

March 22nd, 2023

The Honorable Jason Kropf  
Oregon State Senate  
State Capitol Building  
Salem, OR 97301

Position: Oppose

Location: Hearing Room D

**Re: HB 2005**

Dear Members of the House Committee on Judiciary:

As the trade association for America's firearms, ammunition, hunting, and recreational shooting sports industry, the National Shooting Sports Foundation ("NSSF") seeks to promote, protect, and preserve hunting and the shooting sports. NSSF has a membership of more than 12,000 manufacturers, distributors, firearms retailers, shooting ranges, and sportsmen's organizations. Our manufacturer members make the firearms used by law-abiding Oregon sportsmen, the U.S. military and law enforcement agencies throughout the state.

**This letter is to express NSSF's opposition to HB 2005, a bill that defines and bans so-called "undetectable firearms" and "unfinished frame or receivers".**

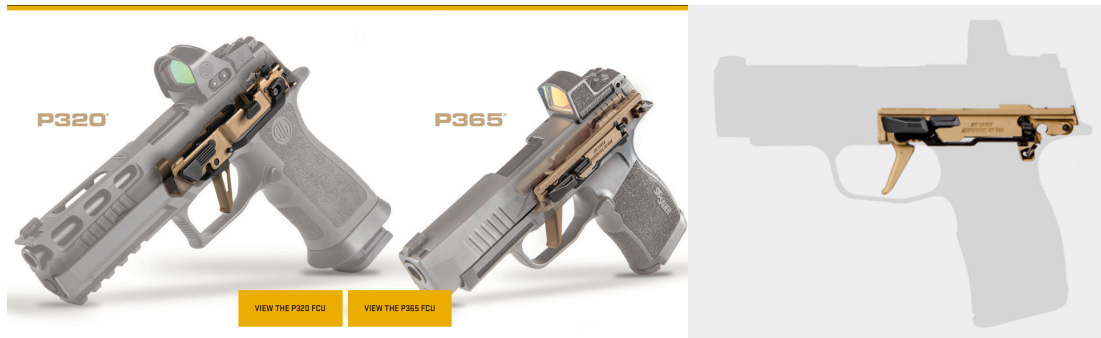
NSSF's interest in this initiative derives principally from the fact its federally licensed firearms manufacturer, distributor and retail dealer members engage in lawful commerce in firearms and ammunition in Oregon and throughout the United States, which makes the exercise of an individual's constitutional right to keep and bear arms under the Second Amendment possible. The Second Amendment protects NSSF members and others from statutes and regulations seeking to ban, restrict or limit the exercise of Second Amendment rights. As such, the determination of whether a statute improperly infringes upon the exercise of Second Amendment rights by way of a complete ban on commonly owned firearms accessories is of great importance to NSSF and its members.

**Problematic Definitions**

HB 2005 specifically contains a problematic definition. Under Section 1(5), the bill states,

*"Frame means the part of a handgun, or variant of a handgun, that provides housing or a structure for the primary energized component designed to hold back the hammer, striker, bolt or similar element, prior to initiation of the firing sequence, even if pins or other attachments are required to attach the component to the housing or structure."*

Unfortunately, this definition doesn't take into account modular firearms such as the Sig Sauer p320 and p365 which utilize a "Firing Control Unit" (FCU). The FCU is inscribed with a serial number not the "frame". Under the definition in HB 2005, mere accessories to this firearm would be illegal under Oregon law and the very definition of a "firearm" would differ from federal law (see illustration below).



These “frames” or “receivers” are closer to a hunk of plastic or metal than a working firearm receiver. End users are required to obtain a working FCU which must have a serial number for this “firearm” to be operable. It is important to note that this legal activity is still regulated by federal firearm laws and a FCU is treated as a firearms ie must go through the same transfer process including background checks.

## Background

Despite the sensational headlines about cases of “undetectable” firearms, all firearms are heavily regulated under current federal law, regardless of how they are manufactured.

The 1968 Gun Control Act, the 1988 Undetectable Firearms Act and other federal laws all govern firearms produced by a 3D printing process or any other process, just as they apply to conventional manufacturing processes using machine tools.

What does it mean for a firearm to be “undetectable?” Some headlines suggest that 3D printed firearms are undetectable, as they are primarily made of polymer materials, not metal. Others warn about scary-sounding “ghost guns” that cannot be traced by law enforcement due to a lack of a serial number.

