



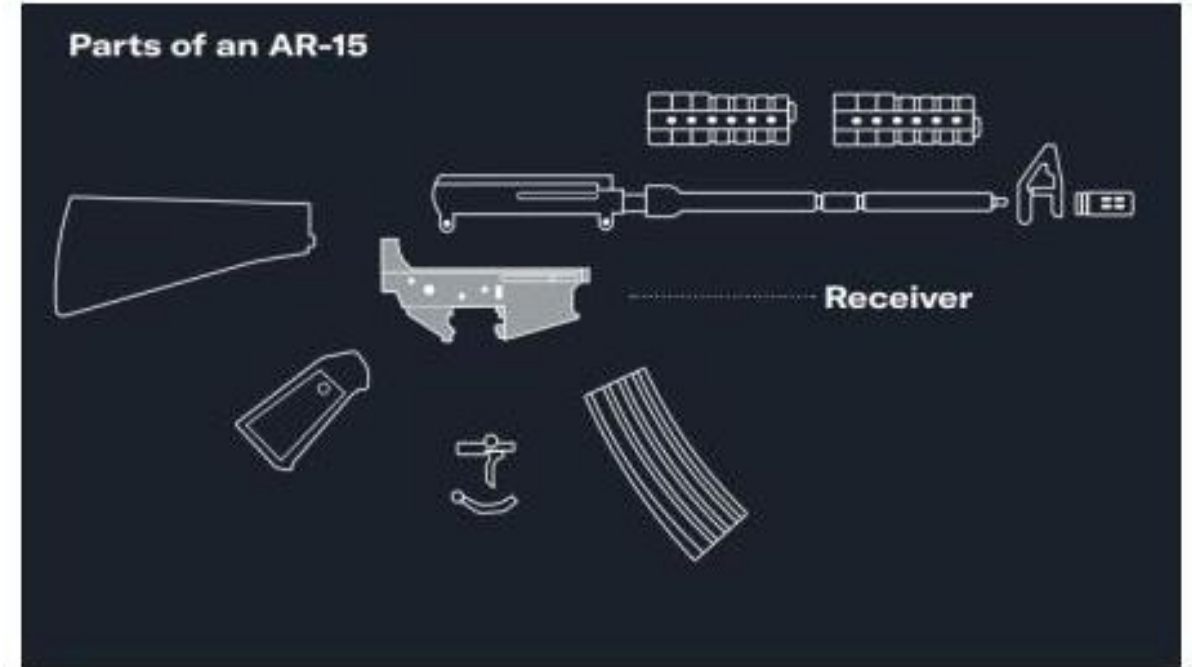
Prohibiting “Ghost Guns” in Denver

Denver City Attorney’s Office
Prosecution and Code Enforcement Section

Safety, Housing, Education & Homelessness Committee
December 8, 2021

What does the term “Ghost Gun” mean?

Firearm Frames and Receivers



The frame or receiver brings together the trigger and other parts of the gun that are key to firing a bullet. Current federal law requires complete frames and receivers to have a serial number. Receivers that are not fully finished (80%ers) are not currently considered a firearm, not required to have a serial number, and do not require a background check to purchase.

“Ghost Guns”



The term “ghost gun” describes homemade firearms that don’t have serial numbers or markings that would enable them to be tracked to their maker, seller, or original owner.

For years, law enforcement authorities referred to these firearms as “homemade” guns, “kit” guns, or privately made firearms (PMFs). “Ghost gun” is a relatively new term.



The most popular way to make a ghost gun is to buy pre-made parts and assemble them into a gun at home.

Non-serialized parts can also be 3D printed or carved from metal by computer numeric control machines.

Why are “Ghost Guns” a problem?

Why are “Ghost Guns” a problem?

They are easy to obtain without a criminal background check

- Background checks prevent individuals who are banned from owning guns under state or local law from purchasing firearms from licensed dealers.
- However, anyone can order parts online and create their own gun at home without having to undergo a background check.

