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MAJORITY WHIP

Judicial Proceedings Committee

Joint Committee on
Cybersecurity, Information Technology,
and Biotechnology

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THE SENATE OF MARYLAND
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Senate Judicial Proceedings Committee

SB 387 – Favorable – Public Safety – Undetectable Firearms

Five Ghost Guns have been found in Montgomery County schools this year alone! It is only the middle of February, and while not the first winter I sponsored similar legislation, the urgency of now is self-evident. SB 387 is Maryland's ban on Ghost Guns based on the pending federal rule to define firearms more accurately to include receivers that could "readily" be finished.

This is not the same bill you have seen in this committee before, because it is based on the pending federal ATF rule – defining firearm to include unfinished lower receivers. That rule will also create a new process for serializing this new class of federally defined firearm. The opposition seems to be stuck in the past, as they are referencing 2020 numbers in testimony and information that I gathered as the sponsor of that bill directly from the police departments that were not even tracking these numbers a few years ago. The Maryland State Police don't compile reports on Ghost Guns, perhaps because some jurisdictions like Anne Arundel County just started tracking those numbers this year. You can save your money on PIA requests and just call the sponsor for information if you can't research effectively. This info was provided to you last session directly by several police departments, but perhaps those facts are inconvenient for your position. This year the numbers are worse, and those numbers are actual human lives, children and people who can't testify to refute your lack of due diligence. Please refer to the Baltimore Police Department's testimony that notes that only 12 ghost guns were seized in 2018, but in 2021 the Department seized 345 – and they have also projected that number to be as high as 700 in 2022 at the current pace. They will explain those scary details. If you are stuck in 2020, you have missed the boat. COVID and the Do It Yourself culture is ingrained in young children now. Are we going to allow mental health concerns and easy access serve as a backdoor loophole to all of the gun laws we have passed in Maryland?

Our job as state legislators got much easier with this issue this session, because we have a federal framework not only for what to define as an unfinished lower receiver – anything that can “readily” be made into a functioning firearm, but also importantly, a new license for adding serial numbers to firearms. This legislation tracks the federal proposed rule closely and our intent is clearly to make sure the state law works with the federal rule in synchronicity so there isn’t a patchwork quilt of regulations to follow. The hard work of years past has been distilled into a simple value judgment. Should guns be serialized in Maryland, or will we let ghost guns haunt us for generations to come? Solving crimes is not easy, we should make solving gun crimes a top priority. SB 387 helps with that effort as law enforcement will also attest to today.

You will hear of the exponential growth police departments are seeing in ghost gun confiscation. We speak of the need for crime reduction and have heard many promising bills in this committee; yet we continue to sit with our heads in the sand when it comes to removing the very tool that creates the deadly crime, all while avoiding the ability to trace that key piece of evidence. Detectives may not be able to solve all crimes, but it would be easier if common sense crime fighting features were included on killing machines.

This legislation simply outlaws possession of a non-serialized firearm. That product would be considered contraband, but with a process to legalize it. Unserialized guns poses a clear and present risk to Marylanders. They should be illegal in our state to possess. Privately Made Firearms (PMFs) are not outlawed under this bill, and while the federal government has not historically regulated these guns, the new ATF rule certainly crosses that threshold and the police powers of the state are even more important to use with this loophole in our law to avoid serialization. If Congress doesn’t choose to act, which seems to be the status quo, we certainly can and must as a state legislature.

The oppositions’ reference to prohibition is laughable, and as I recall from the Ken Burns documentary it was the regulation of the alcohol that allowed protections against dangerous chemicals used. This legislation more akin to banning harmful chemicals in alcohol, than banning drinks themselves. No one is suggesting a ban on firearms, and there are many to choose from. You can even make them, just add a serial number. The 80% kits are completely unjustified as a loophole to get around firearm background checks. As the federal government fixes this critical definition, we as a state must do our part and make sure no child or disqualified person in Maryland gets their hands on a kit that has already been sold. True hobbyists can still buy the kits if they want, but they will require a background check.

Please work with us to protect Marylanders and to help keep these dangerous “firearms” – out of the hands of children, and to serialize all firearms in Maryland to protect generations to come. There are of course reasonable exceptions built into the bill based on current state and federal law. This is not a cure all, but it isn’t a big pill to swallow either. If you believe a PMF is too precious to mark, you might change your mind with a criminal penalty that is equivalent to scratching off a serial number, as criminals do, because it is essentially the same thing. Ghost Guns must be banned in Maryland, but PMFs are not prohibited with a serial number. This year, your choice truly is as simple as that. Please support a favorable motion on SB 387.