



**TESTIMONY OF THE CRITICAL ISSUES FORUM: ADVOCACY
FOR SOCIAL JUSTICE OF MONTGOMERY COUNTY, MARYLAND
ON FEBRUARY 16, 2022
BEFORE THE HOUSE JUDICIAL PROCEEDINGS COMMITTEE
IN SUPPORT OF SB 387– UNTRACEABLE FIREARMS**

Honorable Chair William Smith, Vice-Chair Jeff Waldsteicher, and Members of the House Judicial Proceedings Committee:

The Critical Issues Forum: Advocacy for Social Justice (CIF), provides this testimony in support of SB 387, relating to untraceable firearms – commonly known as “ghost guns.”

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 – have become an increasing safety risk and roadblock for law enforcement. The reason is simple. These weapons are readily available over the internet to individuals who both the Federal and State governments have determined should not purchase a firearm. This includes those with a criminal record, those with active restraining orders for domestic abuse, and, sadly, teenagers.

As residents of Montgomery County, we have seen what can happen when teenagers get these ghost guns. Last month a 17 year old shot another student in the bathroom of Magruder High School. He used a gun that he had assembled from a kit purchased online -a ghost gun.

He could not have legally purchased a handgun in this state. Maryland law requires that a purchaser of a handgun must have a qualification license. Maryland Code, Public Safety, §5-117.1(b)-(c). To obtain that license a person must (1) be at least 21 years old, (2) have completed a fire arms training course, and (3) have passed a background check. *Id.*, §5-117.1(d). The 17-year-old was able to obtain the handgun without satisfying any of these requirements because the kit he purchased contained an unfinished receiver, which, under current Federal and Maryland law, does not constitute a handgun. SB 387 would address this issue.

The Magruder incident is not an isolated example. Marc Elrich, the County Executive of Montgomery County, reported that the Magruder High School incident was the fifth ghost gun recovered in a County school during this school year.¹ The number of ghost guns confiscated in the County has grown fivefold in just the past two years- from 16 in 2019 to 70 in 2021.² For example, in August 2021, a 14 years old teenager at the Plum Gar Community Recreation Center in Germantown is alleged to have used a ghost gun to shoot and kill a 20-year old man.³ The Montgomery County States Attorney, John McCarthy, recently stated: “All the things that people have worked for years to do, to make sure we monitored who had access to handguns goes out the window if you don’t begin to regulate, in some intelligent fashion, ghost guns.”⁴

The problem is not limited to Montgomery County; it is a concern for the entire state of Maryland. The Washington Post noted that last year in Prince Georges County police seized 264 ghost guns, a significant increase over the 27 recovered in 2019.⁵ The Post further reported that investigators in Prince Georges have since 2019 linked at least 13 homicides, 10 robberies, and 20 aggravated assaults to ghost guns.⁶ The Baltimore Police Commissioner stated last year that the city was on track to recover 700 ghost guns compared to the 12 seized in 2018.⁷ He said 69 acts of violence were linked to the 345 ghost guns that were recovered last year and characterized this proliferation of ghost guns as “frighting,” stating “I could spend hours telling you stories about how these ghost guns hurt our community and make our streets unsafe.”⁸

The opponents of SB 387 wrongly contend that, if it becomes the law, hobbyists will no longer be able to make their own guns. They are wrong because kits containing *completed* frames or receivers marked with a serial number are available today⁹ and they will be available if SB 387 is enacted. The prohibition in the bill’s section 5-703(A) addresses the unmarked and incomplete frames and receivers. The purchaser of kits with marked devices will of course be required to submit to a background check. But what law abiding hobbyist would object to this.

That’s why nationally and locally, ghost guns are increasingly popular with criminal populations, including white-supremacist organizations. According to a recent report by the federal Joint Counterterrorism Assessment Team, domestic terrorists are increasingly using ghost guns to

¹ County Executive Elrich weekly message January 27, 2022 reported by: <https://mocoshow.com/blog/weekly-message-from-the-county-executive-marc-elrich-8/>

² [https://bethesdamagazine.com/bethesda-beat/government/advocates-officials-focus-on-ghost-gun-crackdown-after-magruder-](https://bethesdamagazine.com/bethesda-beat/government/advocates-officials-focus-on-ghost-gun-crackdown-after-magruder-shooting/#:~:text=State's%20Attorney%20John%20McCarthy%20said,seized%20from%20the%20same%20school.)

