

SB 387  
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Unfavorable  
2/16/2022

My name is Hunter Tristan McAdam, I am a current resident of Baltimore county, and I wish to state my strong opposition to senate bill 387 "Public Safety - Untraceable Firearms." As a long time Maryland resident and firearms enthusiast who has approximately 13 years of combined knowledge and experience with firearms and firearms community, I would like to call attention to some of the major issues with this bill. It has been legal to privately manufacture your own firearms for personal use since before the founding of the United States of America and it is a right that is affirmed today via the constitution (*Greenlee The American tradition of self-made arms* <https://doi.org/10.2139/ssrn.3960566>.) Any attempt to regulate firearms in a primordial state would be a clear violation of the "keep and bear arms" clause within the 2nd amendment. In Sec. 101 of the Gun Control Act: "it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with the respect to the acquisition, possession, or use of firearms.." and "this title is not intended to discourage the private ownership or use of firearms by law-abiding citizens." In addition to being unconstitutional, this bill is unnecessary, unenforceable and violates historical precedent and natural rights.

As written SB 387 is extremely vague and non-specific in its definitions and uses a number of subjective qualifiers that allow for arbitrary and capricious enforcement. This bill defines an "unfinished frame or receiver" to mean "a forged, cast, printed, extruded, or machined body or similar article that (1) Has reached a stage in manufacture where it may readily be completed, assembled, or converted to be used as the frame or receiver of a functional firearm; or (2) Is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled, or converted." A specific definition for frame or receiver that relies on concrete terms already exist under federal law 18 U.S.C. 921(a)(3), a firearm is defined as "(A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm." Additionally Title 27, Code of Federal Regulations, section 478.11 defines a "firearm receiver" as, "[t]hat part of a firearm which provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel." A firearm is in a tangible state of being or it isn't, regulating what could present more issues than it claims to solve. Using marketing terms such as "ghost gun" "80 Receiver" or "0%

receiver" are insufficient qualifiers as well as they too are subjective terms and require skill, discipline, tooling, and dedication to manufacture what could be considered a firearm receiver. This is by no means a straightforward process, and it is quite easy to make a mistake in the machining process and often cost more to make than buying a stripped lower from an FFL. Mistakes are common and aftermarket component incompatibility may cause the builder to spend more money than otherwise buying a complete firearm. For these reasons unauthorized persons or those with criminal intent will undoubtedly gravitate to more expedient and cost effective means which is why this bill would do nothing for public safety.

Privately manufactured firearms are rarely used in crimes, and there is little evidence to suggest they pose a nascent threat to public safety. ATF acknowledged this when it filed to dismiss *ATF v. California* in January 2021, stating "While any specific crime is a tragedy, eight such crimes out of the 1.1 million violent crimes committed in the relevant six-year-period is a far cry from an overwhelming wave that would cause a State injury sufficient to confer standing... Nor can California plausibly plead that those crimes would not have occurred with traditional, serialized firearms." In the proposed ATF rule 2021R-05 claims authorities recovered 23,906 unserialized privately manufactured firearms from crime scenes between 2016 and 2020, however That figure pales when you consider the estimated 39.7 million NICS performed checks in 2020 alone. The Baltimore Police Department claims to have seized 2,355 guns in 2021, 352 of which were so-called "ghost guns" built from parts kits. There is a growing body of evidence that clearly shows that the majority of firearms used in crime are obtained illegally. A 2016 survey of prison inmates by the Bureau of Justice Statistics found that 90% of prisoners who possess a gun during their offense did not obtain it from a retail source. The majority (43%) were purchased second hand on the black market and the rest were stolen in some capacity (*Alper and Glaze Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates, 2016 NCJ 251776*)

SB 387 would disproportionately affect law abiding Maryland citizens and the penalties for violation are unjustifiably severe. Under these bills any violation is punishable by imprisonment for up to three years for each violation and/or a fine of \$10,000 for each violation. More concerning, it would be extraordinarily difficult if not impossible for a law-abiding citizen to comply with the new guidelines. Most FFLs in Maryland are not equipped or licensed as class 07 FFLs to serialize firearms. Strict reading of Section 923(i), is limited to "manufacturers" and "importers" who fall within the definition as class 07 manufacturers. Most dealers are not involved in importation of manufacture and cannot simply become such due to the great costs of the expertise and machinery needed to properly serialize a firearm. Most current Class 07 FFLs would likely be unwilling to offer engraving services due to the additional costs from training additional personnel and potential legal liabilities. Gun

owners who are even aware of this potential change in Maryland law would have only six months to find a class 07 FFL who would be willing to assume the costs and legal risks required to comply with SB 387. I do need to reiterate and emphasize this point. It would be extremely difficult in practical terms for a normal, law abiding citizen who has purchased an incomplete lower to then find a service to bring them within compliance of law. As mentioned above SB 387 would do little if anything to curb gun violence but will turn many otherwise law abiding citizens into criminals. I personally find it utterly detestable that such extreme measures would be levied against Citizens who are exercising a right they always had in the attempt to combat a phantom issue.

Building firearms is an opportunity to develop skills and firearms knowledge. Conducting research and selecting each component of your firearm gives the builder a greater understanding of the system collectively which promotes safety and responsibility. "Ghost gun" a politicized term used to frighten and intimidate the general public against homemade firearms and firearm owners. Tracing serialized firearms stops at the last legal firearms owner. If a firearm is stolen, it may well have been resold illegally multiple times and had changed many hands. There isn't very strong evidence to my knowledge that would suggest that the inability to trace a firearm in this manner would have prevented the arrest or prosecution of someone using a firearm illegally. SB 387 would do nothing to prevent illegal possession, and the penalties are far too extreme especially for a first time offender. If Maryland was truly concerned about public safety, perhaps law makers might want to focus on the social and economic conditions that give rise to violence.

As both a Maryland resident and firearms enthusiast I find the issues presented by both House Bill 425 as well as Senate Bill 387 to be extremely troubling. I am admittedly pretty unhappy with the current state of affairs in Maryland and have often considered leaving. Many Americans have migrated to different states between 2020 and now for a variety of reasons though I can state that my primary concern is fairly simple: I feel that my constitutional rights are not being respected in the state of Maryland. Senate Bill 387 and proposals like this are severely out of touch with reality, and will certainly cause issues in the future. I would strongly advise lawmakers to reject this bill wholesale. I do not see a way to amend it in a way that it would not still face legal challenges or impose extreme costs to gun owners and FFLs.

## Works Cited

*Alper, Mariel, and Lauren Glaze. "Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates, 2016." Bureau of Justice Statistics, Jan. 2016, <https://bjs.ojp.gov/content/pub/pdf/suficspi16.pdf>. Accessed 16 Feb. 2022. NCJ 251776*

*Greenlee, Joseph. "The American Tradition of Self-Made Arms." SSRN Electronic Journal, 18 Nov. 2021, <https://doi.org/10.2139/ssrn.3960566>. Accessed 16 Feb. 2022.*