

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1454

H.P. 1070

House of Representatives, April 12, 2021

An Act To Prohibit Untraceable and Undetectable Firearms

Received by the Clerk of the House on April 8, 2021. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative ZAGER of Portland.
Cosponsored by Representatives: BAILEY of Gorham, BELL of Yarmouth, DOUDERA of Camden, HARNETT of Gardiner, MILLETT of Cape Elizabeth, MORALES of South Portland, OSHER of Orono, SACHS of Freeport.

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

2 **Sec. 1. 25 MRSA §2015** is 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 who manufactures or causes to be manufactured within this State, who imports into
9 this State or who offers, exposes for sale, sells or transfers an undetectable firearm commits
10 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, school, voting**
14 **place or place of municipal, county or state business.** A person commits a Class C crime
15 if that person:

16 A. Knowingly possesses an undetectable firearm in a courthouse, on school property
17 where the possession of a firearm is prohibited pursuant to Title 20-A, section 6552, in
18 a voting place as defined in Title 21-A, section 1, subsection 49 or in a place where
19 municipal, county or state business is conducted; or

20 B. Possesses an undetectable firearm with the intent to bring that firearm into a
21 courthouse, onto school property where possession of a firearm is prohibited pursuant
22 to Title 20-A, section 6552, into a voting place as defined in Title 21-A, section 1,
23 subsection 49 or into a place where municipal, county or state business is conducted.

24 **Sec. 2. 25 MRSA §2016** is enacted to read:

25 **§2016. Untraceable firearms prohibited**

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

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

31 B. "Downloadable gun" means a firearm manufactured or produced using additive
32 manufacturing.

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

37 D. "Serial number" means a unique identifying number.

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

1 F. "Unfinished frame or receiver" means a frame or lower receiver blank, casting or
2 machined body that requires further machining or molding to be used as part of a
3 functional firearm and is designed and intended to be used in the assembly of a
4 functional firearm. "Unfinished frame or receiver" does not include a piece of material
5 that has had its size or external shape altered solely to facilitate transportation or storage
6 or has had only its chemical composition altered.

7 G. "Untraceable firearm" means a downloadable gun without a serial number or a
8 firearm manufactured, assembled or produced without serialization using an unfinished
9 frame or receiver.

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

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

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

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

21 C. The person maintains records relating to the downloadable gun in accordance with
22 the procedures for record keeping related to firearms in 18 United States Code, Section
23 923(g) and all regulations issued pursuant to that section, including, but not limited to,
24 27 Code of Federal Regulations, Part 478, Subpart H.

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

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

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

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

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

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

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

