

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 4-21: WEAPONS-PROTECTION OF MINORS AND PUBLIC PLACES-RESTRICTIONS AGAINST GHOST GUNS AND UNDETECTABLE GUNS

SUMMARY

The Office of Legislative Oversight (OLO) expects Bill 4-21 to favorably impact racial equity and social justice by narrowing public health and safety disparities among County residents by race and ethnicity.

BACKGROUND

On January 19, 2021, the Council introduced Bill 4-21; it aims to reduce crime and violence in the County involving ghost guns and other untraceable firearms, especially involving minors and heavily populated areas.¹

The phrase "ghost gun" refers to do-it-yourself firearms that are untraceable and/or undetectable.² Ghost guns include firearms that:

- Are constructed to avoid detection, lack serial numbers (usually provided by traditional manufacturers);
- Can be built using 3-D printers or similar technology, and/or using kits where 80% of the firearm is preconstructed; and
- Can be fully assembled using readily available tools (instruction can be found online).³

What makes ghost guns more dangerous than typical firearms is that they lack serial numbers and a background check requirement for purchase.⁴ As such, people who would usually be prohibited from purchasing firearms, like youth and certain convicted felons, can acquire these types of firearms.⁵

Of note, Bill 4-21 responds to the consistently increasing number of undetectable firearms recovered by law enforcement in the Metropolitan Washington region over the past few years. For example:

- In 2020, Washington D.C. police recovered 282 ghost guns compared to three in 2017; nine of these firearms were reportedly involved in homicides.⁶
- In 2020, the Montgomery County Police Department recovered 43 ghost guns in the County; the majority were retrieved from District 3, which serves Silver Spring.⁷

Bill 4-21 aims to reduce firearm violence in the County, focusing on increasing public safety.⁸ It seeks to strengthen law regarding firearms and other weapons by broadening key definitions and increasing restrictions related to weapon compliance in the County.⁹ If implemented, it would make the following modifications to County law:¹⁰

- Define terms related to firearm laws;
- Restrict the manufacture, possession, use, sale, and transfer of ghost guns, undetectable guns, and certain other firearms with respect to minors;
- Restrict the manufacture, possession, use, sale, and transfer of ghost guns, undetectable guns, and certain other firearms within 100 yards of places of public assembly; and
- Generally amend the law regarding firearms and other weapons.

RESJ Impact Statement

Bill 4-21

DEMOGRAPHIC DATA

Understanding the impact of Bill 4-21 on racial equity and social justice in the County requires a review and analysis of local data describing incidents of firearm violations and violence.

As noted in Table 1, a review of the Montgomery County Police Department data finds a 31% increase in firearm recoveries over the past five years.¹¹ A review of data compiled by Healthy Montgomery, the County's community health improvement initiative, further finds that disparities in firearm hospitalization rates by race and ethnicity.¹² Black residents experienced an age-adjusted firearm hospitalization rate of 8.6 per 100,000 persons from 2016-2018 compared to 2.4 for Latinx residents, 1.2 for White residents, and 0.3 for Asian residents.¹³ These findings suggests that the increase in firearm recoveries may disparately impact Black and to a lesser extent Latinx residents.

Table 1: Montgomery County Firearm Incidents

Race and Ethnicity	2015	2016	2017	2018	2019	Change
Homicides	30	16	23	20	15	-15
Non-Fatal Shootings	**	90	79	93	99	**
Firearm Recoveries	767	877	912	941	1,047	+280

Sources: Montgomery County Police Department Crime Reports 2015-2019

Disproportionality by race in local firearm hospitalizations is consistent with state and national data describing disproportionality by race in firearm deaths. For example, data compiled by the Center for Disease Control shows that Black residents represented 29% of Maryland's population but represented 57% of the victims killed by firearms in 2018.¹⁴ Nationally, Black people represented 19% of the Country's population but represented 25% (9,959 a total of 39,740 people) of the victims killed by firearms in 2018.¹⁵

ANTICIPATED RESJ IMPACTS

Assuming the number of firearms and firearms recoveries drive firearm injuries, reducing the number of firearms in the County should reduce the number of firearm hospitalizations. Given that Black and Latinx residents face the highest rates of firearm hospitalizations, a decline in available firearms should disproportionately benefit Black and Latinx residents. Consequently, OLO anticipates that Bill 4-21 would favorably impact racial equity and social justice in the County by reducing firearm hospitalizations and potentially narrowing the gap in local firearm hospitalization rates by race and ethnicity.

