 19-6 (2019)

¹⁵ Hawaii H.B. 2744.(2019)

¹⁶ N.J. Stat. Ann. § 2C:39-9 (2019)

¹⁷ RI HB 7102 and RI SB 2004(2020)

¹⁸ <http://leg.wa.gov/Senate/Committees/LAW/Documents/2019%20Washington%20Firearms%20Final.pdf>

¹⁹ N.Y. Penal Law § 265.50(A)

CIF urges this committee to produce a favorable report on HB 638 with the above amendment to ensure that firearms are traceable and detectable, thereby assisting law enforcement in fighting and preventing crime and ensuring the safety and security of all of us.