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HB0952 Written Testimony

NSSF said it best when they published this article on February 9, 2023.

What this bill does would be nothing short of state authorities peering into an individual's gun safe. The state would also know when and where a firearm would be moved – whether that's for hunting, a day at the range target shooting or when and where an individual is legally carrying a firearm for licensed concealed carry. This bill would require firearm manufacturers to create and include these trackers on firearms. Those exercising their Constitutional right to keep and bear arms would be required to forfeit their Fourth Amendment Constitutional right to privacy and their right protecting them from illegal search-and-seizure, since the state would automatically collect and store this information in real time. This legislation would also call into question Fourteenth and Fifth Amendment protections of Due Process, since it requires the government to collect information on Americans simply exercising their Second Amendment rights. And this legislation would have a chilling effect on the exercise of Second Amendment rights as Marylanders would be less likely to lawfully purchase a firearm to avoid the invasion of privacy.

That's not even taking into consideration the technological hurdles that would be required to meet this requirement. Makers of so-called "smart guns," or authorized-user technology that is supposed to allow owners to fire guns through the use of RFID emitters, fingerprint recognition or passcodes or other technology, haven't been able to produce a safe and reliable model. The Obama administration made this a priority and the Department of Justice (DOJ) couldn't identify a working prototype that was capable of testing.

Lawmakers with gun control in mind only think of the possibilities to make it more difficult to produce the firearms that Americans want to buy. California instituted a microstamping requirement that requires every new handgun introduced to the state to be capable of transferring a unique alphanumeric code from the firing pin to a cartridge primer. Even the patent-holder of that technology admitted during testimony that his "technology" is unreliable. And, even if it did work, the code can be easily defeated by criminals by simply running a nail file over the tip of the firing pin or by swapping out the firing pin which can be done in seconds with many models.

California's love affair with this impossible technological requirement has resulted in a dwindling number of handguns approved for sale in California. The number of handguns approved for sale has been cut by more than half since it was certified by then-Attorney General Kamala Harris in 2013.

Some products are packaged with RFID emitters, including those found at firearm retailers. They are used solely as an internal inventory tracking tool. NSSF's position can be summarized simply as "Turn It Off, Take It Off at the Checkout Counter." No personal information about the consumer purchasing a firearm or ammunition product should be electronically retained or stored by the merchant through the use of an RFID device affixed to the product or its packaging. Based on a knowledge and understanding of its consumers, the firearm and ammunition industry believes that this is the only acceptable solution to mitigate the potential invasion of privacy. The simple action of "turning off" the RFID tag coupled with physically "taking it off" the product at the point of sale is essential to ensure consumers' rights.

Maryland's proposed requirement tests the bounds of ludicrous. If an embedded tracker could be fixed, it would need to be powered, which begs the question of ensuring how it would be tamperproof. If this

technology would rely on passive-emissions like RFID, it would still be impossible to fix to a frame or receiver that would be considered tamperproof.

There is already a simple solution to this issue that's already in place. Each and every firearm produced for commercial sale is required to have a unique identifier. It's called a serial number. It's also already illegal for anyone to tamper with that serial number in a manner that would make it illegible.

Legislative proposals like this could be laughed off as unserious, just one-off attempts to score political points. The technology doesn't exist and there's no foreseeable way to create this sort of reliable embedded tracker that could withstand the pressures and energy created and harnessed by a firearm. This is one of the key technological reasons why authorized-user recognition technology has not been successfully developed.

No one in the firearm manufacturing world is laughing, though. This is demonstrative of just how far antigun lawmakers will go to eliminate Second Amendment rights – even at the cost of privacy and Constitutional rights of those who lawfully own firearms.

I have been in IT for almost thirty years. The technology that this bill requires just isn't there yet and even if it was violates too many of our constitutional protections.