

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1291
Judiciary

(Delegate Amprey)

Public Safety - Untraceable Firearms

This bill, with specified exceptions, prohibits a person from (1) manufacturing or assembling a firearm or an unfinished frame or receiver that is not imprinted with a serial number issued by a federally licensed firearms manufacturer or federally licensed firearms importer in compliance with all federal laws and regulations regulating the manufacture and import of firearms and (2) possessing, selling, offering to sell, transferring, purchasing, or receiving a firearm or an unfinished frame or receiver that is not imprinted with a serial number, as specified, or an object marketed or advertised to be, or that a reasonable person would understand to be, designed for the purpose of being manufactured or assembled into an unfinished frame or receiver that is not imprinted with a serial number, as specified. A person who violates these prohibitions is guilty of a misdemeanor and on conviction is subject to maximum penalties of two years imprisonment and/or a \$5,000 fine. Each violation is a separate crime.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

Local Effect: Potential minimal increase in local revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill does not apply to (1) a firearm that was manufactured before 1968, has been rendered permanently inoperable, or is being transferred or surrendered to a law enforcement agency or (2) sales, offers to sell, transfers, delivery, or possession of any firearm or unfinished frame or receiver between federally licensed firearms manufacturers, federally licensed firearms importers, or federally licensed firearms dealers.

“Manufacture or assemble” means to (1) fabricate or construct a firearm or an unfinished frame or receiver or (2) fit together the component parts of a firearm or an unfinished frame or receiver to construct a firearm or an unfinished frame or receiver.

“Unfinished frame or receiver” means a frame or receiver of a firearm whose fire-control cavity is completely solid and unmachined and which may be readily made into a functional frame or receiver of a firearm through milling, drilling, filing, molding, or other means. “Unfinished frame or receiver” includes any other object, part, or combination of parts that is not a functional frame or receiver but is designed or intended to be used for that purpose and can be readily made into a functional frame or receiver of a firearm.

Current Law: Generally, State law prohibits a person from manufacturing for distribution or sale a handgun that is not included on the handgun roster in the State. However, law enforcement may not be aware of firearms manufactured within a person’s home for personal use until the firearm is used or transferred. The federal Undetectable Firearms Act prohibits a person from manufacturing, importing, selling, shipping, delivering, possessing, transferring, or receiving any firearm that is not as detectable by a walk-through metal detection as a security exemplar containing 3.7 ounces of steel, or any firearm with major components that do not generate an accurate image before standard airport imaging technology. The federal prohibition was first enacted in 1988 and was renewed for 10 years in December 2013.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Harford, Montgomery, Talbot and Wicomico counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 25, 2021
rh/lgc

Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510