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SB 387

March 23, 2022

TO: Members of the House Judiciary Committee

FROM: Natasha Mehu, Director, Office of Government Relations

RE: Senate Bill 387 - Public Safety - Untraceable Firearms

POSITION: SUPPORT

Chair Clippinger, Vice Chair Moon, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 387.

Senate Bill 387 regulates unserialized firearms and certain unfinished frames and receivers. Anyone found in possession of unserialized firearms or certain parts used to make them is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$10,000, or both.

Unserialized firearms are commonly referred to as “ghost guns” because they circumvent background checks and are nearly impossible to trace when recovered at a crime scene. Under current state and federal law, the parts used to make these guns are not considered firearms and are not subject to the National Instant Criminal Background Check System. Individuals who are prohibited from possessing firearms, such as convicted felons and minors, use this loophole to evade state and federal laws by buying rifle and pistol build kits online and at gun shows. These kits include all of the necessary parts to make a fully functional gun at home. As one former ATF special agent explained, “If you can put Ikea furniture together, you can make one of these.”

These firearms are increasingly being used by violent criminal networks because they are currently not required to have a serial number or other unique identifying information. When law enforcement recovers an unserialized gun at a crime scene, they offer little evidentiary value because they are so difficult to trace. This bill does not seek to ban all build kits and penalize hobbyists and legal gun owners. The bill clearly explains the requirements for serializing the firearm and balances constitutional rights with the public safety threat of unserialized guns.

“Ghost guns” are a growing problem in Maryland and the United States. Originally, these kits were used by a small number of hobbyists and not considered a significant public safety threat. Starting roughly a decade ago, prohibited individuals in states with strong firearm laws who were determined to commit a mass shooting started to exploit this loophole in federal law. For example, the 2013 Santa Monica College shooter used an AR-15-type semi-automatic rifle “ghost gun” he purchased online and completed at home because he was ineligible to purchase a firearm. Similarly, the 2017 Rancho Tehama Reserve perpetrator was out on bail and prohibited by criminal and civil orders from possessing firearms. Using kits he purchased, the shooter constructed two semi-automatic AR-15-type rifles which he used to kill five and injure eleven.

On the streets of Baltimore City, untraceable handguns that bypass the federal background check system have become the weapon of choice. Over the past three years, the number of “ghost guns” recovered from crime scenes has grown exponentially. The Baltimore Police Department seized 30 unserialized firearms in 2019, 128 in 2020, and 324 in 2021.

Unserialized firearms are also a growing problem in our schools and communities because minors can also buy a kit online without a background check. Last August, a 14-year-old Maryland boy killed one young man and injured three teenagers with a “ghost gun” at a basketball court in Germantown. The following month, an Essex high school student was arrested for bringing a 9mm “ghost gun” to Chesapeake High School. Just last month, an 11th grader at Magruder High School in Montgomery County was charged with attempted second-degree murder after allegedly buying a 9mm handgun build kit online, assembling the firearm with a friend, and shooting a 15-year-old student with whom he had an ongoing conflict. A separate incident last month involving an unsecured “ghost gun” by a prohibited felon led to the fatal death of a Westminster teen.

We cannot wait to act any longer. This bill will help Baltimore City and the state of Maryland get ahead of this growing and concerning trend by proactively working to limit the proliferation of untraceable firearms.

We respectfully request a **favorable** report on Senate Bill 387.