

Oregon Department of Justice

Office of the Attorney General

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HB 2005: UNDETECTABLE AND UNSERIALIZED FIREARMS (“GHOST GUNS”)

Background:

Undetectable and unserialized firearms (aka “ghost guns”) pose serious risks to public safety. When used to commit crimes, ghost guns frustrate law enforcement investigations, because they lack a serial number and cannot be easily traced back to their owner. 3D printed ghost guns evade security measures, as they can be made without metal components and will pass through a metal detector without setting off the alarm. Ghost guns can also be obtained without a background check. Despite all of this, ghost guns are currently unregulated under Oregon law.

Ghost guns have become more common and easier to obtain. Loopholes in state and federal laws have allowed unfinished and unserialized guns to be sold online and assembled at home. Developments in 3D printing technology have allowed for the unlimited generation of undetectable firearms using only a home computer and over-the-counter components. Plans for these guns can be downloaded online and made by a printer that costs less than \$2,000. While in the past these weapons were often crude, one-shot devices, the sophistication and affordability of the technologies involved in their assembly are advancing rapidly. A 3D printer can now produce a sophisticated AR-15 or semi-automatic pistol.

Unserialized firearms are turning up at crime scenes by the tens-of-thousands and have become the popular weapons of choice among terrorists and violent extremists, according to a [June 2021 bulletin](#) by the federal Joint Terrorism Assessment Team (JCAT), a partnership between the FBI, the National Counterterrorism Center, and Homeland Security. According to the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), from 2016 through 2020, law enforcement agencies recovered nearly 24,000 untraceable firearms from potential crime scenes, including 325 homicides or attempted homicides. The number of ghost gun recoveries from 2018 to 2019 doubled among prohibited persons and felons.

Ghost guns are a particular problem on the West Coast. While Oregon does not currently collect data on ghost guns, information from our neighbors to the South is telling. In California, ghost guns made up [about 30%](#) of all guns recovered in 2019, and they made up [41 % of guns](#) recovered in the Los Angeles area in 2020.

Ghost guns are especially attractive to people who are prohibited by law from possessing a firearm, including those who are convicted of felony domestic violence. A recent [report](#) by Everytown for Gun Safety examined more than 100 federal prosecutions involving ghost guns, finding that ghost guns are connected to violent criminal enterprises, gun trafficking rings, and far-right extremists. This sample included more than 2,500 ghost guns, many of which were assault-style or machine guns.

The federal government recently adopted new rules (effective August 24, 2022) that will partially address the sale of untraceable firearms, requiring all unfinished frames and receivers to be treated like any other firearm. This means they must be serialized and sold through the legal background check process. The federal rules will go a long way to prevent the further sale and distribution of ghost guns that can be purchased online and built at home. But they are not a panacea.

Strikingly, the federal rules do not address the problem of 3D printed firearms. Nor do they regulate possession of any undetectable or untraceable firearm. These are places where Oregon can step in.

Concept:

HB 2005 will address both undetectable and untraceable “ghost guns,” affirming Oregon’s commitment to responsible gun ownership. More specifically, the bill will:

- Prohibit undetectable firearms: Any firearm that cannot be detected by a metal detector or other security exemplar would be prohibited for sale, manufacture or possession. Violations punishable as a Class A Misdemeanor for possession and Class B Felony for sale and manufacture .
- Prohibit unserialized firearms and unfinished frames and receivers: The possession, sale or transfer of such a firearm would result in a Class B Violation (\$525 presumptive, \$135-\$1,000 minimum to maximum) for a first-time offense.
- Provide exceptions for antique firearms, firearms manufactured prior to the enactment of the federal Gun Control Act of 1968, inoperable firearms, and possession by and transfers to federally licensed firearms dealers, manufacturers and importers.

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