## 3D Printers Cannot Produce an Undetectable Firearm

Setting aside the fact that 3D printing is a high cost, limited production technology that does not present a public safety risk, it is already illegal under the federal Undetectable Firearms Act to manufacture, import, sell, ship, deliver, possess, transfer, or receive an undetectable firearm. Even firearms produced with 3D printing technology are required to include a component made of metal, and hence detectable by metal detectors and x-ray machines. In addition, ammunition cartridges are made with metal components that are detectable. Of course, even without metal components, current Transportation Security Agency (TSA) screening machines will detect an object, regardless of its composition.

## Ghost Guns are a Gun Control Bogeyman

Americans have always had the ability to legally make firearms on their own and some choose to do so as a hobby. It has not created a wave of “ghost guns.” It has allowed individuals who are passionate about building their own firearms to assemble them in their homes. This is the exception, not the rule. The overwhelming majority of firearms are bought through commercial sales, produced by manufacturers and sold by retailers that are federally licensed and regulated.

What is not legal is manufacturing firearms without a federal license. As established by the Gun Control Act of 1968, federal law requires a license to engage in the business of dealing firearms.<sup>1</sup> The phrase at stake is “engaged in the business,” which is defined in current Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) regulations. The phrase “engaged in the business,” as applicable to a firearms dealer, is defined as a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms, but such term shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms.<sup>2</sup>

In order to comply with the law, a new “dealer” would need to apply for and obtain a license, including paying the required fees and submitting to a background check and fingerprinting, comply with state and local laws (including state licensing in the 15 states where required), local business laws, and zoning laws which may or may not allow the individual to operate what would likely be a home-based firearms business. The “licensed premises,” likely the gun owner’s private home, would have to be open to ATF inspection once a year.

ATF policy for many years has been that the licensed premises must be open to the public. Indeed, item 11 of ATF Form 7, Application for License, requires applicants to list hours of operation for all seven days. Applicants would have to get ATF approval to operate by appointment only.

Among myriad other requirements, the new licensee must keep and maintain for life federally mandated records on the acquisition and disposition of firearms and must keep any Form 4473 for at least 20 years.<sup>3</sup> All firearms in their collection which are for sale would have to be entered into the acquisition and disposition record. In addition, they would have to register with the Federal Bureau of Investigation’s background check system, the National Instant Criminal Background Check System (NICS), request the FBI or Point of Contact (POC) state to run the background check for each transfer, report to ATF and their local chief law enforcement officer on the multiple sale of handguns to the same person within a 5 day period, report lost or stolen firearms to the ATF and to local authorities within 48 hours, and provide Youth Handgun Safety Act notices and a gun safety device with each handgun sold. When a licensee goes out of business, which might include any year that they would dispose of fewer firearms than the number established by regulation, it must send its required records to the ATF Out of Business Records Repository.

Firearms are not the only area where such a distinction exists between a hobby and a business. Consider the fact that it is perfectly legal to prepare dinner for one’s family and friends in one’s home without a federal license. Yet, if the same person decides to open a restaurant and prepare the same food for others as a business, that business is subject to a set of laws and regulations designed to keep the restaurant industry safe. Federally licensed firearms retailers are committed to following the laws and regulations **that apply to their businesses.**

### **Criminals Break the Law**

If the argument is that criminals won’t follow the existing laws and regulations, there is no evidence they will abide by new laws. By definition, criminals don’t have respect for the law. According to a government survey of prison inmates, over 90 percent of inmates obtained their firearms from an illegal or black-market source or from friends and family. Enacting further laws at the state or federal level to make the possession of an illegal firearm more illegal will not deter criminal behavior.

Rather than layering another level of regulation on law-abiding hobbyists and businesses, lawmakers should seek enforcement of the existing stringent laws and regulations.

Due to the negative unintended consequences and unclear definitions the National Shooting Sports Foundation is opposed to HB2005, and we would urge the committee to vote no on the bill.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M Findlay', with a long, sweeping underline.

Michael Findlay  
Director of Government Relations – State Affairs  
National Shooting Sports Foundation

Cc:

Vice-Chair Representative Tom Andersen  
Vice-Chair Representative Kim Wallan  
Member Representative Janelle Bynum  
Member Representative Farrah Chaichi  
Member Representative Charlie Conrad  
Member Representative Rick Lewis  
Member Representative Lily Morgan  
Member Representative Lisa Reynolds  
Member Representative Thuy Tran