

**SB 387 – HB 425 – OPPOSE**

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**Public Safety - Untraceable Firearms**

I write to oppose SB 387 – HB 425, which seeks to criminalize currently allowed conduct without any benefit, and which unnecessarily burdens law-abiding firearms owners and hobbyists within Maryland. Additionally, this bill is unenforceable.

First, the bill errs in its definition and characterization of “ghost guns”. The sponsors have cited an increasing number of “ghost guns” but they have conflated several different types of unregistered firearms. Possession of a commercially-produced firearm with the serial number removed is the first type. Removing the serial number or possessing such a gun is already illegal, if rarely prosecuted. The second contains parts which may be produced by a 3-D printer. Such guns are in limited production and are of very limited capability. The third type of “ghost gun” is produced from a partially finished frame. This is the “80% frame”, which is not considered a firearm by the BATFE.

When statistics are cited, there is no differentiation among the types of “ghost guns”. I believe this is intentional, designed to inflate the numbers for dramatic purposes.

Second, this bill will have no impact on the use of “ghost guns” in crimes. Criminals are obtaining the vast majority of their guns via theft and black-market sales. They are already ignoring existing laws and will have no hesitation in breaking one more.

It’s currently illegal for a prohibited person to make a firearm for personal use, or for an unlicensed gunmaker to “engage in the business” of selling their guns to others.

Third, I am a Federal Firearm Licensee. I possess a Class 3 license. I cannot comply with this law without violating current federal law concerning the manufacture of a gun for personal use. I cannot add a serial number to an existing gun.

Under federal law, to add a serial number is part of manufacturing a gun. This is not allowed for collectors like myself with my Class 3 license. Nor is it permitted for the average gun store or gunsmith with their Class 1 licenses. It is restricted to the very few Class 7 licensees. There is nothing in the bill to encourage their participation.

None of the 163 Class 7 licensees, firearms manufacturers, have indicated their willingness to participate in this serialization scheme. Therefore, the proposed law instantly criminalizes gun hobbyists. There is no disincentive for those prone to other criminal activity.

And while the Attorney General and the bill's sponsors make many assumptions about the manufacture of a firearm from a partially finished receiver, please see one Santa Rosa, CA reporter's experience at: <https://www.pressdemocrat.com/article/news/how-easy-is-it-to-build-a-ghost-gun-we-asked-our-reporter-to-find-out/>

After hours on his own, with videos, he sought the help of a gun-owning friend with better tools. He ended up with a non-functional gun. No criminal is taking this approach of theft or an illegal sale.

Finally, the bill is unenforceable. It is impossible to comply with the proposed statute and still follow applicable federal law. It will have a chilling effect on hobbyist activity with no effect on crime.

I commend to you the excellent testimony provided by Maryland Shali Issue, found at: <https://www.marylandshallissue.org/jmain/legislation-tracker/279-mdga22-testimony-in-opposition-to-hb425-and-sb387-public-safety-untraceable-firearms>