METHODOLOGIES, ASSUMPTIONS, AND UNCERTAINTIES

This RESJ impact statement and OLO's analysis rely on several information sources, including Census data, MCPD Reports, and unpublished ghost gun data, and County Council packets. OLO also reviewed several sources to understand trends and disparities in firearm incidents by race and ethnicity locally and nationally. These include:

RESJ Impact Statement

Bill 4-21

- Causes of Injury-Related Death, 2018, Center for Disease Control and Prevention¹⁶
- Racial Equity Profile, Montgomery County, Office of Legislative Oversight¹⁷
- Healthy Montgomery Core Measures Data Summary

OLO also visited the websites of Marylanders to Prevent Gun Violence,¹⁸ Everytown Research,¹⁹ and the Educational Fund to Stop Gun Violence²⁰ for information.

RECOMMENDED AMENDMENTS

The County's Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequalities are warranted in developing RESJ impact statements.²¹ OLO has determined that the key provisions included in Bill 4-21 align with the best practices for reducing disproportionality in firearm injuries. Consequently, this RESJ impact statement does not offer recommendations.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

CONTRIBUTIONS

OLO staffer Dr. Theo Holt, RESJ Performance Management and Data Analyst, drafted this RESJ statement with assistance from Dr. Elaine Bonner-Tompkins, OLO Senior Legislative Analyst.

¹ Montgomery County Council, Bill 4-21, Weapons-Protection of Minors and Public Places-Restrictions Against Ghost Guns and Undetectable Guns, December/January 2020/21, Montgomery County, Maryland.

² Ibid.

³ Ibid.

⁴ Katherine E. Beyer, Busting the Ghost Guns: A Technical, Statutory, and Practical Approach to the 3-D Printed Weapon Problem, Volume 103, Issue 3, 2014, Kentucky Law Journal, University of Kentucky. [Busting the Ghost Guns: A Technical, Statutory, and Practical Approach to the 3-D Printed Weapon Problem \(uky.edu\)](#)

⁵ Ibid.

⁶ Tom Jackman, Attorneys general in D.C., Md. And Va. Support lawsuit demanding AFT regulate 'ghost guns,' December 24, 2020, The Washington post.

⁷ Unpublished Ghost Gun Data compiled and shared with OLO on December 11, 2020 by the County Council.

⁸ Ibid

⁹ Bill 4-21

¹⁰ Ibid

¹¹ MCPD policy, Planning & Quality Assurance Division, 2019 Annual Report on Crime & Safety, Montgomery County Department of Police, Montgomery County Maryland. [2019 MCPD Annual Report on Crime and Safety FINAL \(1\).pdf \(montgomerycountymd.gov\)](#)

RESJ Impact Statement

Bill 4-21

¹² Healthy Montgomery Core Measures Data Summary

[https://www.montgomerycountymd.gov/healthymontgomery/Resources/Files/Reports/Healthy Montgomery Core Measures 2010-18.pdf](https://www.montgomerycountymd.gov/healthymontgomery/Resources/Files/Reports/Healthy%20Montgomery%20Core%20Measures%202010-2018.pdf)

¹³ Ibid

¹⁴ WISQARS, Explore Fatal Injury Data Visualization Tool, Causes of Injury-Related Death, 2018, Center for Disease Control and Prevention. <https://wisqars-viz.cdc.gov:8006/explore-data/explore/selected-years?ex=eyJ0YmkiOlsiMCJdLCJpbmRlbnRzIjpbIjAiXSwibWVjaHMiOlsiMjA4OTAiXSwic3RhZGUlOlsiMjQlXSwicmFjZSI6WylxliwiMlIjIjMiLCIiOlsiMlV0aG5pY3R5IjpbIjEiLCIyIiwiaWMydCJzZXgiOlsiMSIjIiIiXSwiYWdlR3JvdXBzTWluIjpbIjAwLTA0IiI0sImFnZUdyb3Vwc01heCI6WylxOTkiXSwiY3VzdG9tQWdlc01pbil6WylwIl0sImN1c3RvbUFnZXNNYXgiOlsiMTk5IiI0sImZyb21ZZWFyIjpbIjIwMTgiXSwidG9ZZWFyIjpbIjIwMTgiXSwieXBsbEFnZXMiOlsiNjUiXSwibWV0cm8iOlsiMSIjIiIiXSwiYWdlYnV0dG4iOil1WXliLCJncm91cGJ5MSI6IkkFHRUdQIn0%3D>

¹⁵

¹⁶ CDC Firearm Data.

¹⁷ Jupiter Independent Research Group, Racial Equity Profile Montgomery County, July 2019, Office of Legislative Oversight, Montgomery County, Maryland.

¹⁸ Marylanders to Prevent Gun Violence. <https://mdpgv.org/>

¹⁹ Everytown Research <https://everytownresearch.org/>

²⁰ The Educational Fund to Stop Gun Violence <https://efsgv.org/state/maryland/>

²¹ Montgomery County Council, Bill No. 27-19 Racial Equity and Social Justice, Montgomery County, MD.