



# BALTIMORE POLICE DEPARTMENT



**Brandon M. Scott**  
Mayor

**Michael S. Harrison**  
Police Commissioner

TO: The Honorable Members of the House Judiciary Committee

FROM: Michelle Wirzberger, Esq., Director of Government Affairs, Baltimore Police Dept.

RE: House Bill 638 Public Safety – Untraceable and Undetectable Firearms

DATE: March 1, 2021

**POSITION: SUPPORT**

Chair Clippinger, Vice-Chair Atterbearly, and members of the Committee, please be advised that the Baltimore Police Department **supports** House Bill 638.

House Bill 638 seeks to establish standards by which untraceable and undetectable firearms are transferred, registered and identified by mandating the following: altering the definition of a regulated firearm to include certain unfinished frames or receivers; making it illegal for any person to obliterate, remove, change or alter the manufacturer's identification mark or number or any other mark of identification on an unfinished frame or receiver; establishing that after January 1, 2020 no one may transfer the ownership of a firearm or unfinished frame or receiver that the person manufactured or assembled and lawfully possessed prior to that date unless the transfer is made to another family member who possesses a valid handgun qualification license or a law enforcement agency; requiring that a federally licensed firearms manufacturer or federally licensed firearms importer must mark every firearm and unfinished frame or receiver with a unique serial number and to indicate the following: the model of the firearm or unfinished frame or receiver, if such designation has been made, the caliber or gauge, if the product was manufactured or assembled in the state, the full legal name and city of the manufacturer, and if the item was manufactured outside of the state, the full legal name and city of the entity that imported or brought the product into the state. This bill mandates that a federally licensed firearms dealer, manufacturer and importer must maintain a record log of any sale or transfer of a firearm or unfinished frame or receiver; a person may not possess an unfinished frame or receiver that has not been marked in accordance with these requirements unless that item was lawfully obtained prior to January 1, 2020. It also establishes that no person prohibited from manufacturing, assembling, owning or possessing a firearm may not knowingly solicit, request, compel, coerce, conspire, facilitate, aid, or abet the manufacturing or assembling of a firearm or an unfinished frame or receiver and outlines the penalties for such violations. Finally, this bill prohibits a person from manufacturing, assembling, possessing, selling, offering to sell, transferring, purchasing or receiving a covert firearm or an undetectable firearm.

An example of an item covered by this bill, is a "Polymer 80" which is a essentially a gun that is only 80% constructed. These firearms are assembled by a person using acquired parts or a kit that includes one portion of the gun that is unfinished. This requires the purchaser to perform their own drilling or tooling of the

gun in order to make it fully functional. One of the most popular ways to make a polymer 80 is by buying pre-made parts and purchasing an 80% lower receiver.

In this scenario, a background check would not be completed because they are only conducted on completed lower receivers. People who cannot legally purchase guns because of being convicted of a disqualifying crime, not being of age, being found mentally incompetent, etc., can currently order a polymer 80 over the internet and have it shipped to their residence.

A couple of 2020 statistics to note:

- ✓ In 2020, BPD recovered 126 Polymer 80s whereas in 2019, we recovered only 29.
- ✓ The majority of those retrieved in 2020 were recovered as a result of traffic stops, which shows that criminals were transporting them and keeping them close for use.
- ✓ The Southwestern District in the City accounted for the largest amount of Polymer 80 seizures in 2020 with 26 overall. This district led in the number of violent acts such as homicide and shootings, in 2020.
- ✓ In 2020 there was a total of 21 NIBIN leads associated with Polymer 80's which indicates that 17% of the Polymer 80's recovered were used in at least one act of violence.
- ✓ 15 Polymer 80's were recovered that were directly linked to a shooting or a homicide investigation.
- ✓ Most important of all, in 2020, 29 of the 126 (23%) Polymer 80's recovered were seized from individuals under the age of 21. These guns were used by those who were not even of legal age to carry a gun.
- ✓ The youngest person who was caught with a Polymer 80 was 14 years old.

Overall, the Baltimore Police Department believes that this bill would assist in the prevention of crimes while also providing the Department with additional tools to help solve crimes of violence. Therefore, the Baltimore Police Department respectfully requests a **favorable** report on House Bill 638.