

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1569

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H.P. 1131

House of Representatives, April 16, 2019

### **An Act To Prohibit Untraceable and Undetectable Firearms**

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative RECKITT of South Portland.  
Cosponsored by Representatives: CARNEY of Cape Elizabeth, COLLINGS of Portland,  
HEPLER of Woolwich, JORGENSEN of Portland, MASTRACCIO of Sanford, MORALES of  
South Portland, NADEAU of Winslow, SCHNECK of Bangor.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 25 MRSA §§2015 to 2017** are enacted to read:

3 **§2015. Undetectable firearms prohibited**

4 **1. Undetectable firearm defined.** As used in this section, "undetectable firearm"  
5 means a firearm that can operate while in a form that is not detectable as a security  
6 exemplar, as defined in 18 United States Code, Section 922(p)(2)(C).

7 **2. Penalty for manufacture, import, sale or transfer of undetectable firearm.** A  
8 person that manufactures or causes to be manufactured within this State, that imports into  
9 this State or that offers, exposes for sale, sells or transfers an undetectable firearm  
10 commits a Class C crime.

11 **3. Penalty for possession of undetectable firearm.** A person who knowingly  
12 possesses an undetectable firearm commits a Class D crime.

13 **4. Penalty for possession of undetectable firearm in courthouse.** A person who  
14 knowingly possesses an undetectable firearm in a courthouse or who possesses an  
15 undetectable firearm with the intent to bring that firearm into a courthouse commits a  
16 Class C crime.

17 **§2016. Untraceable firearms prohibited**

18 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
19 following terms have the following meanings.

20 **A. "Additive manufacturing"** means a manufacturing process in which material is  
21 added in order to produce a product, including, but not limited to, 3-dimensional  
22 printing, in which layers of material are laid down in succession.

23 **B. "Downloadable gun"** means a firearm manufactured or produced using additive  
24 manufacturing.

25 **C. "Downloadable gun code"** means digital instructions in the form of computer-  
26 aided design files or other code or instructions stored and displayed in electronic  
27 format as a digital model that may be used to manufacture or produce a firearm,  
28 firearm receiver, magazine or firearm component using additive manufacturing.

29 **D. "Serialization"** means placing a serial number on a firearm frame or receiver in  
30 accordance with the procedures for the serialization of a firearm in 18 United States  
31 Code, Section 923(i) and all regulations issued pursuant to that section, including, but  
32 not limited to, 27 Code of Federal Regulations, Section 478.92.

33 **E. "Serial number"** means a unique identifying number.

34 **F. "Unfinished frame or receiver"** means a frame or lower receiver blank, casting or  
35 machined body that requires further machining or molding to be used as part of a  
36 functional firearm and is designed and intended to be used in the assembly of a  
37 functional firearm. "Unfinished frame or receiver" does not include a piece of

1 material that has had its size or external shape altered solely to facilitate  
2 transportation or storage or has had only its chemical composition altered.

3 G. "Untraceable firearm" means a downloadable gun without a serial number or a  
4 firearm manufactured, assembled or produced without serialization using an  
5 unfinished frame or receiver.

6 **2. Penalty for manufacture, possession, assembly, import, sale or transfer of**  
7 **untraceable firearm.** A person who knowingly possesses, manufactures or assembles or  
8 causes to be manufactured or assembled within this State, imports into this State or offers,  
9 exposes for sale, sells or transfers an untraceable firearm commits a Class D crime.

10 **3. Penalty for manufacture, import, sale or transfer of downloadable gun;**  
11 **exception.** A person who manufactures or causes to be manufactured within this State,  
12 imports into this State or offers, exposes for sale, sells or transfers a downloadable gun  
13 commits a Class D crime unless:

14 A. The person has a federal license to manufacture firearms;

15 B. The name of the manufacturer and an individual serial number is conspicuously  
16 placed on the frame or receiver; and

17 C. The person maintains records relating to the downloadable gun in accordance  
18 with the procedures for record keeping related to firearms in 18 United States Code,  
19 Section 923(g) and all regulations issued pursuant to that section, including, but not  
20 limited to, 27 Code of Federal Regulations, Part 478, Subpart H.

