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Legislative Document

No. 1569

H.P. 1131

House of Representatives, April 16, 2019

An Act To Prohibit Untraceable and Undetectable Firearms

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 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.