They make it harder to solve and prevent crime

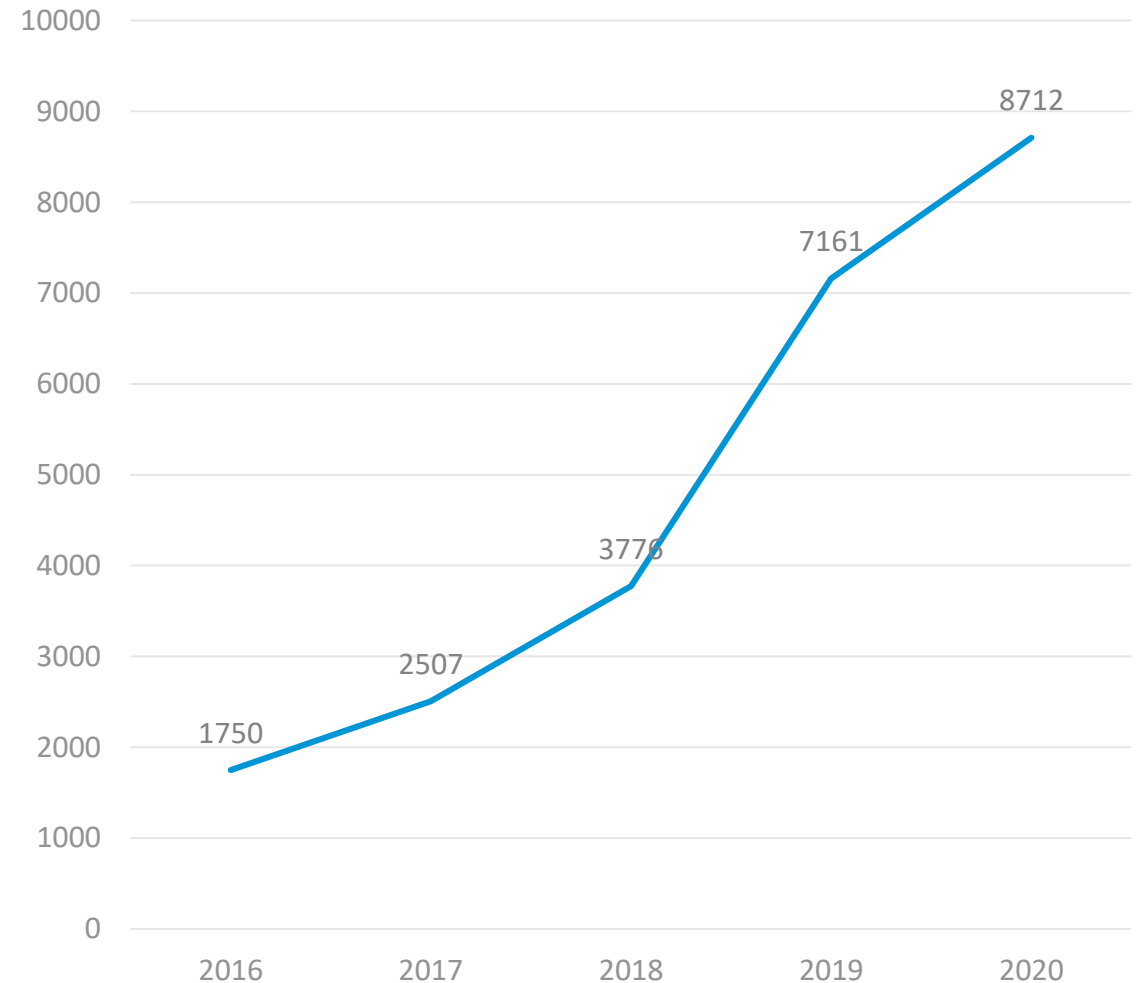
- When a law enforcement agency recovers a firearm in a criminal investigation, the serial number helps identify the manufacturer, distributor, seller, and purchaser.
- This information can be key to solving crimes and provide insights into gun trafficking patterns.
- It is nearly impossible to get such information about a gun without a serial number.

How prevalent are “Ghost Guns”?

- More and more are being used to commit crime.
- At least **23,906** non-serialized guns were found by law enforcement at crime scenes, including 325 homicides or attempted homicides, between 2016 and 2020.

Ghost guns at crime scenes: 2016-2020

ATF - Office of Strategic Intelligence and Information (March 4, 2021)



“Ghost Gun” Confiscations by the Numbers

Chicago

- 2016: 2
- 2020: 139

New York City

- 2018: 17
- 2019: 48
- 2020: 150
- 2021: 120 by August

San Francisco

- 2016: 6
- 2019: 77
- 2020: 164

Washington, D.C.

