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Testimony of Tanya Schardt, Senior Counsel and Director, State and Federal Policy
Support for HB 0425
Before the Maryland House Judiciary Committee
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Chairman Clippinger, Vice Chair Moon, and Other Distinguished Members of the Maryland House Judiciary Committee,

Founded in 1974, Brady works across Congress, courts, and communities, uniting gun owners and non-gun owners alike, to take action, not sides, and end America's gun violence epidemic. Our organization today carries the name of Jim Brady, who was shot and severely injured in the assassination attempt on President Ronald Reagan. Jim and his wife, Sarah, led the fight to pass federal legislation requiring background checks for gun sales. Brady continues to uphold Jim and Sarah's legacy by uniting Americans from coast to coast, red and blue, young and old, liberal and conservative, to combat the epidemic of gun violence.

Thank you for allowing us to submit testimony before this committee. **HB 0425 provides a strong defense to the proliferation and dangerous impact of unregulated and untraceable guns throughout the state of Maryland.** Maryland's Attorney General has said that more than 25,000 privately made firearms have been confiscated by law enforcement since 2016, and more than 12,000 build kits were shipped to Maryland between 2016 and 2019.¹ It is past time for Maryland to take action - ghost guns threaten the daily safety of Marylanders every single day..

What are Ghost Guns?

"Ghost Guns" are un-serialized and untraceable firearms that can be built by anyone using "unfinished" frames or receivers. These pieces of a firearm contain essential operating parts of

¹ Wainman, Laura, "Maryland Leaders Advocate for Legislation Banning Ghost Guns." *WUSA9*, WUSA9, 25 Jan. 2022, [Lehttps://www.wusa9.com/article/news/local/maryland/ghost-gun-legislation-maryland-ban-attorney-general-frosh/65-98395548-6a72-482a-8ca9-2f7d074cd4d0](https://www.wusa9.com/article/news/local/maryland/ghost-gun-legislation-maryland-ban-attorney-general-frosh/65-98395548-6a72-482a-8ca9-2f7d074cd4d0).

the firing mechanism and are the only part of a gun regulated under federal and Maryland law. However, when a frame or receiver is “unfinished” by a small fraction, it is unregulated — a consequence of ATF not interpreting unfinished components as firearms.²

These receivers, sometimes called “80 percent receivers,” are often sold by online dealers as a part of a kit that includes all of the necessary component parts to turn the unfinished receiver into a fully functioning firearm.³ These parts and kits are designed and marketed to circumvent federal regulations like Brady background checks because they can be purchased by anyone, even individuals who are unable to pass a background check, and thus are prohibited from purchasing a fully assembled gun. This includes domestic abusers, gun traffickers, persons subject to an extreme risk order, and even children and teenagers who can’t purchase a gun by virtue of their age.

The process of converting parts into a ghost gun, whether it be a semi-automatic handgun or an AR-15 style assault rifle, involves just a few steps and can be completed in as little as 15 minutes without the consumer possessing any specialized skill or abilities. Once assembled, ghost guns are just as deadly and dangerous as traditional firearms and anyone can buy these kits without any background check or any other requirements mandated under federal or Maryland state law. Each of these parts and processes have been specifically designed to fall outside of federal, state, and local gun regulations and undermine many existing gun safety laws. These weapons are, by design, perfect crime guns.⁴

Ghost Guns Undermine Existing Gun Safety Laws and Are Designed for Crime

The fact that these kits and parts can be purchased online with no background check, without undergoing any human interaction (like with a federally licensed firearm dealer) also makes them attractive and accessible to individuals who fear they may not be able to pass muster at a responsible, licensed dealer. Ghost gun sellers and manufacturers know all of this and intentionally target prohibited purchasers and other potentially dangerous parties by purposefully emphasizing the untraceable nature of ghost guns - namely, the absence of a serial number and the fact that their products can be purchased without a background check or interaction with a gun dealer as major selling points.

Additionally, these weapons undermine and interfere with criminal investigations because they are unserialized, and are thus, essentially invisible to law enforcement. This means that the

² “Are ‘80%’ or ‘Unfinished’ Receivers Illegal?” *ATF*, U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives, 29 May 2020, <https://www.atf.gov/firearms/qa/are-unfinished-receivers-illegal>.

³ Van Brocklin, Elizabeth. “‘Ghost Gun’ Murders and Trafficking Cases Are a Law Enforcement Nightmare Come True.” *The Trace*, The Trace, 16 Oct. 2015, <https://www.thetrace.org/2015/10/ghost-gun-lower-receiver-california/>.

