



NATIONAL RIFLE ASSOCIATION OF AMERICA

INSTITUTE FOR LEGISLATIVE ACTION

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NRA

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Senate Committee on the Judiciary
115 State Street
Montpelier, VT 05633

Dear Chair Sears, Vice Chair Hashim, and Honorable Members of the Committee,

Thank you for the opportunity to testify in front of your committee regarding the National Rifle Association's opposition to S. 209, "An act relating to prohibiting unserialized firearms and unserialized firearms frames and receivers, and to juvenile offenses in the Criminal Division." "Ghost gun" laws have been signed into law in several states and have failed to have any significant impact on criminal activity. Because of this, the NRA and our members urge you to oppose this legislation as it will only serve as another burden on law-abiding gun owners.

The ambiguous term "ghost gun" is a new invention of anti-gun advocates in an attempt to restrict the gun-rights of law-abiding citizens. First and foremost, a prohibited individual is prohibited from owning a firearm regardless of how the firearm was made. This means that whether that possessed firearm was manufactured in a factory, or made through the use of a kit, it does not change the fact that possession of that firearm by a prohibited individual is a criminal act.

S. 209 seeks to implement failed California-style policies that require serialization of firearm parts in Vermont. This policy ignores aspects of firearm ownership such as the necessity of replacing broken or malfunctioning parts on a firearm. It is unreasonable to request that law-abiding citizens identify and contact a willing Federal Firearm Licensee (FFL), obtain serial numbers, pay to have them imprinted, and complete another background check for property they already own, every time they repair or replace critical parts of a firearm. This cumbersome policy is yet another tax on gun-owners and will overburden state and local police agencies tasked with maintaining these records.

There are several technical issues with this bill as well. One of the largest problems is within the definition of "frame or receiver." The definition of the bill is modeled similarly to how the proposed federal rule defined the term, but that was substantially changed in the final federal rule because it was entirely too vague. If you look at the final federal rule in Title 27, Chapter II, Subchapter B, Part 478 (see addendum), you can see the many examples ATF added in order to avoid the vagueness issue that is inherent to this type of definition. This varies drastically from the simplified definition in S. 209.

The current definition in the bill would create numerous problems for current firearm designs. Multi-part receiver designs like the AR-15 would be effectively banned unless all upper receiver

is are serialized as well. The definition would also likely apply to the slide on essentially all semi-automatic pistol designs. This would result in common handguns with unserialized slides becoming contraband under this bill if it is passed.

The federal rule that this bill relies on for certain serialization procedures is also currently subject to multiple legal challenges. The 5th Circuit recently vacated a large portion of the rule in *VanDerStok v Garland*. Due to on-going legal challenges surrounding definitions and serialization, it would be prudent for Vermont to wait until this is settled law at the federal level.

Finally, the voluntarily serialization procedure creates major issues as well. With the current broad definition of frame or receiver, coupled with large quantities of firearm parts needing to be serialized to comply with state law and the need to complete background checks and transfers for every firearm, many FFLs that have serialization capabilities will likely not participate in the program. This bottleneck will result in Vermont gun-owners being unable to obtain the very serializations the law mandates, rendering their firearm illegal strictly due to administrative backlogs.

Criminals by definition do not follow the law, and assuming that they will follow these serialization laws is misguided. This will be just one more burden for law-abiding gun owners in Vermont who already with restrictive laws in Vermont and at the federal level. Because of this, and the reasons stated above, the National Rifle Association strongly opposes this bill.

Sincerely,

Justin E. Davis
State Director, NRA-ILA