



January 25, 2024

Vermont State Senate

Senate Committee on Judiciary

RE: Support for S.209, *An act relating to prohibiting unserialized firearms and unserialized 18 firearms frames and receivers*

Members of the committee:

My name is Joe Platte and I serve on the state government affairs team for GIFFORDS, the gun safety group founded by former congresswoman, gun violence survivor, and gun owner Gabby Giffords. Unfortunately, as you can see, that also means that I am not my colleague from the Giffords Law Center, and Burlington's own, Billy Clark, who testified extensively in front of the committee last year in support of H.230 and S.3. If there are any questions that I am not able to answer in my capacity today, I am happy to connect you all with Billy as soon as possible.

I am speaking today to express GIFFORDS's strong support for Chairman Sears's S.209. As the committee continues to consider this and other important legislation, we remain grateful to Chairman Sears for his leadership and believe this bill is central to the fight to save lives from gun violence in Vermont.

In states like Vermont that have made significant progress in passing common sense gun safety measures, a fast-growing market has developed for products such as ghost gun build kits that enable anyone to quickly and easily assemble their own firearms at home from unregulated gun parts. These products seek to exploit a legal loophole in the word "firearm" itself; the ghost gun industry has claimed that because its products are not completely finished and assembled, they are not (yet) "firearms" and are therefore not subject to state and federal laws governing the sale and manufacture of "firearms". All that S.209 would do is simply ensure that these kits are regulated as firearms under Vermont law and would help prevent them from reaching dangerous individuals who are already prohibited from possessing firearms.

To put it simply, this bill is essential for making sure that laws that are already on the books, such as background check requirements, are enforced.

The essential component of these ghost gun build kits is the "*unfinished* frame or receiver." If the frame or receiver of a firearm is finished or complete, it is considered and regulated as a "firearm" under

federal and state laws, **but these products' sole purpose is to avoid those very same laws. That is exactly why they are an especially attractive source of weapons for gun traffickers and people, including minors, who could not pass a background check to acquire a traditional completed gun.**

Vermont public safety officials, as Chairman Sears has mentioned in previous committee hearings, have warned about the growing threat of ghost guns where they are becoming a source of deadly weapons for people who could not pass a background check or who otherwise wish to conceal their involvement in gun trafficking or other gun crimes. For example:

- In 2023, over a four-day period, Bennington police seized four ghost guns, along with 10,000 bags of fentanyl and large quantities of cocaine.
- Also in 2023, a convicted felon in Rutland was charged with possessing a ghost gun after having purchased a popular Polymer80 ghost gun kit online.
- A ghost gun was recovered at the scene of a 2022 shooting in Pownal, in a case where three individuals currently face trial on attempted murder charges.

Senator Sears's bill both requires serialization for firearms and treats *unfinished* frames and receivers as firearms - meaning that dangerous, disqualified people cannot avoid a background check by ordering a ghost gun kit and completing the firearm themselves. When Vermont and federal law has already determined that such a person cannot possess a firearm, regulating unfinished frames and receivers ensures that this intent is effectively carried out, and prevents violence that would result from such a person possessing a firearm.

Last week, witnesses before the committee expressed concern that this bill would impact otherwise law-abiding Vermonters from assembling their own firearms. To be clear, the current text of this bill would in no way prevent someone from building their own firearm. It simply means that you must pass a background check and comply with other regulations already on the books just like you would for a fully assembled weapon.

The logic is simple: if it walks like a duck, and all you have to do is drill a couple holes and snap off a few pieces of plastic, to get it to quack like a duck, the law should treat it as a duck.

In recent years, many states, including nearby Connecticut, Rhode Island, and New York, have acted to address this fast-growing ghost gun crisis by enacting critical reforms to regulate the sale and manufacture of ghost gun products. And we expect Massachusetts to do the same this year. This bill would bring Vermont regulations in line with many nearby states and prevent the state from becoming a destination for ghost guns.

**This bill represents a chance for Vermont to address the growing threat of ghost guns head on. It is our belief that S.209 is a commonsense approach to the issue and would be a significant step for public safety in Vermont. We strongly support this bill and I look forward to answering any questions. Thank you.**

Sincerely,  
Joe Platte,  
State Legislative Manager, GIFFORDS