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Testimony of Brady United Against Gun Violence
Support for SB 958
Before the Maryland Senate Judicial Proceedings Committee
March 3, 2020

Chairman Smith, Vice Chair Waldstreicher, and Other Distinguished Members of the Maryland Senate Judicial Proceedings Committee,

Founded in 1974, Brady works across Congress, courts, and communities, uniting gun owners and non-gun owners alike, to take action, not sides, and end America's gun violence epidemic. Our organization today carries the name of Jim Brady, who was shot and severely injured in the assassination attempt on President Ronald Reagan. Jim and his wife, Sarah, led the fight to pass federal legislation requiring background checks for gun sales. Brady continues to uphold Jim and Sarah's legacy by uniting Americans from coast to coast, red and blue, young and old, liberal and conservative, to combat the epidemic of gun violence.

Brady thanks the Committee for taking action on this critical legislation. Senate Bill 958 provides a strong defense to impact and proliferation of untraceable firearms.

There are evidence-based policy solutions that we know will address the gun violence epidemic in Maryland. And make no mistake, gun violence is an epidemic, both nationwide and in the state of Maryland. Over 650 people die in Maryland each year, on average, due to firearms. Unlike most states, however, the majority of these deaths are due to homicide, which takes the lives of almost 400 Marylanders per year.¹ Much of this high homicide rate is driven by the disproportionate number of injuries and deaths: 2019 was the second deadliest year on record for the city of

¹ Everytown for Gun Safety, "Gun Violence in Maryland,"
<https://everytownresearch.org/wp-content/uploads/2019/10/Every-State-Fact-Sheet-Maryland.pdf>.

Baltimore, with nearly 350 homicides in a single year.² Firearms are the leading cause of death among both kids and teens in the state of Maryland.³ We can expect that all of these numbers to increase with unregulated access to unserialized firearms.

“Ghost Guns” are unserialized and untraceable firearms that can be made by individuals. Typically, ghost guns are constructed from gun components including unfinished receivers or “80 percent receivers,” which are often sold by online dealers as a part of a kit that includes all of the necessary component parts to turn the unfinished receiver into a fully functioning gun.⁴ Receivers are the the part of the firearm that contains the operating parts of the firing mechanism. 3-D printed guns are another type of unserialized and untraceable guns, which are printed with a 3-D printer using a specific code or program made available online. These parts and processes have all been specifically designed to fall outside of federal, state and local gun regulations.

Ghost guns and 3-D printed guns make it easy for prohibited purchasers to bypass a background check as required by federal and state law. This is a significant risk to public safety. Currently, in Maryland, private sales of firearms must be processed through a licensed dealer or designated law enforcement agency in order to conduct a federal criminal background check.⁵ This process works to prevent those prohibited from owning firearms, like felons and domestic abusers, from gaining access to handguns. And yet, in Maryland it is legal, and not particularly difficult, to purchase and assemble a ghost gun without having to comply with any of these legal obligations.⁶

Unregulated, 3-D printing technology also allows individuals to gain access to weapons the state has already decided to prohibit. For example, 3-D printers can be used to manufacture high capacity magazines, despite the fact that Maryland has banned the purchase or transfer of high capacity magazines.⁷ Similarly, while Maryland has enacted an assault weapons ban, residents of Maryland can go online and **legally** purchase the component parts of an AR-15 style assault rifle, and then easily assemble the gun at home.

² Travis Fedschun, “Baltimore Sees Second Deadliest Year On Record in 2019, Homicide Clearance Rate Under 40 Percent,” Fox News, available at <https://www.foxnews.com/us/baltimore-homicide-rate-2019-crime-deadly-year-police-clearance>.

³ Everytown for Gun Safety, “Gun Violence in Maryland,” <https://everytownresearch.org/wp-content/uploads/2019/10/Every-State-Fact-Sheet-Maryland.pdf>.

⁴ Elizabeth Van Brocklin, ‘Ghost Gun’ Murders and Trafficking Cases Are a Law Enforcement Nightmare Come True, The Trace, (October 16, 2015), <https://www.thetrace.org/2015/10/ghost-gun-lower-receiver-california/>

⁵ Md. Code Ann., Pub. Safety § 5-101; Md. Code Ann., Pub. Safety § 5-124(a)

⁶ Stephens, “They Planned to Start a Race War. DIY Gun Kits Allowed Them to Build an Arsenal,” The Trace (2020), <https://www.thetrace.org/2020/01/white-supremacists-the-base-fbi-virginia-diy-ghost-gun/>; Cooper, “Long prison term for Maryland man who sold untraceable guns to criminals,” WTOP news (2019), <https://wtop.com/montgomery-county/2019/12/long-prison-term-for-maryland-man-who-sold-untraceable-guns-to-criminals/>