[shooting/#:~:text=State's%20Attorney%20John%20McCarthy%20said,seized%20from%20the%20same%20school.](https://www.washingtonpost.com/local/juveniles-shot-basketball-court-montgomery-county/2021/08/18/2a04d120-009c-11ec-85f2-b871803f65e4_story.html)
³ https://www.washingtonpost.com/local/juveniles-shot-basketball-court-montgomery-county/2021/08/18/2a04d120-009c-11ec-85f2-b871803f65e4_story.html

⁴ <https://wtop.com/montgomery-county/2021/08/montgomery-countys-first-ghost-gun-killing-spurs-calls-for-tougher-laws/>

⁵ <https://www.washingtonpost.com/dc-md-va/2022/01/25/maryland-lawmakers-ghost-gun-ban/>

⁶ [Id.](#)

⁷ [Id.](#)

⁸ [Id.](#)

⁹For example: <https://www.polymer80.com/P80-Full-Sized-AFT-Kit-Black-17rd-Magazine;>
<https://www.aeroprecisionusa.com/m4e1-complete-lower-receiver-w-moe-sl-grip-sl-carbine-stock-anodized#>

acquire weaponry and evade state and federal gun laws. In early 2020, three members of "The Base," a white-supremacist group, were arrested in Maryland in possession of a homemade assault rifle and more than 1,500 rounds of ammunition and an intent to commit violence to further white nationalism.¹⁰

The federal government has also recognized the significant contribution of ghost guns to violent crime. In a speech on February 3, 2022, Attorney General Garland said: "[G]un violence is a universal challenge and one that demands comprehensive action. That is why, as the President said, the Justice Department is taking action to crack down on ghost guns and to hold those who illegally sell firearms to criminals accountable."¹¹ [cite to Garland 2/3 speech in NY]. The Bureau of Alcohol, Tobacco, and Firearms (ATF) has proposed regulations that will define these gun kits as "firearms," making them subject to serial number and background check requirements. 86 Fed. Reg. 27722. The regulations also require that licensed firearms dealers, including gunsmiths, affix a serial number to any ghost gun that comes into their possession. 86 Fed. Reg. 27731.

SB 387 adopts similar requirements at the state level, adding "an unfinished frame or receiver" to the definition of a "firearm" in §5-101(h) of the Maryland Public Safety Code. Under section 5-701(H) of the bill, an "unfinished frame or receiver" is defined as one 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 of receiver of a functional firearm once completed, assembled, or converted.

The unfinished frames and receivers sold online satisfy both of these criteria. Indeed, those devices have no other practical use.

SB 387 attempts to limit the future availability of these unfinished devices and the ghost guns made from them in two ways:

First, it prohibits the purchase or sale of an unfinished frame or receiver unless it is required by Federal law to be, and has been, imprinted with serial number. Serialized sales would thus be permitted under the new ATF regulations, if they are in effect.

Second, the bill prohibits the possession of a firearm after January 1, 2023, unless it contains a serial number. This could be a serial number required by federal law or one imprinted under the rule set out in Section 5-703(B)(2) of the bill. The bill thus provides a mechanism for hobbyists to engrave an acceptable serial number on ghost guns made prior to the effective

¹⁰ <https://www.washingtonpost.com/opinions/2021/12/17/rise-ghost-guns-maryland/>

¹¹ <https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivers-remarks-meeting-president-biden-and-members>

date. This is an important supplement to the ATF regulations because the Federal government does not have the power to regulate such pre-adoption ghost guns. In addition, this state law would be in place if the proposed regulations are not issued in final form or are repealed in future years.

In sum, SB 387 provides a carefully designed structure to deal with ghost guns, a growing source of presently uncontrolled lethal weapons. They put all of us, and especially our children, at great risk of shootings, unintentional harm, and suicide while they handicap the ability of law enforcement to fight crime. As legislators you must take action to address this critical matter. SB 387 will go a long way toward solving the problem of ghost guns in Maryland by reducing the existing supply of these weapons and the tragedies they cause in our communities.

The Critical Issues Forum requests that the committee favorably refer SB 387.