21 **4. Penalty for importation, sale or transfer of unfinished frame or receiver;**  
22 **exception.** A person who imports into this State or offers, exposes for sale, sells or  
23 transfers an unfinished frame or receiver commits a Class D crime unless:

24 A. The person is a federally licensed firearm dealer;

25 B. The name of the manufacturer and a serial number is conspicuously placed on the  
26 unfinished frame or receiver;

27 C. The person applies for and receives a certification from the chief law enforcement  
28 officer in accordance with the procedures specified in section 2013 for the sale of a  
29 firearm; and

30 D. The person maintains records relating to the unfinished frame or receiver in  
31 accordance with the procedures for record keeping related to firearms in 18 United  
32 States Code, Section 923(g) and all regulations issued pursuant to that section,  
33 including, but not limited to, 27 Code of Federal Regulations, Part 478, Subpart H.

34 **5. Penalty for possession of unfinished frame or receiver that is not serialized;**  
35 **exception.** A person who knowingly possesses an unfinished frame or receiver that is not  
36 serialized commits a Class D crime unless:

37 A. The person has a federal license to manufacture firearms; and

38 B. The unfinished frame or receiver is an unfinished part within a manufacturing  
39 process that includes serialization.

1           **6. Penalty for distribution of or making accessible downloadable gun code;**  
2           **exception.** A person who distributes downloadable gun code to another person or makes  
3           downloadable gun code available such that it can be accessed and downloaded by another  
4           person commits a Class D crime unless:

5           A. The distribution is to a specific individual;

6           B. The distributor requests that the chief law enforcement officer provide a  
7           certification as to the person receiving the downloadable gun code in accordance with  
8           the procedures specified in section 2013 for the transfer of a firearm and receives the  
9           certification;

10          C. The distributor maintains records relating to the downloadable gun code in  
11          accordance with the procedures for record keeping related to firearms in 18 United  
12          States Code, Section 923(g) and all regulations issued pursuant to that section,  
13          including, but not limited to, 27 Code of Federal Regulations, Part 478, Subpart H;  
14          and

15          D. The firearm for which the downloadable gun code provides instructions is not  
16          prohibited under state or federal law, including, but not limited to, prohibitions on  
17          undetectable firearms.

18           **§2017. Legislative intent regarding restrictions on undetectable or untraceable**  
19           **firearms and downloadable gun code**

20           The Legislature finds that undetectable and untraceable firearms are a danger to the  
21           residents of this State. The Legislature finds that the restrictions imposed on undetectable  
22           firearms pursuant to section 2015, on untraceable firearms pursuant to section 2016 and  
23           on the dissemination of downloadable gun code pursuant to section 2016 are necessary to  
24           ensure that undetectable and untraceable firearms, as defined in sections 2015 and 2016,  
25           respectively, are clearly prohibited in the State, except as specifically provided. The  
26           Legislature further finds that these restrictions are necessary to discourage and prevent  
27           the dissemination of firearms that are undetectable in metal detectors and other security  
28           screening devices, that are untraceable due to the lack of a serial number or other form of  
29           required firearm identification and that can readily be possessed by those who may not be  
30           legally able to do so under existing federal and state laws. The Legislature finds that the  
31           restrictions imposed pursuant to sections 2015 and 2016 are necessary to prevent the  
32           widespread possession of these dangerous weapons before they become a prevalent  
33           problem in this State and a threat to the health and well-being of the residents of this  
34           State.

35   **SUMMARY**

36           This bill regulates the manufacture, distribution and possession of so-called ghost  
37           guns and so-called 3-D printed guns or 3-D guns, which are fully functioning firearms  
38           that can be made at home by unlicensed firearm manufacturers, sellers and distributors  
39           either by purchasing the necessary parts separately, or as part of mail order gun kits, and  
40           then assembling them at home or by downloading a computer code from the Internet that  
41           allows the user to manufacture the gun using a 3-D printer. This bill provides definitions  
42           of "undetectable firearm" and "untraceable firearm" and prohibits the manufacture,

1 import, sale, transfer and possession of such firearms with certain exceptions. This bill  
2 also prohibits, with certain exceptions, the dissemination of downloadable gun code from  
3 which untraceable firearms can be manufactured.