

Written Testimony of Katie Novotny in opposition of SB387

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I am a member of multiple gun rights organizations. I am a certified Range Safety Officer. I compete in multiple shooting events. I am an avid firearms collector. I oppose SB387.

It has been legal to manufacture firearms for personal use for the entire history of this country. There are already numerous federal laws regarding these firearms. It is already illegal, federally, for a prohibited person to possess or manufacture a firearm. It is also already illegal to manufacture a firearm that is undetectable by a metal detector. (<https://www.atf.gov/firearms/ga/firearm-illegal-if-it-made-plastic>) What is the purpose of making these doubly illegal? Criminals have already proven they are able to obtain firearms in spite of the Firearms Safety Act of 2013 and every law passed before and since that bill went into effect. This bill will only affect hobbyists who manufacture firearms for their own enjoyment.

This bill follows the same scorched earth approach that the FSA2013 does, and it will have the exact same effect on crime as that law. None. Past versions of this bill had started to recognize that people legitimately manufacture homemade firearms as a hobby. Why the departure from that approach? I see no reason other than the participation of our Attorney General. It is disappointing to see so much effort at creating a workable bill pushed aside for political reasons.

The ATF proposed rule would already cover a lot of ground that Maryland seeks to regulate. It will likely ban 80% firearms sold in kits, that is with everything needed to complete a firearm, and regulate many other aspects. Rather than trying to force through draconian regulations at the state level that come with extremely harsh criminal penalties, why not allow the federal rules to take effect, and go from there? Regarding those penalties, in a time when a significant amount of time and energy has gone into decriminalizing actions that don't affect others, this bill carries a penalty of 3 years/\$10,000 for each violation. There is also no mens rea requirement. So a person who had no idea this law was going into effect can be caught with 3 unserialized firearms that were perfectly legal to own up until this point, and receive 9 years in prison and a \$30,000 dollar fine. Meanwhile no violence has occurred, no criminal activity other than owning what had always been legal to own. That is outrageous.

Getting into the meat of the bill, there are requirements that simply make this bill incredibly difficult to comply with. Regarding the engraving required, to follow federal laws, the letters must be 1/16 of an inch tall and engraved to a depth of .003 inches. This bill requires that an FFL perform that work. Only certain types of FFL's are allowed to perform that work: manufacturers and Importers. There are a limited number of those within the state of Maryland, and there is no requirement that they even perform the task of engraving. They may refuse to engrave serial numbers on firearms that they did not manufacture. They are also free to charge whatever they like. There is no provision for those who have already engraved a serial number on a homemade firearm and have registered it with the ATF or the

MSP. If it does not meet the specific requirements of the serial number or engraver as provided by this bill, they are criminals.

In 2019, the ATF reports that 9,465 firearms were recovered and traced in Maryland. This does not include any firearms that were not traced. <https://www.atf.gov/file/147101/download> That same year, 117 “ghost guns” were recovered. <https://www.baltimoremagazine.com/section/community/iron-pipeline-gun-violence-out-of-state-traffickers/> This is a very small percentage. This also does not differentiate between homemade firearms or those which have had their serial number removed. So yes, criminals are getting their hands on these items, just as they do any other item they wish to possess. Gun tracing also only gives limited information. A firearm may be linked to the state it was sold in when new, but how it ended up in a seizure, often many years later, is often a mystery. The ATF was even unable to trace their own guns from Operation Fast and Furious, and all of those firearms had serial numbers that the ATF knew and had record of.

It has been reported that more than 12,000 build kits have been shipped to Maryland between 2016 and 2019. That doesn't account for homemade firearms made by other means, so the numbers present in Maryland is certainly significantly higher. In my opinion, that puts these firearms in the category of commonly owned. They are not overwhelmingly used in crime, and a majority are used for lawful purposes.

This is yet another bill introduced under the flag of reducing crime. Ultimately it will be incredibly burdensome to hobbyists and law-abiding citizens participating in innocent behavior, while doing nothing to curb the violence that has been plaguing our communities. If passed into law, it will never be revisited to measure its effectiveness. It will never be amended or repealed when it is found to be completely ineffective. Instead, the law-abiding firearms community will take the punishment for crimes they have not committed. The violence we all wish to stop needs reform that goes much deeper than this. Hard choices need to be made to fix the generations of mistrust. Laws like this are what gave us Baltimore's Gun Trace Task Force, and it is clear how poorly that worked out.

Finally, this is a bill that criminals simply will ignore. How will this be enforced? How will you force criminals to engrave a receiver? Bottom line is they will continue to ignore yet another law, and lawful gun owners will continue to be blamed for the crimes of others.

Because of these reasons above, I request an unfavorable report.

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