



**Testimony in Support of Public Safety - Untraceable Firearms
SB 387/HB 425**

**Legislative Director Karen Herren, JD
Marylanders to Prevent Gun Violence**

February 16, 2021

Dear Chair Smith, Vice-Chair Waldstreicher, and Distinguished Members of the Committee,

Marylanders to Prevent Gun Violence is a statewide, grassroots organization dedicated to reducing gun deaths and injuries throughout the state of Maryland. MPGCV has a particular focus on reducing urban gun violence and gun suicide. **We urge the committee for a FAVORABLE report on Senate Bill 387 to prohibit unserialized firearms in the state of Maryland.**

SB 387 seeks to address a form of firearms that are untraceable by law-enforcement. These self-assembled firearms—which can be built from kits or otherwise assembled parts — are referred to as ghost guns because they do not come with a serial number and are untraceable. In the traditional manufacturing process, the firearm manufacturer or importer will affix a serial number and markings that identify the manufacturer or importer, make, model, and caliber. Using this information, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) can track firearms from the manufacturer or importer through the distribution chain to the first retail purchaser. ATF works extensively with other law enforcement agencies to trace crime guns using these markings. Tracing is a powerful investigative tool, but it is dependent on the ability to identify firearms based on their serial numbers. Because the purveyors of the parts and kits used to make untraceable guns claim that they are not selling firearms, they also assert that these serialization requirements do not apply to them. Without a serial number, law enforcement cannot run a trace search on a firearm, making it difficult, if not impossible, to determine the chain of custody.

Crucially, kit or parts buyers are also allowed to circumvent Maryland's strong gun laws as the acquisition of these parts do not currently require any of the necessary safety steps (such as background checks) that keep guns out of the hands of prohibited people.

The problem

Off the books, untraceable “ghost guns” can now be manufactured at home, easily, and in large numbers: they contribute ever more frequently to firearm violence, including hate violence and domestic terrorism. The ATF estimates that in 2019 alone, law enforcement agencies recovered more than 10,000 ghost guns. Currently, it is completely legal for prohibited people ... like minors and people who are otherwise deemed inappropriate for firearm ownership ... to purchase the parts needed to create fully operational firearms. When these weapons are later used in crime, they are impossible to trace since they do not have the paper trail required with off-the-shelf firearms. **Allowing these gun parts to be sold and distributed within Maryland is allowing firearms to get into the hands of people who should not have them, often in large numbers, while simultaneously tying the hands of law enforcement to hold violence perpetrators accountable.**

The History of Unserialized Firearms

[Unserialized firearms](#) are not a new phenomenon. For decades, firearm manufacturers sought clarification from the ATF on the question of when a piece of raw material becomes a firearm in the eyes of the law. There has never been a clear answer, and generally the ATF has ruled on a case by case basis. Originally, the agency held that a substantial amount of effort (effort that took ATF experts more than an hour to accomplish) had to be left to the buyer in order for a partially finished frame or receiver not to be ruled a firearm. However, about 15 years ago, the ATF lowered this bar and provided specific, written instructions on how to come as close as possible to creating a firearm without crossing the line. The ghost gun industry has exploded ever since.¹

Where We Are Now

In 2019, the ATF successfully traced nearly 270,000 firearms. During that same year, law enforcement recovered some 10,000 ghost guns. At least 38 states have seen criminal cases involving ghost guns and some 30% of all firearms recorded in California trafficking investigations were unserialized. Maryland is no exception and the headlines are filled with instances where a ghost gun features front and center.

¹ Wintemute, G.J. Ghost guns: spookier than you think they are. *Inj. Epidemiol.* 8, 13 (2021). <https://doi.org/10.1186/s40621-021-00306-0>

- In [August of 2021](#) a 14-year-old Maryland boy armed with a ghost gun opened fire at an outdoor basketball court in Germantown killing one young man and injuring three teenagers.
- In [September of 2021](#), a Chesapeake High School student in Essex was apprehended for bringing a 9mm ghost gun to school.
- In January of this year, a 17-year-old shot and seriously injured a 15-year-old student at [Magruder High School](#) in Montgomery County. While the school was on lock-down for hours, the shooter disassembled the gun, shoved it in his backpack, and hid in plain sight in a classroom with other students until SWAT tracked him down and apprehended him. Subsequent investigations indicate that the teen purchased the components online that were delivered to his home.

Unfortunately, there are too many of these types of stories to list them all. In Baltimore alone, the increase in recovered ghost guns from 2019 to now is stunning. BPD recovered 30 ghost guns in 2019. In 2021, they recovered [324](#). This represents 14% of all the guns seized and an increase since 2019 of over 970%. At least seventeen of these weapons were found in the hands of minors and 61 of these weapons were in the hands of those under the legal age to buy firearms.²

Kids and Guns

As some of the examples above illustrate, of particularly alarming concern is the prevalence of ghost guns in the hands of youth. Individuals otherwise too young to legally purchase a firearm, are able to buy ghost gun parts and kits. BPD have cited increasing incidents of ghost guns seized from the possession of teenagers. Montgomery County has reported ghost guns being seized on school property. Mental and behavioral health experts are highlighting the alarming state of youth mental health and begging for officials to take more action to provide resources to help youth while taking steps to reduce youth access to lethal means. While youth access to ghost guns is not the only concern in how prevalent these firearms are, it is certainly a major one.

Federal Level Reform

A rulemaking change is currently working its way through the federal system that would update the definition of firearms to include unfinished frames and receivers. Expectations are that this rulemaking change will become final in the summer of 2022. This change would ensure that people who wish to create their own firearm go through the

² The comment about minors and under-age gun possessors is based on numbers from BPD through November of 2021 and does not include the month of December, so this is likely slightly lower than actual numbers.

same process and procedure and fulfill the same standards as people purchasing ready made firearms. The end result would be that prohibited people would not be able to easily skirt gun regulations to acquire firearms and that privately made firearms that are used in crimes would have a serial number to allow proper investigations to ensue. An ATF official reported at a recent trade show that action on the rulemaking was expected this summer. As Maryland continues to see alarming increases in ghost gun related crime, U.S. Senators Van Hollen and Cardin have sent President Biden a [letter](#) in January asking him to accelerate this process.

State Level Reform

SB 387 is designed to ideally work in tandem with the expected Federal rulemaking, but it will also operate independently if necessary. In addition, the legislation is designed to address the existing stocks of unserialized ghost guns and gun parts. It does this by lining that system up with the federal requirements. Should the federal rulemaking be delayed, fail to be finalized, or subsequently repealed, this bill will provide a backstop so that unserialized firearms remain illegal. It should be made clear that the purpose of legislation pertaining to privately made firearms is not to penalize or prohibit the art form of gunsmithing. However, it should not be legal to use gunsmithing as a way of circumnavigating laws intended to ensure that firearms be kept out of the hands of prohibited people. As long as those wishing to make their own firearms do so with serialized parts and that unserialized privately made firearms already in existence be brought into compliance, the practice remains legal and acceptable within the legal framework constructed.

MPGV supports SB387 and asks this committee for a Favorable report.