



**TREVOR W. SANTOS**

Director, Government Relations - State Affairs

tsantos@nssf.org | 202-220-1340 x205 | nssf.org

March 6, 2023

The Honorable Luke Clippinger  
Chair, House Judiciary Committee  
101 House Office Building  
6 Bladen Street  
Annapolis, MD 21401

**HOUSE BILL 704  
OPPOSE**

**Re: House Bill 704 – Firearm – Tracking Technology**

Dear Chair Clippinger, Vice Chair Moon, and Members of the Judiciary Committee:

On behalf of the National Shooting Sports Foundation (“NSSF”), and our industry members located throughout the state of Maryland, I write today to express our strong opposition to House Bill 704 (“HB 704”). HB 704 require firearms to be embedded with tracking devices. The “embedded tracker” would be required to be fixed to the firearm frame or receiver, emit unique tracking information and not be readily capable of being removed, disabled or destroyed without rendering the firearm inoperable or destroying the frame or receiver. To be clear, HB 704 would require that embedded tracker to emit this unique information to Maryland’s State Police for permanent storage in a state-run database. Anyone not complying with this is subject to \$2,500 in fines.

**BACKGROUND ON NSSF**

As the trade association for America’s firearms, ammunition, hunting, and recreational shooting sports industry, the National Shooting Sports Foundation (“NSSF”) seeks to promote, protect, and preserve hunting and the shooting sports. NSSF represents more than 10,000 members which include federally licensed manufacturers, wholesale distributors and retailers of firearms, ammunition and related goods and accessories, as well as public and private shooting ranges, sportsmen’s clubs, and endemic media, including close to 100 businesses located in Maryland, such as Beretta USA, Benelli USA and its family of brands, and LWRC International. Nationally, our industry contributes close to \$70.5 billion dollars annually to the economy creating over 345,000 good paying jobs and paying over \$7.8 billion dollars in taxes. Our industry has a \$890.70 million dollar impact on the Maryland economy, creating more than 4,200 jobs paying over \$287 million in wages and nearly \$109 million dollars in taxes.

Members of the firearm industry are proud of their longstanding cooperative relationship with law enforcement. For example, on behalf of our industry members, for over two decades NSSF has partnered with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) on an anti-straw purchasing campaign called *Don’t Lie for the Other Guy* ([www.dontlie.org](http://www.dontlie.org)). This joint effort assists ATF in training licensed retailers to be better able to identify potential illegal straw

purchases and avoid those transaction. Don't Lie also provides public service announcements to educate the public that it is a serious crime to illegally straw purchase a firearm for which you can be sentenced to up to ten years in prison and fined of up to \$250,000.

Another example is *Operation Secure Store* ([www.operationsecurestore.org](http://www.operationsecurestore.org)), a joint ATF/NSSF initiative providing licensed retailers with education on solutions and services that enhance operational security and aid in identifying potential risks, protecting interests, and limiting the disruption of operations. The mission is to deter and prevent thefts from retailers and enhance public safety.

NSSF also provides significant compliance resources and educational opportunities to members of the industry. See <https://www.nssf.org/retailers/fli-compliance/>.

### **HB 704 REQUIRES IMPOSSIBLE TECHNOLOGY...**

The technology simply does not exist, and even if such a tracking technology existed, creating something that was tamperproof would be impossible to fix to a frame or receiver. 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.

### **BIG BROTHER WOULD WATCH**

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.

## **CONCLUSION**

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.

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.

It is for these reasons, the National Shooting Sports Foundation opposes House Bill 704 and we would respectfully request an "Unfavorable Report."

Sincerely,

A handwritten signature in black ink, appearing to read "T. W. Santos". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Trevor W. Santos