

By: Representative Porter

To: Judiciary B

HOUSE BILL NO. 1336

1 AN ACT TO CREATE THE CRIME OF POSSESSING AN UNSERIALIZED
 2 FIREARM OR UNSERIALIZED UNFINISHED FIREARM FRAME OR RECEIVER,
 3 COMMONLY KNOWN AS "GHOST GUNS"; TO DEFINE CERTAIN TERMS; TO
 4 REQUIRE A FIREARM MANUFACTURED USING 3D PRINTING TECHNOLOGY TO BE
 5 SERIALIZED; TO PRESCRIBE REQUIREMENTS FOR THE SERIALIZATION OF
 6 FIREARMS; TO REQUIRE THE COMMISSIONER OF PUBLIC SAFETY TO PUBLISH
 7 NOTICE OF THE REQUIREMENTS OF THIS ACT; TO EXEMPT CERTAIN FIREARMS
 8 FROM THE SERIALIZATION REQUIREMENTS; TO ESTABLISH CRIMINAL
 9 PENALTIES FOR VIOLATIONS; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** (1) As used in this section, the following words
 12 and phrases have the meanings ascribed in this subsection unless
 13 the context clearly requires otherwise:

14 (a) "Bona fide supplier" means an established business
 15 entity engaged in the development and sale of firearms parts to
 16 one or more federal firearms manufacturers or federal firearms
 17 importers.

18 (b) "Federal firearms dealer" means a licensed dealer
 19 pursuant to 18 USC 921(a)(11).

20 (c) "Federal firearms importer" means a licensed
 21 importer pursuant to 18 USC 921(a)(9).



22 (d) "Federal firearms manufacturer" means a licensed
23 manufacturer pursuant to 18 USC 921(a)(10).

24 (e) "Fire control component" means a component
25 necessary for the firearm to initiate, complete or continue the
26 firing sequence, including any of the following: hammer, bolt,
27 bolt carrier, breechblock, cylinder, trigger mechanism, firing
28 pin, striker or slide rails.

29 (f) "Frame or receiver" means a part of a firearm that,
30 when the complete weapon is assembled, is visible from the
31 exterior and provides housing or a structure designed to hold or
32 integrate one or more fire control components, even if pins or
33 other attachments are required to connect those components to the
34 housing or structure. For those models of firearms in which
35 multiple parts provide the housing or structure, the part or parts
36 that the Director of the Federal Bureau of Alcohol, Tobacco,
37 Firearms and Explosives has determined are a frame or receiver
38 constitute the frame or receiver.

39 (g) "Security exemplar" means an object to be
40 fabricated at the direction of the United States Attorney General
41 which is:

42 (i) Constructed of three and seventh tenth (3.7)
43 ounces of material type 17-4 PH stainless steel in a shape
44 resembling a handgun; and

45 (ii) Suitable for testing and calibrating metal
46 detectors.



47 (h) "Three-dimensional printer" or "3D printer" means a
48 computer or computer-driven machine capable of producing a
49 three-dimensional object from a digital model.

50 (i) "Undetectable firearm" means:

51 (i) A firearm constructed entirely of nonmetal
52 substances;

53 (ii) A firearm that, after removal of all parts
54 but the major components of the firearm, is not detectable by
55 walk-through metal detectors calibrated and operated to detect the
56 security exemplar; or

57 (iii) A firearm that includes a major component of
58 a firearm, which, if subject to the types of detection devices
59 commonly used at airports for security screening, would not
60 generate an image that accurately depicts the shape of the
61 component. "Undetectable firearm" does not include a firearm
62 subject to the provisions of 18 USC 922(p)(3) through (6).

63 (j) "Unfinished frame or receiver" means any forging,
64 casting, printing, extrusion, machined body or similar article
65 that:

66 (i) Has reached a stage in manufacture where it
67 may readily be completed, assembled or converted to be a
68 functional firearm; or

69 (ii) Is marketed or sold to the public to become
70 or to be used as the frame or receiver of a functional firearm
71 once completed, assembled or converted.



