

Testimony in Opposition to HB0425 of 2022

Earle A. Sugar
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HB0425 is one of those apparently well-intentioned bills that, upon closer reading, has potentially severe unintended impacts on otherwise law-abiding Marylanders, while doing little to stop the problem it purports to be fighting. While I do not argue that persons prohibited by law from possessing firearms should not be able to access them, there are already both Maryland and Federal laws providing severe criminal penalties for mere possession by a prohibited person. This bill truly sets its sights upon firearm hobbyists like me who machine their own customized firearms for otherwise lawful sporting use.

There are four key problems with this bill:

1. The components banned in Maryland would still be readily available in other states and via interstate commerce, hence it would merely inconvenience criminals who already intended to violate their prohibited person status. It will, however, be an absolute ban on non-harmful hobbyist activities.
2. It provides no lawful mechanism post-2022 for hobbyists to create firearms for lawful use, including my particular hobby interest, replicas of antique cartridge firearms, which do not fall under the definition of “antique firearm” as defined in § 4-201 of the MD Criminal Law Article. Fabricating a replica receiver for an 1870’s-vintage black powder cartridge single-shot target rifle design would result in multiple years in prison. Is this the sort of activity this law is intended to thwart?
3. The grandfathering period for currently owned custom firearms is severely shortened, and with the limited classes of authorized classes of FFLs who own appropriate engravers, it will be very difficult for current owners of customized, hobbyist-built firearms to obtain the engraving services within the period allowed. Commercial manufacturers and importers are not set up to provide retail engraving services. Why can’t every class of Federal Firearms License holder be allowed to do the engraving, such as Federally licensed gunsmiths and dealers?
4. The Federal Bureau of Alcohol, Tobacco and Firearms (ATF) is in the process of rewriting regulations related to privately-fabricated firearms. It is very likely that this bill will result in conflicting requirements that will make compliance with both MD and Federal regulations for existing owners impossible, especially given the short timeframe for the grandfathered markings to be obtained from commercial providers who will have little time to develop compliant business and technical processes. The end result will be a defacto regulatory taking of potentially millions of dollars of personal property owned by Maryland firearms hobbyists. There is significant confusion about the legality of transferring non-commercial firearms, so it owners who are not able to comply with the markings law in the time required may have to destroy their vested personal property at a complete loss.

Therefore I am opposed to this bill and strongly urge an unfavorable report to House Bill 0425 of 2022.

Very Respectfully,
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