⁴ “Giffords Law Center Asks Internet Service Providers to Immediately Shut Down Websites for Businesses that Allow Dangerous Individuals to Make Untraceable Assault Weapons with No Background Checks.” *Giffords Law Center to Prevent Gun Violence*, Giffords, 28 Nov. 2017, <https://giffords.org/press-release/2017/11/giffords-law-center-asks-internet-service-providers-immediately-shut-websites-businesses-allow-dangerous-individuals-make-untraceable-assault-weapons-no-background-checks/>. Press Release.

Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) cannot trace ghost guns from the manufacturer/importer to the retail purchaser, making it harder to identify the chain of possession and the eventual end user of a gun recovered from a crime scene. In fact, if found at a crime scene, law enforcement has little means by which to trace the weapons' origin or ownership. This untraceable quality also interferes with law enforcement's ability to identify potential traffickers and to detect in-state and interstate patterns in the sources of crime guns. This makes the parts and kits used to assemble these weapons highly attractive to illegal gun traffickers and those who might purchase from them.

Maryland has worked to pass meaningful gun laws to protect its residents from the scourge of gun violence, but ghost guns threaten this hard won progress by undermining the gun laws currently on the books. This legislation is absolutely necessary to protect Marylanders to ensure that ghost guns do not become an increased source of crime guns in the state, and to guarantee that federal and Maryland laws are not circumvented.

The Rapid Proliferation of Ghost Guns in the United States and in Maryland

Sales of the kits and parts to make ghost guns have increased significantly in recent years and alongside it, the use of ghost guns in crime. According to the ATF, from 2016 through 2020, law enforcement officers recovered more than 23,906 ghost guns from potential crime scenes. The ATF was only able to trace less than 1% (.006)⁵ of these firearms back to an individual purchaser. These weapons have been linked nationwide to homicides,⁶ suicides,⁷ mass shootings,⁸ school shootings,⁹ robberies,¹⁰ the shooting deaths of law enforcement officers,¹¹ and acts of domestic violence.¹²

⁵ "Definition of 'Frame or Receiver' and Identification of Firearms," Vol. 86 No. 97, United States Department of Justice, 27,720-27,753, 21 May 2021, <https://www.govinfo.gov/content/pkg/FR-2021-05-21/pdf/2021-10058.pdf>.

⁶ Fenton, Justin. "Baltimore police report a 40% increase in untraceable 'ghost guns' as legislators consider action." *The Baltimore Sun*, Tribune Publishing, 18 Feb. 2021, <https://www.baltimoresun.com/news/crime/bs-pr-md-ci-cr-ghost-gun-ban-20210218-ae2dortu6ngn5llmfmq6yxtx6m-story.html>.

⁷ Hurd, Rick. "Homemade guns in Stanford student's murder-suicide spurs questions on 'ghost guns'." *The Mercury News*, Bay Area News Group, 12 Aug. 2016, <https://www.mercurynews.com/2015/08/06/homemade-gun-in-stanford-students-murder-suicide-spurs-question-on-ghost-guns/>.

⁸ Clayton, Abené. "Ordered online, assembled at home: the deadly toll of California's 'ghost guns'." *The Guardian*, The Guardian News and Media Limited, 18 May 2021, <https://www.theguardian.com/us-news/2021/may/18/california-ghost-guns-deadly-toll>.

⁹ Morse, Dan. "Magruder High School Student Charged As Adult With Attempted Second-Degree Murder," *Washington Post*, 22 Jan. 2022, <https://www.washingtonpost.com/dc-md-va/2022/01/22/magruder-high-shooting-ghost-gun-student-charged/> & Andone, Dakin. "The gunman in the Saugus High School shooting used a 'ghost gun,' sheriff says." *CNN*, Cable News Network, 21 Nov. 2019, <https://www.cnn.com/2019/11/21/us/saugus-shooting-ghost-gun/index.html> & Andone, Dakin. "The gunman in the Saugus High School shooting used a 'ghost gun,' sheriff says." *CNN*, Cable News Network, 21 Nov. 2019, <https://www.cnn.com/2019/11/21/us/saugus-shooting-ghost-gun/index.html>

¹⁰ Sprouse, Ryan. "Seven teens in DC arrested for armed robbery and 'ghost guns'." *WUSA9*, TENGA, 25 Dec. 2021, <https://www.wusa9.com/article/news/crime/seven-teens-in-dc-arrested-for-armed-robbery-and-ghost-guns-new-york-avenue-ivy-city-motel/65-e571eaaf-bfef-408d-a439-699021dba5c0>.

¹¹ Blankstein, Andrew, and Leonard, Eric. "Ex-con who killed California cop used homemade 'ghost gun'." *NBC*, NBC News, 15 Aug. 2019, <https://www.nbcnews.com/news/crime-courts/ex-con-who-killed-california-cop-used-homemade-ghost-gun-n1042811>.