⁷ Md. Code Ann., Crim. Law § 4-305(b)

Ghost guns, whether handguns or assault weapons, have no serial numbers and are essentially untraceable by law enforcement. These weapons are, by design, perfect crime guns.⁸ Because Maryland has continued to prioritize public health and safety by enacting life saving gun safety laws that regulate traditional firearms, ghost guns are, and will continue to become more and more prevalent. It is critical to act now proactively to prevent this from happening. Maryland is not the first state to understand the dangerous nature of ghost guns. New York, New Jersey, Connecticut, California and Washington have all taken action to regulate or ban ghost guns, and several other states are considering similar legislation.

The bill before you today, SB 958, is comprehensive and provides a strong defense to the proliferation of ghost guns. This legislation is necessary to protect Marylanders, to ensure that ghost guns do not become a source of crime guns in the state, and to guarantee that federal law and Maryland state law is not circumvented.

Unserialized and untraceable guns are designed for crime?

Ghost guns are unserialized and untraceable firearms that can be manufactured by individuals with parts that can be obtained without a background check. Ghost guns can be assembled by individuals with parts sold by companies or “ghost gun dealers.” One common ghost gun part sold is an 80% receiver, which is designed to fall just outside of the federal definition of a “firearm” so as to evade federally required background checks and other regulations applicable to “firearms.” These parts require very limited additional alteration before they can be easily combined with other largely unregulated gun parts, which are often included in available assembly kits, to form a fully functioning “ghost gun.”⁹ Ghost gun parts/kits enable anyone, including individuals prohibited from possessing firearms or residents of states that have banned the sale and transfer of assault weapons, to build “ghost guns.”

The process of converting parts into a ghost gun, whether it be a semi-automatic handgun or an AR-15 style assault rifle, involves just a few steps and can be completed in as little as a 15 minutes without the consumer possessing any specialized skill or abilities. Once assembled, ghost guns are just as deadly and dangerous as traditional firearms and anyone can buy these kits without any background check or any other requirement mandated under federal or Maryland state law.

⁸ Giffords Law Center Asks Internet Service Providers to Immediately Shut Down Websites for Businesses that Allow Dangerous Individuals to Make Untraceable Assault Weapons with No Background Checks, Giffords Law Center to Prevent Gun Violence,(November 28, 2017)

⁹ Baca, “Ghost Guns: Untraceable firearms in hands of hobbyists, felons, and children,” ABC7 (2018), <https://wjla.com/features/7-on-your-side/ghost-guns>

These weapons undermine and interfere with criminal investigations. Ghost gun dealers and manufacturers purposefully choose not to stamp serial numbers on these parts or other parts included in their firearms assembly kits. Thus they are essentially invisible to law enforcement. This means that the The Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) cannot trace “ghost guns” from the manufacturer/importer to the retail purchaser, making it harder to identify the chain of possession and ultimate user of a gun recovered from a crime scene. In fact, if found at a crime scene, law enforcement has little means by which to trace the weapons’ origin or ownership. This untraceable quality also interferes with law enforcement’s ability to identify potential traffickers and to detect in-state and interstate patterns in the sources of crime guns. This makes the parts/kits used to assemble these weapons highly attractive to criminals and illegal gun traffickers.

The fact that these kits and parts can be purchased online with no background check, without having any human interaction (like with a federally licensed firearm dealer) also makes them attractive and accessible to individuals who fear they may not be able to pass muster at a responsible licensed dealer. This blatantly undermines both Maryland and federal law.

Ghost gun sellers and manufacturers know all of this and intentionally target prohibited purchasers, and other dangerous parties, by purposefully emphasizing the untraceable nature of “ghost guns,” namely, the absence of a serial number and the fact that their products can be purchased without a background check or interaction with a gun dealer as major selling points.

3-D printing will increase access to untraceable guns

Recent technology has opened the door to a new type of dangerous unregulated ghost gun--firearms and high capacity magazines made with three-dimensional printers (“3-D printers”). In 2012, a company called Defense Distributed began exporting technical data related to firearms through the publication of Computer Aided Design (“CAD”) files, without restriction, on the Internet. These CAD files are essentially blueprints for the creation of guns and gun components via a 3-D printer.

