



# Closing the Ghost Gun Loophole

HF 3407/SF 3661 is legislation to prohibit the creation, possession, and sale of ghost guns, given the clear danger these weapons pose to the safety of Minnesotans.

## Background on Ghost Guns

Ghost guns are firearms lacking serial numbers that can be 3D printed or assembled at home from kits sold online. These firearms present a serious problem for public safety in Minnesota for a number of reasons.

- **Ghost guns make criminal investigations more difficult:**

Ghost guns lack the serial numbers that traditional firearms have, rendering them untraceable, which can significantly impede law enforcement investigations. When law enforcement discovers a firearm at the scene of a crime, they can use the serial number to trace the gun from its manufacturer to the gun store that sold it to the person that bought it, who can then be interviewed. The lack of a serial number makes investigations into shootings involving ghost guns significantly more difficult.

- **Ghost guns lack a major deterrent for gun traffickers:**

Serial numbers on traditional firearms also deter individuals from illegally selling firearms to people prohibited from owning a gun, a process known as gun trafficking. For example, if several firearms are recovered at various crime scenes and are all traced back to someone who claims to no longer be in possession of them, law enforcement may begin an investigation into that individual for gun trafficking. Ghost guns' lack of a serial number makes it far harder to identify who sold the firearm.

- **Ghost guns bypass background checks:**

When firearms are either entirely 3D printed or assembled from kits purchased online, a process which can take an hour or two, the background check process is bypassed entirely, allowing dangerous individuals who cannot pass a background check to acquire a gun.

Given the increasing availability and ease of use of 3D printers, the problem of ghost guns is only getting worse. According to the ATF, 187 ghost guns were traced in Minnesota from 2017-2021. This number jumped to 631 in 2022-2023—a 237% increase. Between 2022-2023, Minnesota had the 16th most ghost guns recovered in crimes and submitted for tracing in the entire U.S, and ghost guns comprised 6% of all crime guns recovered in the state and submitted for tracing. So far, 15 states and the District of Columbia have passed legislation banning or regulating ghost guns.

## The Ghost Gun Loophole

Although Minnesota law already bans removing or altering a firearm's serial number, a recent Minnesota Supreme Court decision found that Minnesota's statute only requires firearms to have serial numbers if the guns were required to be serialized under federal law. By tying Minnesota's current statute to constantly changing federal regulatory standards that currently do not outright prohibit all ghost guns, the ruling created a significant loophole in state law that requires lawmakers' urgent attention.



## HF 3407/SF 3661

Attorney General Ellison, Senator Latz, and Representative Pinto's legislation closes the ghost gun loophole and combats the threats posed by ghost guns through the following means.

- **Sale, Transfer, and Distribution:**

Prohibiting individuals without federal firearms licenses from purchasing, selling, or transferring a finished firearm or unfinished frame or receiver, without a serial number.

Sometimes, ghost guns are sold as a kit that contains a receiver or frame, which is the body that houses the components of a firearm, as well as the remaining parts necessary to fully assemble the firearm. By targeting unfinished and unserialized frames and receivers, this legislation aims to prohibit as many of the different forms ghost guns can take as possible.

- **Possession:**

Prohibiting the possession of firearms without serial numbers, with a grace period for individuals who have applied for, but have not yet received, a serial number.

- **Manufacturing and Assembly:**

Requiring individuals without federal firearms licenses to obtain a serial number before completing the manufacture or assembly of a firearm, frame, or receiver, and capping at three per year the number of firearms, frames, and receivers that an individual can manufacture without a federal firearms license.

- **Serialization Process:**

Requiring individuals to bring unserialized firearms or unfinished frames or receivers to FFL dealers or other federal licensees authorized to provide marking services.

- **3D Printers:**

Restricting the use of 3D printers to manufacture firearms and prohibiting the distribution of design files used to 3D-print firearms.