

SB0387

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Position: Unfavorable

Today I am writing to express my opposition to SB0387 "Untraceable Firearms".

The bill is an uninformed attempt to restrict common routes by which law abiding hobbyists exercise their 2nd amendment rights. It does not further its implied goals of reducing illegal access to firearms and only practically serves to disarm lawful gun owners.

Privately manufacturing firearms from parts kits is a popular hobby among some gun owners and it is protected by the 2nd amendment in some form by the Supreme Court Heller decision (due to its long history as a common, lawful practice in the US).

The fundamental problem with this bill is that it does not address an actual problem. The truth is that privately made firearms are not a significant source of illegal firearms for the crime market.

While "untraceable firearms" certainly sounds scary, the concern shows a serious misunderstanding about how firearms come to be used in crime and where they're sourced.

Ultimately, criminals do not care about the legality of their firearms and they certainly do not select for that when acquiring them. In 2016, only around 10% of guns used in crimes were actually purchased in a retail environment by the criminal in question. The vast majority of guns used in gun crimes are sourced from burglaries, stolen from victims, and other sources where the final user doesn't have a choice about what gun they'll receive. They are already breaking the law at this point. They'll take all comers at this point, serial number or not.

What they do care about is economics and ease of acquisition. Privately made firearms are hobbyist products. They are not easily completed. They require lots of drilling, working with power tools, assembling and testing. It's quite easy to just outright ruin a firearm project (drill the wrong hole) and have to start over. The idea that "if you can build ikea furniture, you can build a ghost gun" is silly.

This is not attractive to the vast majority of gun criminals out there. Gun criminals are not going to spend \$500 for a Glock slide and hours in manufacturing and test firing at the range just for a gun without a serial number; they're going to illegally purchase a \$200 Hi-Point from a shady illegal gun market and be done with it.

It is likely that public hysteria, fed by Hollywood stereotypes, is the driving motivation behind this law. It's similar to how many voters see a rifle with black trim as more "scary and military" compared to the same rifle with wood trim looking more "folksy and like grandad's hunting rifle". "Untraceable firearms" are the same phenomenon.

We can't let Hollywood plot points drive public policy.

All this law would serve to do is antagonize peaceful, law abiding gun owners in Maryland. (and boy, do Maryland gun owners know the law!) It would prompt lawsuits and outcry and only drive a wedge between all kinds of law abiding citizens. And for what? To criminals, the existence of the serial number might as well be a cosmetic detail.

I do believe that most of us want Maryland to be as safe as possible. We should be coming together to further that aim. But this law (and any other laws based on Hollywood hysteria) does not help.

I want Maryland law enforcement to spend its budget pursuing firearms that are actually a menace to public health. I do not want them wasting their budget fighting lawsuits about a type of gun that really isn't the problem.

Minor Issues

Beyond the big picture issues I've addressed above, the law is unworkable even if one accepts its premise.

To begin with, its definition of "unfinished frame or receiver" is an article that "... may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm". The "may readily be converted" language mirrors the ordinary definition of firearm from the Federal Gun Control Act of 1968 ("may readily be converted to expel a projectile ..."), which is also similar to Maryland's current definition of a firearm.

On the Federal and Maryland level, current law does not consider products marketed as 80% lowers to be readily convertible to firearm frames. Indeed, that's why they're able to be sold as freely as any other chunk of metal; legally they're paperweights.

The ATF's Firearms and Ammunition Technology Division already officially recognizes many 80% lowers as not firearms, ie they are not considered to be readily convertible.

What does this law actually do? If nothing, then fair enough. But I suspect that this bill intends to interpret the meaning of this phrase in an unconstitutionally vague and overbroad manner.

The bill also offers a secondary definition, which relies on the part being "marketed [...] as the frame or receiver of a functional firearm once completed...". This is extra silly. Wooden firearms receivers exist. If someone is marketing a hunk of wood as a potential receiver, does that make it true? This part of the definition is vague and overbroad to the point of meaninglessness.

The bill also does not offer a practical way for many existing gun owners to grandfather their firearms in. Getting the firearms serialized is presented as an option, but there's no guarantee that the service will exist and it certainly may be cost prohibitive. It also doesn't cover firearms made of alternative materials that aren't amenable to being serialized.

Final Word

Overall, I have serious concerns about the motivations behind this bill. I'm really worried that my elected representatives see this cynically as a cheap way to score some political points, and they're willing to just toss law abiding gun owners out. Law-abiding gun owners are not the enemy. We should be working together to address genuine contributors to Maryland crime.

I really urge everyone involved to vote against passing this bill.