¹² "Domestic Violence Incident leads to Recovery of Various Ghost Guns NR21291jc." *LAPD Newsroom*, Los Angeles Police Department, 20 Oct. 2021, <https://www.lapdonline.org/newsroom/domestic-violence-incident-leads-to-recovery-of-various-ghost-guns-nr21291jc/>.

A steady supply of ghost guns plagues communities nationwide - and its devastating impact is increasing exponentially with each year. The proliferation of ghost guns and their destructive effects can be seen in communities throughout the state of Maryland: while the Baltimore Police Department recovered only nine ghost guns in 2018, that number skyrocketed to 345 in 2021.¹³ Of these recoveries in Baltimore last year, at least sixty-nine were linked acts of violence, a full 20 percent.¹⁴ During a recent news conference, Baltimore Police Commissioner Michael Harrison stated that the proliferation of ghost guns is “frightening. I could spend hours telling you stories about how these ghost guns hurt our community and make our streets unsafe.”¹⁵ Baltimore is on track to recover 700 ghost guns this year, more than *double* the amount recovered last year.¹⁶

The rise of ghost guns and their effects in Maryland is not exclusive to communities in Baltimore. In Prince George’s County in 2019, officers recovered twenty-seven ghost guns, whereas in 2021 they recovered 264, a nearly 900 percent increase in just two years.¹⁷ Since 2019, ghost guns have been linked to thirteen homicides, ten robberies, and twenty aggravated assaults in Prince George’s County.¹⁸ In yet another stunning example of the overwhelming proliferation of ghost guns in Maryland, Montgomery County’s ghost gun recoveries have increased fivefold in just two years.¹⁹ Montgomery County State’s Attorney John McCarthy explained that “we’re moving in the same direction everybody else is. Unless we address ... ghost guns, all the prior legislation that we’ve passed to regulate guns in our community really becomes meaningless.”²⁰

The rise of ghost guns in Maryland has serious impacts on children and teens in the state. The available data shows that 23 percent of the ghost guns found in Maryland last year were possessed by people under the age of twenty-one, with the youngest being fourteen.²¹ Ghost guns are increasingly becoming the weapon of choice for youth because they can be bought online and easily shipped to their house with no background check necessary. Montgomery County State’s Attorney noted that five ghost guns have been recovered at or near a school already this year.²² Just a few months ago, Montgomery County police found a loaded ghost gun during a K-9

¹³ Wiggins, Ovetta, “Gun-Control Activists Push to Ban Untraceable ‘Ghost Guns’ in Maryland.” *Washington Post*, 25 Jan. 2022, <https://www.washingtonpost.com/dc-md-va/2022/01/25/maryland-lawmakers-ghost-gun-ban/>.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ Carter, Vic, “More Criminals Are Using ‘Ghost’ Guns to Commit Violent Crimes in Baltimore, Making it Difficult for Police to Trace.” *CBS Baltimore*, CBS, 24 May 2021, <https://baltimore.cbslocal.com/2021/05/24/ghost-guns-violence-crime-police-commissioner-michael-harrison/>.

²² Wainman, *supra* note 1.

search of a fleeing 15-year-old suspect at Northwood High School in Rockville, MD.²³ And just last month, a 17-year old student at Magruder High School in Derwood, MD shot another student in the school bathroom with a ghost gun that was purchased and sent to his home in three packages.²⁴

Conclusion

Plain and simple, ghost gun parts kits are intentionally designed to circumvent the gun laws on the books and hamper law enforcement investigations. This is not an industry for hobbyists, but an industry that targets individuals who want to avoid background checks and mass produce untraceable firearms, and Marylanders are paying the price. It is important to act aggressively to roll back the astounding proliferation of these weapons in Maryland. Waiting another year could mean thousands more of these unregulated and unserialized firearms entering communities all over the state. It is past time to act. For these reasons listed above, **Brady strongly encourages this Committee to vote in favor of HB0425 to save the lives of Marylanders.**

²³ 7NewsStaff. "Police arrest 15-year-old student found with ammo at Northwood H.S., gun located nearby." *ABC7, ABC News*, 17 Nov. 2021, <https://wjla.com/news/local/15-year-old-student-montgomery-county-police-custody-gun-ammunition-northwood-high-school-potential-threat>.

²⁴ VerHelst, Megan, "17-year-old Charged in Magruder High School Shooting: Report." *Patch*, 22 Jan. 2022, <https://patch.com/maryland/rockville/17-year-old-charged-magruder-high-school-shooting-report>; Hannah Gaskill (@hnnhgskll), Twitter (3 Feb. 2022, 11:13 AM), https://twitter.com/hnnhgskll/status/1489272133041606656?s=20&t=_FemtCbWJNYQyOrgWG0QSA.