

House Bill 2005

To whom it may concern,

I have read through HB 2005 and am concerned regarding the potential impacts to individuals subject to the amended rules. Please excuse any inaccurate use of legal terms as I am not an attorney. My method here is to be honest in describing pro HB 2005 arguments while also providing superior alternatives or opposing arguments.

Section 4: 4. (1) A person may not knowingly possess, offer for sale, sell or transfer a firearm unless the firearm has been imprinted with a serial number by a federally licensed firearm manufacturer, importer or dealer, or a gunsmith with a federal firearms license, in accordance with federal law.

My interpretation of this law is that any firearm, including personally made firearms, would be illegal if serialization is not present. Furthermore the purpose of the law is to prevent the broad commercial sale of unfinished firearms that a lay person could finish. However I believe this bill wrongfully targets personally made firearms not from commercial purchase. There are many individuals capable of manufacturing frames and receivers from raw billet materials using personally owned equipment and highly technical skills sets that a lay person would not possess. I believe HB 2005 negligently targets these individuals by de facto serialization requirements. Instead of defining what exactly constitutes an unfinished firearm, the law simply bans any business model or vague description of technical specifications that may appear to be an unfinished firearm without ffl regulation. I see no exception in the law where a highly skilled individual could manufacture a personal firearm legally without having the appropriate ffl license. I believe that due to cost, difficulty and readily available illegal firearms, there is no convincing argument that personal firearm manufacturing provides a mechanism often used for criminal intent. I point to ATF rulings that have not banned personally made firearms. The intent I believe of HB 2005 is to target individuals seeking to avoid background checks in an economically feasible manner with relatively low skill. Currently partially completed receivers and frames can be purchased in an 80% completion form and with several hundred dollars of tools and a few hours of labor, a functioning receiver or frame can be completed. I understand the concern here. This opens up a relatively cheap and fast way for some individuals to manufacture a firearm they are not legally allowed to possess. They avoid the historical checks and balances seen prior to this industry. Ie historically a person not legally allowed to possess a firearm must convince a direct family member to commit a felony or the person must undertake dangerous felony theft or illegal purchase. The failure of a background check forces an individual into one of these paths to obtain a firearm.

I will propose an alternative plan that has the following characteristics to balance gun control needs with personal liberties. Background checks, serial numbers, sale controlled by FFL, privacy of purchaser. Unfinished firearms are sold only by FFL dealers. No serial number exists at the time of purchase for the following reasons. The item is not yet manufactured. The individual is ensured their purchase is not tracked by an illegal registry. And finally the item is unfinished and factory new, as such no need exists to verify it was not used in a crime or stolen.

The individual still receives a background check to ensure they are legally allowed to own a firearm. Once the individual completes the firearm, they are required to place a serial number within 7 days and keep record of that number should the firearm be stolen. Make serial numbers at least 12 digits to ensure no repeats. No private party transfers of unfinished firearms unless done so through normal FFL rules. This measure would subject a lay person to a background check, but also offer the right to privacy a skilled person would have.

Given the alternative plan above, I would also like to discuss some broader legal implications of this bill. All firearms needing destroyed that are currently legal would in effect be seized by the state. I see this as a serious violation of the 4th amendment.

Additionally, firearms are unique in the process of search and seizure by police, and I believe great care should be taken in prioritizing officer safety while maintaining to the greatest extent possible, an individuals 4th amendment rights. If the lack of a serial number provides adequate suspicion for the commission of a felony, police have significantly more authority to arrest and search broadly speaking. Some individuals in this scenario could be entirely legal today, but a felon should HB 2005 be passed. After the passing of HB 2005 the only increase to confiscations and prosecution will be individuals who were found to be carrying legally but did not have a serial number. Individuals not allowed to possess a firearm will be identified either way. If police chose to run the serial number they contend with reasonable time for detention, and the fact that the person produced a special concealed handgun license. There is no screening value in this process to identify additional criminal possession. There is however a unique and identifiable erosion of 4th amendment protections related to federal laws.

Because of the reasons above, and many more, I strongly appose HB 2005. I will continue to evaluate each law based on it's merits. I find HB 2005 critically flawed and damaging. I believe this should not progress towards legal establishment. Thank you for your time.