



Testimony in Support of Public Safety - Untraceable and Undetectable Firearms

SB 624/HB 638

Karen Herren, JD, Director of Legislative Affairs
Marylanders to Prevent Gun Violence

February 17, 2021

Dear Chairman Smith, Vice-Chair Waldstreicher, and Members of the Committee,

Marylanders to Prevent Gun Violence is a statewide, grassroots organization dedicated to reducing gun deaths and injuries throughout the state of Maryland. MPGK has a particular focus on reducing urban gun violence and gun suicide. **We urge the committee to vote FAVORABLE with AMENDMENT on Senate Bill 624 to regulate untraceable and undetectable firearms.**

What the bill addresses

This piece of legislation seeks to address a form of firearms that are untraceable by law-enforcement. These self-assembled firearms—which can be built from kits or otherwise assembled parts — are referred to as ghost guns because they do not come with a serial number and are untraceable. In the traditional manufacturing process, the firearm manufacturer or importer will affix a serial number and markings that identify the manufacturer or importer, make, model, and caliber. Using this information, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) can track firearms from the manufacturer or importer through the distribution chain to the first retail purchaser. ATF works extensively with other law enforcement agencies to trace crime guns using this technique. Tracing is a powerful investigative tool, but it is dependent on the ability to identify firearms based on their serial numbers. Because the purveyors of the parts and kits used to make untraceable guns claim that they are not selling firearms, they also assert that these serialization requirements do not apply to them. Without a serial number, law enforcement cannot run a trace search on a firearm, making it difficult, if not impossible, to determine the chain of custody.

Kit or parts buyers are also and crucially allowed to circumvent the state's strong gun laws as the acquisition of these parts do not currently require any of the necessary safety steps (such as background checks) to keep guns out of the hands of prohibited people.

How SB 624 addresses the problem

This legislation mandates a serialization process and provides a mechanism to instigate a background check. The current lack of these two components make ghost guns particularly enticing to people who are either not currently permitted to purchase firearms or otherwise wish to have an untraceable weapon. Maryland has a robust system of laws related to the regulation of firearms, created by this body, passed in an effort to curb the tragedy of gun violence in this state. Individuals are using ghost guns as a work around, undermining the entire system.

The effects of not addressing the problem

Law enforcement around the United States is seeing an alarming increase in the number of ghost guns being recovered in investigations. California was among the first to report seeing these untraceable weapons show up in crimes. Two years ago they indicated that they were seeing 30% of recovered guns as un-serialized weapons. At the time, Maryland had not begun to carefully track recovery. In 2019, the ATF recovered 117 ghost guns in Maryland. Nearly a quarter of those were recovered in Baltimore. By December of 2020, Baltimore City Police had recovered more than three times as many ghost guns than they had in [2019](#). The Montgomery County Police Department reported collecting over 40 ghost guns in 2020 during investigations.

Critical amendment

MPGV supports SB 624 with the following amendment:

Amend § 5-704(c)(4) with the following:

Delete Current language

~~A FEDERALLY LICENSED FIREARMS DEALER, FEDERALLY LICENSED FIREARMS MANUFACTURER, AND FEDERALLY LICENSED FIREARMS IMPORTER SHALL MAINTAIN A RECORD LOG OF ANY SALE OR TRANSFER OF A FIREARM OR AN UNFINISHED FRAME OR RECEIVER AS REQUIRED BY FEDERAL LAW AND REGULATION;~~

Add:

A PERSON WHO SELLS OR TRANSFERS A FIREARM OR AN UNFINISHED FRAME OR RECEIVER THAT HAS BEEN MARKED IN ACCORDANCE WITH SUBSECTIONS (A) AND (B) OF THIS SECTION SHALL KEEP RECORDS OF SUCH TRANSFER OR SALE, INCLUDING THE SERIAL NUMBER OF THE PRODUCT, THE NAME AND ADDRESS OF THE PERSON RECEIVING THE PRODUCT, THE DATE OF THE TRANSFER OR SALE, AND THE HANDGUN QUALIFICATION LICENSE NUMBER OF THE PERSON RECEIVING THE PRODUCT, AND SHALL MAKE SUCH RECORDS AVAILABLE TO LAW ENFORCEMENT UPON REQUEST.

Explanation for Amendment

This record-keeping language is critically important because it is the only way that the serial numbers will have any meaning. Without these records, it will not be possible to link a serial number up to a retail sale, and therefore it will not enable tracing.

The problem is that the current language specifies that the records be kept “as required by federal law and regulation.” While this language is intended to import the specific standards for record keeping that exist under federal law, this could easily be read as only applying where federal law already applies, and under existing federal law and regulation, as interpreted by the federal government, there are no record-keeping requirements for unfinished frames and receivers. As drafted, existing ghost gun companies would be able to continue to exploit the same loopholes their industry relies on to evade Maryland’s record keeping requirement, and thereby continue to sell untraceable ghost guns. An additional benefit to the suggested language is that it codifies the availability of these records to law enforcement which would hopefully ease the tracing process by setting the authority to trace the records.

Conclusion

Efforts to prohibit ghost guns last year were met with opposition by gunsmiths and hobbyists who enjoy the process of creating firearms without the intent of harm or crime. The changes created with this new legislation should allow them a way in which they can continue their efforts while simultaneously plugging the holes created by unregulated ghost guns. With adjustments to §5-704(c)(4) as explained above, we ask for a **FAVORABLE WITH AMENDMENT** report on SB 958.