

House Judiciary Committee
HB 1291 - Unfavorable
March 1, 2021

Mr. Chair, Madam Vice Chair, and Members of the Committee,

I understand fully the intent behind this bill, and I fully recognize the need to ensure that Maryland's law enforcement officers are able to track guns used in criminal activity and prevent their obtention by prohibited persons. However, given the nature of unfinished frames or receivers and their status (or lack thereof) within the US federal regulatory framework for firearms, this bill will not punish or prevent anyone who is already prohibited from possessing firearms from obtaining them in this manner (their behavior in this regard is already illegal, which this bill would not change). For a better solution I will only make a brief reference to another bill before the committee's consideration today, HB 638 - Untraceable and Undetectable Firearms.

What HB 1291 *will* do is needlessly proscribe legal and responsible home builders from exercising our 2nd amendment rights in a more technical way than just "buying a gun". There's a lot to be learned from the experience of building one, in terms of mechanics, appreciation for the materials, and in general, safety and respect for firearms themselves. Additionally, I believe that such a blanket ban on this type of hobbyist activity should only be considered in the context of and with data supporting their widespread and predominant use in criminal activity which posed an outside threat to the public. To evaluate this point I offer some data below for consideration:

- The TOTAL number of criminally-linked homebuilt firearms entered into the National Integrated Ballistic Information Network (a nationally accessible database where law enforcement can enter and retrieve information about specific firearms used in crime) stood at 1,678 as of April 2020.
- The number of firearms stolen from FFLs *just between 2012 and 2017* was over 40,000
- The number of firearms stolen from individual gun owners during the same period was over 1.8 million.
- The rate at which homebuilt firearms reported into NIBIN were linked to actual shooting incidents was less than 3% higher than the rate at which commercially made firearms are linked to shooting incidents.

(Source: "Transcript - Presidential Commission on Law Enforcement and the Administration of Justice - 4-8-2020.pdf" submitted alongside this testimony)

Given the above data, we can all but conclude that not only are homebuilt firearms barely more likely to be linked to reported shootings, but also that criminals are, in the vast majority of cases, still pursuing more traditional, less tech-intensive ways to obtain firearms, and that such a ban put forward by this bill would not stop a meaningful portion of that behaviour.

To conclude, I believe we shouldn't be criminalizing this more deliberate, sophisticated way to engage with guns and gunsmithing in our society, we should be encouraging it. How about a bill *requiring* anyone who wanted a gun to build it themselves? Humor aside, I believe

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we have commodified our gun culture enough, and if we want to return it to some sense of health or normalcy we should be looking for ways to reverse that trend, rather than make it the exclusive default.

I urge the committee issue an unfavorable report on HB 1291.

Thank you,
Andrew Seabrook