

Written Testimony on HB638, Untraceable and Undetectable Firearms
Submitted by Peter Benjamin on behalf of Marylanders to Prevent Gun Violence

I live in the Town of Garrett Park and I am a former mayor of the town. Garrett Park is in district 18, and we are pleased to have Delegate Shetty represent us on this committee.

A few years ago, few, if any of us had even heard of ghost guns. Today we are experiencing an exponential rise in the use of these firearms. These weapons do not have serial numbers, are home made by individuals from kits or with 3D printers and are thus untraceable when recovered after a crime and can be undetectable by a magnetometer. If they are untraceable, it is much harder to connect a criminal to a crime in which the gun was used. If they are undetectable, they can be brought into a government building or onto an airplane where they can be used for illegal purposes.

Ghost guns are not just handguns. Assault weapons can also be purchased in kits. A person can obtain such a gun without a background check and could even be a minor. The ability to construct ghost guns by almost any individual circumvents the requirements of existing gun sense legislation. Ghost guns, including assault weapons, have been used by people who could not pass a background check in numerous shootings with multiple victims. Individuals have also begun to produce ghost guns for sale.

It is critical that legislation be passed to prohibit firearms that cannot be detected by screening systems currently in use, that all firearms have a traceable serial number, and that a person purchasing a gun assembly kit or a gun assembled from such a kit pass a background check.

As presently proposed, HB638 has language regarding record keeping of the owners of the firearms associated with the serial numbers that Marylanders to Prevent Gun Violence believes might be deliberately misconstrued to allow sales of ghost guns without records of the transfers. Current language specifies that the records be kept "as required by federal law and regulation." Although this language is intended to specify the standards for record keeping that exist under federal law, it is possible that this could be construed 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. The concern is that, as drafted, sales of ghost guns could continue while exploiting the same loopholes that are used now to evade Maryland's record keeping requirement, and thereby continue the sale of untraceable ghost guns.

To prevent this from happening, Marylanders to Prevent Gun Violence proposes the following change:

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.

With the inclusion of that change I fully support passage of HB638.