- 2017: 3
- 2018: 25
- 2019: 116, with at least three in connection with homicides.
- 2020: 38 by February

Denver

- 38 since November 2019 (about 2% of firearms recovered)

FOR IMMEDIATE RELEASE

Wednesday, December 30, 2020

Glock ghost guns up for grabs on the dark web

23 MARCH 2021

Philadelphia Man Sentenced to 12 1/2 Years for Trafficking Methamphetamine and Weapons, Including 'Ghost Guns,' Near Schools

Use of 3D printed guns in German synagogue shooting must act as warning to security services, experts say

FOR IMMEDIATE RELEASE

Thursday, July 11, 2019

Indiana Residents Indicted on Terrorism and Firearms Charges

Brothers Charged with Manufacturing Fully Automatic Rifles Knowing They Would Be Sent to ISIS Overseas

FOR IMMEDIATE RELEASE

Friday, January 29, 2021

Burbank Man Arrested on Federal Complaint Alleging He Sold 'Ghost Guns' Out of His Hookah Lounge

TSA Confiscated 3D-Printed Guns at Raleigh-Durham International Airport



Are other jurisdictions adopting
“Ghost Gun” regulations?

Federal Action on “Ghost Guns”

On April 7, 2021, the Biden Administration announced that it would be taking action “to address the gun violence public health epidemic.”

On May 7, 2021, the Department of Justice issued a notice of proposed rulemaking to address the proliferation of “ghost guns,” in line with the directive from the Biden Administration.

The proposed rule updates the **definitions** for “firearm” and “firearm frame and receiver.”

The proposed rule also sets out **requirements** for federally licensed firearms dealers to add a serial number to any “ghost gun” they acquire before it can be sold.

The updated definition of “firearm frame or receiver” clarifies that unfinished frames or receivers are considered firearms and thus require a serial number on frames and receivers included in gun kits.

The updated definition of “firearm” clarifies when a firearm parts kit is considered a “firearm” and thus requires a background check before sale.

“Ghost Gun” Legislation in other Jurisdictions

8 U.S. Cities and Counties

- Bridgeport, CT
- Columbia, SC*
- Montgomery County, MD*
- New York, NY
- Philadelphia, PA
- San Diego, CA*
- San Francisco, CA
- Washington, DC*

11 States

- California
- Connecticut
- Delaware
- Hawaii
- Nevada*
- New Jersey
- New York
- Pennsylvania
- Rhode Island
- Virginia
- Washington

*challenged in court

CAO's Proposed Ordinance

Stakeholders



Bill Section Summary

Section 4

This bill section contains the updated weapons division, including new provisions to prohibit non-serialize firearms.

Sections 1, 2, 3, 5,
and 8

- These sections of the bill move ordinance sections into a more appropriate location in the D.R.M.C. and make any necessary clarifying language changes.

Sections 6 and 7

These bill sections update terminology to be consistent with usage and provide clarity in courtroom proceedings.

Sections 9 and 10

These bill sections update code section cross-references to chapter 38.

“Ghost Gun” Provisions

Definitions

- Weapon
- Firearm
- Firearm frame or receiver
- Non-serialized firearm

Unlawful Acts

- Unlawful to possess, wear, carry, transport, flourish, discharge, manufacture, and sell non-serialized firearms

Affirmative Defenses

- Affirmative defenses available for other weapons shall not apply to non-serialized firearms

Definitions

- The Denver ordinance would streamline definitions used in the weapons code.
- Definitions that pertain to the prohibition of “ghost guns” include weapon, firearm, firearm frame or receiver, and non-serialized firearm.
- The definitions for “firearm” and “firearm frame and receiver” are in line with the proposed definitions set forth by the Department of Justice.
- The ordinance uses the more precise term “non-serialized firearm,” rather than the colloquial term “ghost gun.”



