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TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Brian E. Frosh
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RE: SB 387 – Public Safety – Untraceable Firearms – **Support**

Chair Clippinger, Vice Chair Moon, and distinguished Members of the Judiciary Committee, I write to urge you to favorably report Senate Bill 387, legislation I introduced with Senator Lee to prohibit the sale or possession of so-called ghost guns or privately made firearms (PMFs) in Maryland. Ten states and the District of Columbia have passed laws to address unserialized weapons, and it is past time for Maryland to join in.¹

Maryland is facing a gun violence crisis. In an average year, 724 people die and 1,747 are wounded by firearms in our State. Increasingly, “ghost guns,” a fast-growing category of firearms purchased without a required federal background check are involved. Ghost guns are assembled from do-it-yourself kits or with 3D printers and can be easily acquired by those who are legally prohibited from owning a firearm. These PMFs are not stamped with a serial number, making them nearly impossible to trace and depriving law enforcement agencies of an essential tool used to solve gun crimes.

ATF’s current definition of “firearm” does not include the basic components of guns—their frames and receivers—if they are not machined past 80% completion.² In practice, this means that anyone with a credit card and a physical mailing address can buy the key parts of a gun and then drill a few holes to finish it. Buyers are not required to submit to a background

¹ See Giffords Law Center to Prevent Gun Violence: Ghost Guns—dangerous, homemade untraceable firearms—are increasingly being used to circumvent both federal and state gun laws and kill innocent people, available online at <https://giffords.org/lawcenter/gun-laws/policy-areas/hardware-ammunition/ghost-guns/> (noting “Ten States (California, Connecticut, Delaware, Hawaii, Nevada, New Jersey, New York, Rhode Island, Virginia, and Washington) and the District of Columbia have enacted laws to at least partially address the problem of undetectable or untraceable guns.”) (internal citations omitted).

² The Biden Administration published a proposed ATF [rule](#) that would define unfinished frames and receivers as firearms. It is a relief to see federal actions to finally close this gaping loophole. But as with any federal action related to guns, challenges exist: hundreds of thousands of comments on the proposed rule must be addressed before the final rule can be promulgated, and lawsuits will undoubtedly follow.

check, and gun makers, such as industry leader Polymer80, aren't required to apply a serial number or adhere to the basic rules required of traditional gun manufacturers. Corporate gun manufacturers are raking in profits by exploiting this federal loophole, which SB 387 would close.

Ghost guns are popular with criminal populations nationally and locally. In Baltimore, more and more gun crimes are being committed with unserialized ghost guns. [Last summer](#), a Baltimore City narcotics raid resulted in the seizure of fifteen assembled and operational ghost guns and an additional 40 Polymer80 kits. The recovery of ghost guns by the Baltimore Police Department (BPD) has also increased precipitously in recent years. As of November 1, 2021, BPD had recovered 272 ghost guns, an increase from 128 in all of 2020 and just 30 in 2019. In February 2022, BPD Commissioner Harrison noted that Baltimore police have “seized 31 privately made firearms in 2022, far outpacing last year.”³

Likewise, Montgomery and Prince George's County Police have recovered substantially more ghost guns since they started tracking those figures several years ago. In January, a student at Magruder High School shot and critically wounded another student with a PMF.⁴ The numbers will continue to grow across Maryland, with jurisdictions like Anne Arundel County only now beginning to keep statistics on these weapons.

Senate Bill 387 would clarify that unfinished frames and receivers that can be readily turned into functional firearms are firearms and should be treated as such. Section 5-703(a) of SB 387 provides that, “a person may not purchase, receive, sell, offer to sell, or transfer an unfinished frame or receiver unless it is required by federal law to be, and has been, imprinted with a serial number by a federally licensed firearms manufacturer or federal licensed firearms importer in compliance with all federal laws and regulations applicable to the manufacture and import of firearms.” This provision would functionally close the ghost gun loophole in our state as of June 1, 2022.

Except in limited circumstances, such as the first 30 days after inheriting or manufacturing a ghost gun from scratch, Section 5-703(b) bans possession of PMFs on or after March 1, 2023, unless they've been serialized in accordance with federal standards. Anyone who violates the new law will be subject to imprisonment of no more than five years, a fine of no more than \$10,000, or both.

You will hear from a broad coalition supporting SB 387, a comprehensive, common-sense bill to protect Marylanders from this rising threat. Senate Bill 387 provides a workable, common-sense solution to a growing problem that we can no longer ignore. For all of the foregoing reasons, I urge a favorable report on SB 387.

³ CBS Baltimore Staff, Social Media Post Prompts Baltimore Police to seize Ghost Gun, Make Arrest, Newsbreak (Feb. 6, 2022), available online at <https://www.newsbreak.com/news/2507761413151/social-media-post-prompts-baltimore-police-to-seize-ghost-gun-make-arrest>.

⁴ See Sonia Dasgupta and Kevin Lewis, Other Magruder High School students witnessed shooting, but tweeted instead of calling 911, ABC 7 News (Jan. 24, 2022), available online at <https://wjla.com/news/local/magruder-high-school-shooting-montgomery-county-police-colonel-zadok-bathroom-teen-injured-steven-alston-jr>.

cc: Committee Members