

OPPOSE HB425

This bill is bad law. It is offensive. It criminalizes me and my family for pursuing the craft of customizing our own firearms to suit our preferences. While we can buy factory-made serialized guns that look like everybody else's if we want to, we CHOOSE to make our own, imparting our own brand of craftsmanship and customization. We make functional works of art and engineering that we use in sporting competitions -just as skilled American craftsmen have done for hundreds of years. We do nothing wrong or evil with them, they are safely secured, and they are never party to a crime. I take offense to the presumption that we have nefarious intent worthy of jail time simply because we prefer to build and customize our own stylized homebuilt sporting firearms.

We build our guns to suit our personal fit preference, among other reasons. My spouse has different-sized hands from mine. She builds her guns to suit her physical stature. Other family members have their own preferences. We can custom fit our homebuilts to accommodate our unique needs, which helps in sport shooting competition. Factory offerings do not offer this level of customization. We incorporate components in our homebuilts that enhance their competition performance. Those components are more expensive than factory-produced, stamped parts found in retail, serialized guns.

Another gun ban

This bill is a massive new gun ban. If Baltimore's recent example has shown us anything, it is that gun bans do not deter criminal behavior. This gun ban conflates the criminal behavior of repeat offenders who misuse guns with the long-established craft and art of citizens building their own firearms for their personal use. It is a grave error to mix the two. Imposing penalties on the latter does nothing to dissuade the former. *Why aren't we focused on the people we know are causing the problems?*

This bill would make me and my family criminals by merely possessing things we bought legally, built legally, and use responsibly for legitimate and lawful purposes. Yet the bill does nothing about the obvious and serious threat to public safety from repeat felons known to police and prosecutors who commit violent crime repeatedly. *Why aren't we focused on criminals?*

Blocks of aluminum – banned!

The bill mangles the English language by attempting to craft new definitions for what a firearm is. It would allow a literal block of plastic or metal to be defined as a firearm. That's ridiculous. It imposes upon me a new definition of firearm that didn't exist when I got into the hobby of homebuilt guns and has not existed since the nation's founding. It is wrong for the State to be moving the goal posts and threatening to deprive me of not only my property, but my freedom, through incarceration, if I inadvertently run afoul of these constantly changing and vague definitions.

The “ghost gun” fallacy

Some would have us believe having a serial number imparts a sort of crimefighting benefit. We are told homebuilt guns are “untraceable,” and therefore “bad.” Nonsense! In this digital age, there are records of most every purchase, whether items have unique numbers or not. For example, the BATFE even recognizes that serial numbers are not needed to track down the original owner of a firearm or a firearm related item. They routinely obtain the sales records of gun parts and accessories from wholesalers and retailers as a way to identify persons. If the BATFE doesn't rely on a serial number, why should Maryland? Indeed as the BATFE knows, even when there IS a serial number, its value as a crime solver or deterrent is negligible. As soon as a gun with a serial number is stolen, lost, or mis-recorded, whoever its original documented owner was becomes irrelevant. We might know who the first buyer was, but that

first buyer is seldom the one who used that gun in a crime. Knowing who that first buyer was does nothing to deter or solve crime.

This bill does nothing to stop crime. Felons who misuse so-called gun kits to assemble a homebuilt are already breaking the law by their mere possession. It is already illegal for a felon to manufacture, sell, or possess guns, yet when they do so, rarely are there meaningful consequences for them. Nor will this bill have any crime deterrent effect. *What aren't we focused instead on these criminals?*

Untraceable? Hardly

The media would have us believe homebuilt guns are “untraceable.” That’s as much a fallacy as was the claim years ago that modern polymer guns were “undetectable” by metal detectors, when in fact most of their weight is due to the massive amount of steel even in a so-called “plastic” gun. Let’s dispel that myth of “untraceable.” Partially completed receivers or any gun parts are certainly traceable. Retailers have records of their sales. Factory-produced retail guns with serial numbers. But does that in any way reduce misuse or crime? If having a serial number on a gun to make it “traceable” helps in any way, why don’t we just “trace” all the guns illegally possessed RIGHT NOW and have the police go pick them up right now? Here’s why: the fact that a gun has a number stamped on it does nothing to keep it out of the hands of someone unauthorized. If it’s stolen from its owner and subsequently recovered at a crime scene, that number does nothing to identify the criminal who misused it.

Homebuilts are not the problem

Proponents of this bill assert that homebuilt guns are recovered by police in crimes and are therefore a problem, yet police data shows us that the percentage of them recovered is a tiny fraction of recovered guns overall, so clearly these are not some unique phenomena suddenly responsible for crimes that wouldn’t have occurred.

If a felon builds a gun, he’s breaking the law already, since he is by law prohibited from having a gun. If he buys a gun with a number on it, he’s breaking the law. If he uses one to hurt somebody, he’s breaking the law. Putting a number on my home-built won’t reduce crime, and it won’t impede a criminal’s drive to acquire a weapon.

Law of Unintended Consequences

The dirty secret about home-built guns is that many are dysfunctional junk - unless a skilled craftsman makes them. Just as with building a car, or a house – many try, but whether the end product is one that works depends on the skills of the builder. To make one that functions as well as a factory-built gun requires advanced gunsmithing skills. A felon who wants a gun will get one – serial number or not. Given that experience proves a felon who wants a gun will get one regardless of the law, this bill has the unintended consequence of ensuring that the gun a felon acquires is a good one - not one of the inoperable homebuilts carelessly thrown together out there. The majority of homebuilts are nowhere near the functional equivalent of established manufacturers. *Do we really want legislation that makes it more probable that a criminal’s gun will be a quality item from established commercial manufacturers that put a serial number on their products?*

This bill can strip me of my property, and worse – put me in prison, even if I have no malicious intent. Compliance with it makes several erroneous assumptions:

- 1) that any homebuilt features a metal plate for a serial number,
- 2) that a licensed dealer has the insanely expensive specialized equipment to put a number on a gun. I know of none that do,

3) that a dealer WILL provide this service even if they have the equipment. This law does not compel them to provide this service, and

4) that any number or letters I may have already put on a homebuilt can be removed and replaced with a new number in the approved format. What do I do with those I've already customized so that there's no place for a metal plate with a serial? Surrender my property? This is my property – the State has no right that I surrender it.

Already proven to be unworkable

Why is Maryland doing this when most other states are not? We don't live in a vacuum. Even if we were to grant that it would be possible to prevent criminals in MD from acquiring the raw materials to build a gun, we are fooling ourselves if we believe those criminals couldn't merely acquire the materials in some other state. In the state of Nevada, this issue of homebuilt guns came up, and the courts struck down that state's law because it was too vague, just as is Maryland's, subjecting people like me to criminal penalties because the law makes it impractical for me know what's legal and what's not.

OPPOSE THIS BILL

This bill is inherently bad. It presumes malicious intent on the part of decent people. It mandates that homebuilts have a serial number yet at the same time prohibits owners from complying by inscribing one themselves and is indifferent to the reality that compliance likely requires that owners surrender their property without compensation. It is poorly conceived, targets the wrong people, and repeats the legislative mistakes already made in other states. It has the practical effect of declaring an entire group of Marylanders criminals through its vague and misguided language. I oppose this bill.

Sincerely,

Charles K. Regan