Unlawful Acts

The ordinance would make it unlawful to

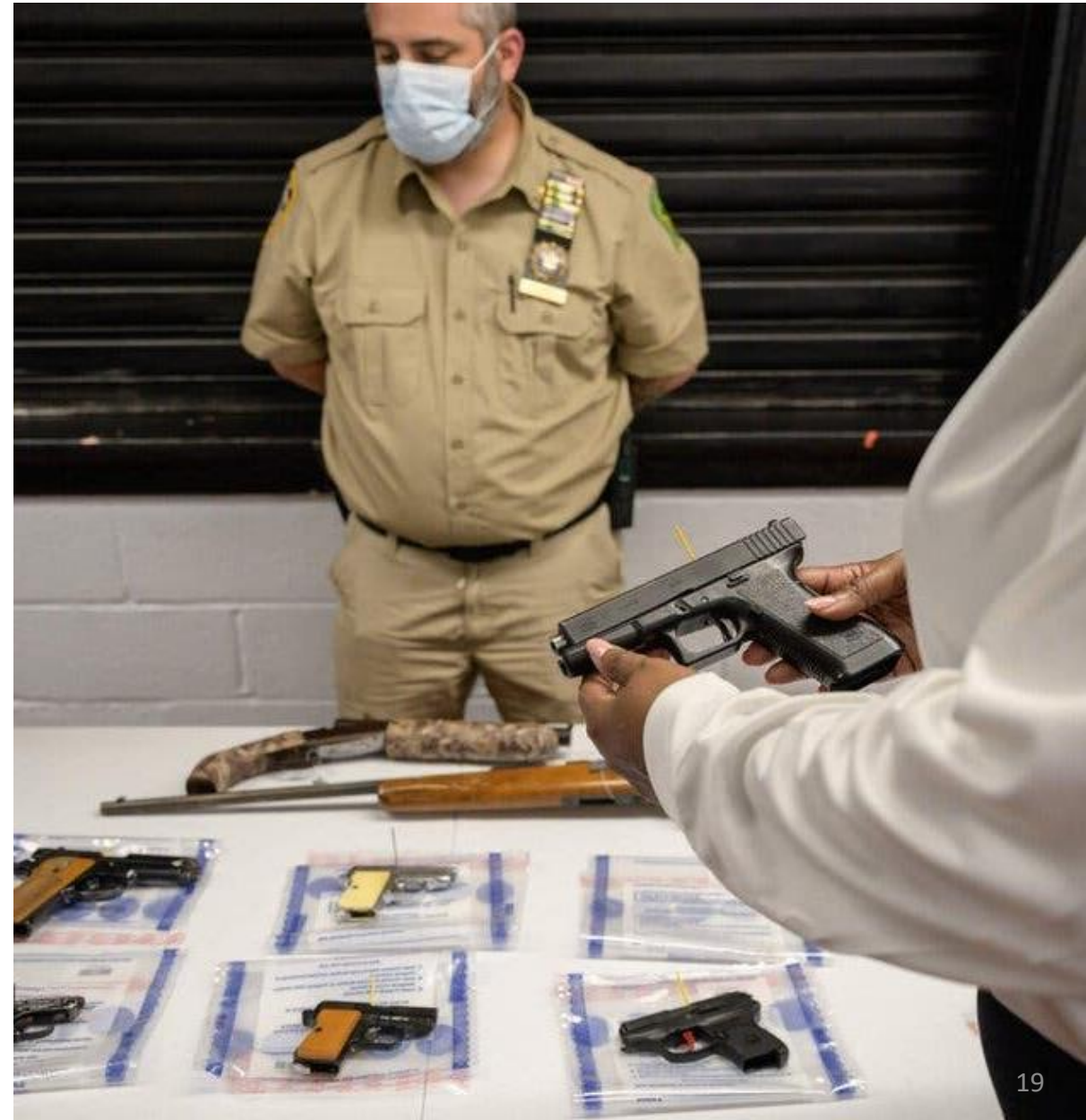
- Possess
- Wear, carry, or transport (open or concealed)
- Display or flourish
- Discharge
- Manufacture
- Sell

any non-serialized firearm (including any non-serialized firearm frame or receiver).



Affirmative Defenses

- Law enforcement officials acting in their official duty are not subject to the unlawful acts.
- Affirmative defenses available for violations of these unlawful acts other weapons shall not apply to any non-serialized firearm (including any non-serialized firearm frame or receiver).



Penalties

Anyone convicted of possessing a non-serialized firearm is subject to the following penalties:

- Forfeiture of the weapon;
- A fine of up to \$999.00; and
- Up to 300 days in jail



Questions?