

## Testimony in Support of HB0638 – Public Safety – Untraceable and Undetectable Firearms

Maryland House Judiciary Committee

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Alex McCourt, JD, PhD, MPH

Director of Legal Research

Daniel Webster, ScD, MPH

Director

Johns Hopkins Center for Gun Violence Prevention and Policy

Johns Hopkins Bloomberg School of Public Health\*

Mr. Chairman, Madam Vice Chair, and members of the Committee, thank you for considering our testimony regarding House Bill 638. Alex McCourt is a public health lawyer and Director of Legal Research for the Center for Gun Violence Prevention and Policy. Daniel Webster is Bloomberg Professor of American Health and Director of the Center for Gun Violence Prevention and Policy. The views stated in this testimony are our own and do not necessarily reflect positions of Johns Hopkins University. HB 638, if enacted, would help Maryland address untraceable, self-made guns that subvert many effective gun violence prevention policies such as comprehensive background checks with handgun purchaser licensing.

Untraceable guns, commonly known as “ghost” guns, are constructed from unfinished frames or receivers that are largely unregulated. These frames and receivers, often called receiver blanks or 80% receivers, can be sold individually or as part of a kit. Marketing for these parts and kits often emphasizes that they allow individuals to easily and quickly build a gun at home. Guns constructed at home from kits or from separate parts generally lack serial numbers, which means that if these guns are recovered by law enforcement they cannot be easily traced. Gun tracing is essential for determining the origins of guns used in violence and identifying individuals engaged in trafficking.

More importantly, however, pieces and kits designed and sold for home firearm construction undermine key violence prevention policies. Over the last decade, Maryland has adopted several evidence-based firearm policies, including licensing (requiring a Handgun Qualification License, HQL) and Extreme Risk Protection Orders (ERPOs). Maryland has required background checks since the mid-1990s. Recent research has found that handgun purchaser licensing, in particular, is associated with decreased gun homicide and suicide<sup>1,2,3,4</sup> and background checks are associated with reductions in diversion of guns for criminal use.<sup>5</sup> In short, Maryland’s regulatory infrastructure is designed to identify those at high risk of engaging in violence against self or others and ensuring that they cannot access firearms while at risk. Untraceable, homemade guns undercut this scheme. Data from Baltimore and other localities show that criminal use of ghost guns is growing at an exponential rate and represents a significant threat to public safety. Law enforcement agencies are largely powerless to combat this problem without the proposed legislation.

Because the kits and pieces used to construct self-made guns at home are not currently defined as “firearms” under state or federal law, they can be purchased by anyone and without a background check. Even those that Maryland law recognizes as individuals at high risk of violence or self-harm are able to legally purchase handgun kits or unfinished receivers and have not broken the law until they complete the construction. Individuals with a history of violence or self-harm, those subject to an ERPO or domestic violence restraining order, and perhaps even minors are able to purchase all components necessary to finish and possess a gun.

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If enacted, HB 638 would bolster Maryland's gun regulations to their intended strength. It would also bring the state in line with peer states, including Connecticut, New Jersey, and Rhode Island, that have acted to regulate untraceable guns and unfinished receivers.

*\* Affiliation listed for identification purposes only. The opinions expressed herein are our own and do not necessarily reflect the views of The Johns Hopkins University*

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<sup>1</sup> McCourt AD, Crifasi CK, Stuart EA, Vernick JS, Kagawa RMC, Wintemute GJ, Webster DW. Purchaser Licensing, Point-of-Sale Background Check Laws, and Firearm Homicide and Suicide in 4 US States, 1985-2017. *Am J Public Health*. 2020 Oct;110(10):1546-1552. doi: 10.2105/AJPH.2020.305822.

<sup>2</sup> Crifasi CK, Meyers JS, Vernick JS, Webster DW. Effects of changes in permit-to-purchase handgun laws in Connecticut and Missouri on suicide rates. *Prev Med*. 2015 Oct;79:43-9. doi: 10.1016/j.ypmed.2015.07.013. Epub 2015 Jul 23. PMID: 26212633.

<sup>3</sup> Crifasi CK, Merrill-Francis M, McCourt A, Vernick JS, Wintemute GJ, Webster DW. Association between Firearm Laws and Homicide in Urban Counties. *J Urban Health*. 2018 Jun;95(3):383-390. doi: 10.1007/s11524-018-0273-3. Erratum in: *J Urban Health*. 2018 Oct;95(5):773-776.

<sup>4</sup> Webster D, Crifasi CK, Vernick JS. Effects of the repeal of Missouri's handgun purchaser licensing law on homicides. *J Urban Health*. 2014 Apr;91(2):293-302. doi: 10.1007/s11524-014-9865-8. Erratum in: *J Urban Health*. 2014 Jun;91(3):598-601.

<sup>5</sup> See summary in Webster DW, Wintemute GJ. Effects of policies designed to keep firearms from high-risk individuals. *Annu Rev Public Health*. 2015 Mar 18;36:21-37. doi: 10.1146/annurev-publhealth-031914-122516.