

13 February 2022

James I. McGuire III  
3482 Augusta Drive  
Ijamsville, MD 21754

## **IN OPPOSITION TO SENATE BILL 0387**

Public Safety – Untraceable Firearms

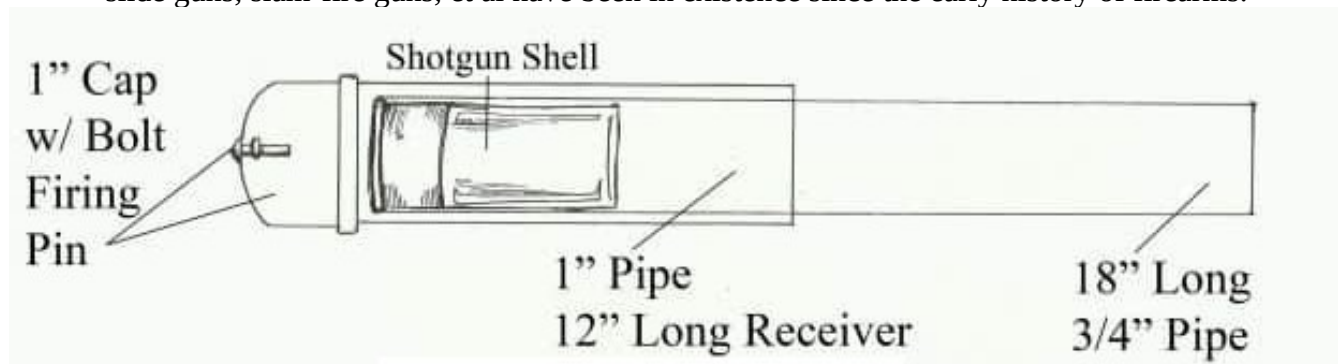
For the following reasons, I strongly OPPOSE Senate Bill 0387 and request an unfavorable report:

- The Constitution of Maryland is explicitly clear in Article 8. “Separation of powers” that: That the Legislative, Executive and Judicial powers of Government ought to be forever separate and distinct from each other; and no person exercising the functions of one of said Departments shall assume or discharge the duties of any other.

The last time I checked, the Attorney General of Maryland was an officer in the Executive Branch, and has no business submitting a bill to the Legislature – AG Frosh appeared in concert with Delegate Lopez to sponsor the cross-filed version of this bill (HB-0425.) It is abundantly obvious that Senate President Ferguson’s sponsorship (By Request – Office of the Attorney General) is merely administrative shenanigans. President Ferguson failed to appear at HB-0425’s hearing, leaving sponsorship duties to Delegate Lopez and AG Frosh; the latter of which is completely inappropriate and is likely in violation of the Maryland Constitution.

- The language in SB-0387 is excessively broad, and will necessarily create felons of Maryland citizens who simply posses materials that AG Frosh may decide on a whim “MAY READILY BE COMPLETED, ASSEMBLED, OR CONVERTED TO BE USED AS THE FRAME OR RECEIVER OF A FUNCTIONAL FIREARM” (ref. 5-701(H)(1) in the Bill text.) This is a very low bar, as a “zip gun” may be “readily manufactured into a functional firearm” from materials purchased from the plumbing supply section in a local hardware store, or from parts scavenged from a residential plumbing system. The bill seeks to criminalize possession of these materials. AG Frosh’s testimony during HB-0425 indicates that mens rea “intent” need not apply ... simple possession of the items is sufficient for the criminal violation. I do hope the Senators’ homes do not contain soon-to-be-felonious plumbing components.

To wit, I present a simple diagram of a zip gun (classified as a “firearm” by both the ATF and the Maryland Legislature) which can be created as described. This is not conjecture – zip guns, slide guns, slam-fire guns, et al have been in existence since the early history of firearms.



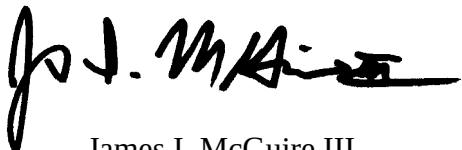
The zip gun in the diagram functions by inserting the shotgun shell into the “barrel” piece, then sliding the “receiver” piece over the end. Sliding the two pieces together forces the firing pin in the pipe cap into contact with the primer in the shotgun shell, initiating the explosive process.

Aside from length modifications, the only machining operation required is the fabrication and installation of the firing pin. Certainly this minimal amount of required transformative effort meets the standard of “readily converted” as specified in this Bill. The diagram, above, contains at least two “unfinished frames” under this Bill – the receiver tube and the end cap – it is unclear if the barrel tube would be considered a “firearm” by itself due to the simplicity of this assembly.

AG Frosh and Delegate Lopez both emphatically state that they have no intent to sweep up hobbyists or other law-abiding citizens. Perhaps they could go back and craft legislation that actually states their intent, instead of forcing the citizens of Maryland to rely on their empty promises.

Senate Bill 387 qualifies as a poorly thought out “hot mess” with a side-order of “we need to do something” and would benefit from withdrawal from further consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. I. McGuire III", with a stylized flourish at the end.

James I. McGuire III