Similar to traditional ghost guns, 3-D printed guns are manufactured without serial numbers and cannot be traced by law enforcement, and therefore undermine criminal investigations and circumvent federal law and Maryland law. Also, 3-D printed ghost guns can be made entirely of plastics, rendering most modern security devices like metal detectors ineffective in detecting the presence of the weapon.

This means that anyone, even those who have been deemed unfit to possess a firearm, could be armed anywhere and at any time. For example, a person prohibited from purchasing a firearm could manufacture a firearm on a 3-D printer, and then could evade metal detectors at an airport or in a courthouse without any problem. The risks of this are incalculable.

The Rapid Proliferation of Ghost Guns in the United States and in Maryland

The sale of ghost gun parts/kits have increased significantly in recent years and along with their proliferation, the use of ghost guns in crimes has also increased exponentially. In recent history, ghost guns were used in three separate mass shootings in California: in Saugus (2019), Tehama County (2017), and in Santa Monica (2013). These mass shooting incidents took the lives of 12 people, including two teenagers, and dozens more were shot and injured. Both the Tehama and Santa Monica shooters were prohibited from purchasing or possessing firearms and they both used assault style weapons, violating California's assault weapon ban. The Saugus shooter was a minor who was not legally able to possess any firearm under California law.¹⁰ Despite this, each of these shooters were able to get their hands on ghost guns. The implication of ghost guns is not limited to mass shootings-access to ghost guns has created an entirely new source of crime guns, and now account for 30 percent of all crime guns recovered in California.¹¹

California, like Maryland, has enacted strong gun safety laws, and the proliferation of ghost guns can be seen as direct response to these laws. This should be a strong warning to Maryland and should instruct legislators on what could happen if they do not act proactively to prevent the increased presence of the weapon in Maryland.

The reality is that ghost guns have already started popping up in the hands of dangerous or prohibited purchasers in Maryland. In February of 2018, a Montgomery County high schooler brought a homemade handgun to his school. The 17 -year -old was also in the middle of making an assault style rifle at home.¹² In August of 2019, a man was arrested for possessing a loaded ghost gun. The man was already on probation for a prior handgun violation in Baltimore.¹³ In December

¹⁰ Van Brocklin, 'Ghost Gun' Murders and Trafficking Cases Are a Law Enforcement Nightmare Come True, The Trace, (October 16, 2015), <https://www.thetrace.org/2015/10/ghost-gun-lower-receiver-california/>; Joseph Serna, Woman attacked months ago by Rancho Tehama gunman 'knew this was going to end bad', Los Angeles Times, (November 30, 2017), <http://www.latimes.com/local/lanow/la-me-ln-tehama-shooting-neighbor-20171130-story.html>

¹¹ Stephons, Ghost Guns are Everywhere in California, the Trace (2019), <https://www.thetrace.org/2019/05/ghost-gun-california-crime/>

¹² Baca, "Ghost Guns: Untraceable firearms in hands of hobbyists, felons, and children," ABC7 (2018), <https://wjla.com/features/7-on-your-side/ghost-guns>

¹³ Butler, "Edgewood man sleeping on Bel Air sidewalk had 'ghost gun,' Baltimore Sun (2019), <https://www.baltimoresun.com/maryland/harford/aegis/cng-ag-belair-gun-arrest-0816-20190816-kqoovj7jhzgbxful3qriywzrme-story.html>

of 2019, a man living in Silver Spring pled guilty for selling ghost guns to prohibited purchasers.¹⁴ The FBI arrested three men in Maryland on January 16, 2020 for planning to incite racial violence using homemade guns. The men had made an assault style ghost gun which they planned to use at the January 20, 2020 gun rights rally in Richmond and specifically discussed using the guns to kill police officers and to encourage a “race war.”¹⁵ We can only expect that this trend will continue if no action is taken.

These unregulated and untraceable weapons are both being made and transported into Maryland, into the criminal market, and into the hands of those prohibited from owning firearms. It is important to act proactively and aggressively to prevent the continued proliferation of these weapons.

For these reasons, Brady strongly urges the Maryland Senate Judicial Proceedings Committee to report SB 958.

¹⁴ Cooper, “Long prison term for Maryland man who sold untraceable guns to criminals,” WTOP news (2019),<https://wtop.com/montgomery-county/2019/12/long-prison-term-for-maryland-man-who-sold-untraceable-guns-to-criminals/>

¹⁵ Stephens, “They Planned to Start a Race War. DIY Gun Kits Allowed Them to Build an Arsenal,” The Trace (2020), <https://www.thetrace.org/2020/01/white-supremacists-the-base-fbi-virginia-diy-ghost-gun/>
