

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 740
Judiciary

(Delegate Dumais, *et al.*)

Criminal Law – Firearms – Computer–Aided Fabrication and Serial Number
(3–D Printed Firearms and Ghost Guns)

This bill prohibits a person from manufacturing a firearm after 1968, or using a computer-aided fabrication device to manufacture a firearm, that is not imprinted with a serial number issued by a federally licensed firearms manufacturer or importer. The bill, with specified exceptions, prohibits a person from possessing, selling, offering to sell, transferring, purchasing, or receiving a firearm manufactured after 1968, or manufactured with a computer-aided fabrication device unless the firearm is imprinted with a serial number issued by a federally licensed firearms manufacturer or importer. In addition, the bill establishes criminal penalties for violations of the bill's prohibitions.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

Local Effect: Potential minimal increase in revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: None.

Analysis

Bill Summary: A person who transports into the State, manufactures, possesses, sells, offers to sell, transfers, purchases, or receives a firearm manufactured after 1968, that is not imprinted with a serial number issued by a federally licensed firearms manufacturer or

importer is guilty of a misdemeanor and on conviction subject to maximum penalties of three years imprisonment and/or a \$5,000 fine.

A person is guilty of a misdemeanor and on conviction subject to maximum penalties of five years imprisonment and/or a \$5,000 fine if the person:

- uses a computer-aided fabrication device to manufacture a firearm that is not imprinted with a serial number issued by a federally licensed firearms manufacturer or importer; or
- possesses, sells, offers to sell, transfers, purchases, or receives a firearm manufactured using a computer-aided device that is not imprinted with a serial number issued by a federally licensed firearms manufacturer or importer.

The prohibitions relating to the use of a computer-aided fabrication device do not apply to (1) the manufacture or possession of a firearm for testing or experimentation authorized by the Secretary of State Police or the Secretary's designee or by a federally licensed gun manufacturer or (2) the possession of a firearm manufactured by a federally licensed firearms manufacturer or importer.

Current Law: Generally, State law prohibits a person from manufacturing for distribution or sale a handgun that is not included on the handgun roster in the State. However, law enforcement may not be aware of handguns manufactured within a person's home for personal use until the handgun is used or transferred.

The federal Undetectable Firearms Act prohibits a person from manufacturing, importing, selling, shipping, delivering, possessing, transferring, or receiving any firearm that is not as detectable by walk-through metal detector as a security exemplar containing 3.7 ounces of steel, or any firearm with major components that do not generate an accurate image before standard airport imaging technology. The federal prohibition was first enacted in 1988 and was renewed for 10 years in December 2013.

Background: Three-dimensional (3D) printing, also known as additive manufacturing, is a process that uses computer-aided design (CAD) files to direct a 3D printer to deposit a material, such as plastic, layer-by-layer, to create a 3D solid object of virtually any shape. The functionality of 3D-printed firearms varies depending on the quality of plastic used, the calibration and quality of the 3D printer, and post-printing assembly.

One of the first almost completely 3D-printed plastic handguns is known as the Liberator. The Liberator requires some post-printing assembly and is capable of firing a single shot. The only nonprinted components of the Liberator are the firing pin – a standard metal nail – and a six-ounce piece of steel. The six ounces of steel makes the Liberator detectable to a metal detector, as required under the federal Undetectable Firearms Act. Although federal

and State laws generally regulate the acquisition and possession of regulated firearms, rifles, and shotguns, 3D-printed firearms, such as the Liberator, do not have serial numbers and, as a result, are virtually untraceable.

The Liberator was designed and released by Defense Distributed, an online, open-source organization that develops digital schematics of firearms used in 3D printing and other automated firearm production. In 2012, Defense Distributed launched a website to publicly host firearm files available for public download for free or for a nominal donation. On May 6, 2013, Defense Distributed released the Liberator's plans online. Defense Distributed alleges that plans for the Liberator were downloaded more than 100,000 times in two days before the U.S. Department of State demanded that Defense Distributed remove from the Internet the Liberator's plans along with the plans of nine other 3D-printable firearms components. Ongoing litigation currently blocks online distribution of such plans in the United States.

Although 3D printing has received the most media attention, computer numerical controlled (CNC) milling is also revolutionizing the way firearms are produced at home. The Ghost Gunner 2 is a CNC mill sold with the cut codes to significantly create components of a firearm. The Ghost Gunner 2 is sold online by Defense Distributed for \$2,000. Like a 3D-printed firearm, a CNC milled component does not have a serial number. A CNC milled lower receiver is made of metal and is therefore more durable than a plastic 3D-printed component. Like traditionally handmade components, CNC milled components require post-milling assembly in order to produce a firearm capable of firing a bullet.

Additional Information

Prior Introductions: None.

Cross File: SB 882 (Senator Smith, *et al.*) - Judicial Proceedings.

Information Source(s): Baltimore, Garrett, Howard, and Montgomery counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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an/kdm

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