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PRESS RELEASE

FOR IMMEDIATE RELEASE:
August 20, 2021

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Attorney General Frosh Joins Coalition Calling for Stricter Regulation of Ghost Guns

BALTIMORE, MD (August 20, 2021) – Maryland Attorney General Brian E. Frosh has submitted a [comment](#) to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) encouraging it to finalize regulations that would make clear that ghost guns are firearms under federal law. By finalizing regulations, the ATF would dramatically reduce the availability of untraceable crime guns and would take a significant step in addressing the current gun violence epidemic.

The proposed rule, Definition of ‘Frame or Receiver’ and Identification of Firearms, updates the ATF’s interpretations of “firearm” and “frame or receiver” as used in the Gun Control Act of 1968 to clarify weapon kits and incomplete weapon parts, both of which can be easily converted into functioning guns, are covered by the Act. The ATF’s current regulations allow for the sale of weapon parts kits and certain weapon parts with no federal oversight, a loophole that certain manufacturers and gun dealers have eagerly exploited. As the coalition of attorneys general explained:

“Certain firearm dealers have capitalized on ... loopholes [in the existing regulations] to market so-called ‘ghost guns’—meaning weapons kits or partially complete receivers that can easily be converted into unserialized, operable weapons—outside the Gun Control Act’s framework. As dealers highlight in their marketing, these ghost guns are unregulated and can be purchased by anyone.”

The group argued that the ATF’s current interpretation of these definitions under the Gun Control Act does not properly enforce the Act, therefore contributing to violence in Maryland. Law enforcement intelligence makes clear that ghost guns are fast becoming the weapon of choice for many groups responsible for neighborhood violence because current regulations allow felons, violent criminals and others who cannot legally purchase a firearm to buy ghost guns.

The comment further states:

“For the Gun Control Act to work as Congress envisioned, the manufacture, transfer, and possession of firearms must all occur within the Act’s strictures. When any of that activity happens beyond the Act’s parameters, the Gun Control Act is ineffectual at ‘keeping guns out of the hands of criminals and others who should not have them, and assisting law enforcement authorities in investigating serious crimes.’ ...The Bureau’s non-enforcement of certain portions of the Gun Control Act has effectively created room for firearm manufacturers to openly defy the statute.”

The coalition asserted that this failure to accurately regulate firearms has provided an opportunity for gun dealers to sell unregulated, dangerous firearms. According to recent media reports, the Baltimore Police Department (BPD) recovered 126 unserialized guns in 2020 and by July 2021, had already recovered over 140. In contrast, in 2019, the BPD recovered just 29 unserialized guns.

“Ghost guns are fueling gun violence and are a threat to public safety,” said Attorney General Frosh. “Ghost guns are becoming a weapon of choice for criminals because they are much more difficult to track to its source or illegal owner.”

It is hardly surprising that individuals without legal access to a firearm would resort to these untraceable weapons, or that those weapons would be used to commit a crime. Accessing a firearm that avoids the serialization required under the Gun Control Act makes it harder to connect the firearm with either its source or its unlawful user. For these reasons, several courts have observed. The group of attorneys general explained that, to maintain the integrity of the Gun Control Act, the ATF must revise its regulations so that they encompass modern gun designs. The group also offered the ATF several suggestions to clarify the proposed rule and prevent future abuses by gun manufacturers.

In addition to Maryland, the comment was joined by the Attorneys General of California, Colorado, Connecticut, Delaware, Illinois, Maine, Massachusetts, Michigan, Minnesota, New Mexico, New Jersey, New York, Oregon, Pennsylvania, Virginia, Washington, Wisconsin, and the District of Columbia.