72 (k) "Unserialized" means lacking a serial number
73 imprinted by:

74 (i) A federal firearms manufacturer, federal
75 firearms importer, federal firearms dealer or other federal
76 licensee authorized to provide marking services, pursuant to a
77 requirement under federal law; or

78 (ii) A federal firearms dealer or other federal
79 licensee authorized to provide marking services pursuant to
80 subsection (5) of this section.

81 (2) It is unlawful for a person to knowingly sell, offer to
82 sell or transfer an unserialized unfinished frame or receiver or
83 unserialized firearm, including those produced using a
84 three-dimensional printer, unless the party purchasing or
85 receiving the unfinished frame or receiver or unserialized firearm
86 is a federal firearms importer, federal firearms manufacturer or
87 federal firearms dealer.

88 (3) Beginning January 1, 2025, it is unlawful for a person
89 to knowingly possess, transport or receive an unfinished frame or
90 receiver, unless:

91 (a) The party possessing or receiving the unfinished
92 frame or receiver is a federal firearms importer or federal
93 firearms manufacturer;

94 (b) The unfinished frame or receiver is possessed or
95 transported by a person for transfer to a federal firearms
96 importer or federal firearms manufacturer; or



97 (c) The unfinished frame or receiver has been imprinted
98 with a serial number issued by a federal firearms importer or
99 federal firearms manufacturer in compliance with subsection (5) of
100 this section.

101 (4) Beginning January 1, 2025, unless the party receiving
102 the firearm is a federal firearms importer or federal firearms
103 manufacturer, it is unlawful for a person to knowingly possess,
104 purchase, transport or receive a firearm that is not imprinted
105 with a serial number by:

106 (a) A federal firearms importer or federal firearms
107 manufacturer in compliance with all federal laws and regulations
108 regulating the manufacture and import of firearms; or

109 (b) A federal firearms manufacturer, federal firearms
110 dealer or other federal licensee authorized to provide marking
111 services in compliance with the unserialized firearm serialization
112 process under subsection (6) of this section.

113 (5) A firearm or unfinished frame or receiver manufactured
114 using a three-dimensional printer must be serialized in accordance
115 with the requirements of subsection (6) before August 1, 2024, or
116 before reaching a stage of manufacture where it readily may be
117 completed, assembled or converted to be a functional firearm.

118 (6) Unserialized unfinished frames or receivers and
119 unserialized firearms serialized pursuant to this section must be
120 serialized in compliance with all of the following requirements:



121 (a) An unserialized unfinished frame or receiver and
122 unserialized firearm must be serialized by a federally licensed
123 firearms dealer or other federal licensee authorized to provide
124 marking services with the licensee's abbreviated federal firearms
125 license number as a prefix (which is the first three (3) and last
126 five (5) digits) followed by a hyphen, and then followed by a
127 number as a suffix (for example, 12345678-(number)). The serial
128 number or numbers must be placed in a manner that accords with the
129 requirements under federal law for affixing serial numbers to
130 firearms, including the requirements that the serial number or
131 numbers be at the minimum size and depth and not susceptible to
132 being readily obliterated, altered or removed, and the licensee
133 must retain records that accord with the requirements under
134 federal law in the case of the sale of a firearm. The imprinting
135 of a serial number upon an undetectable firearm must be done on a
136 steel plaque in compliance with 18 USC 922(p).

137 (b) Every federally licensed firearms dealer or other
138 federal licensee that engraves, casts, stamps or otherwise
139 conspicuously and permanently places a unique serial number
140 pursuant to this subsection must maintain a record of such
141 indefinitely. Licensees must make all records accessible for
142 inspection upon the request of the Department of Public Safety or
143 a law enforcement agency.

144 (c) Every federally licensed firearms dealer or other
145 federal licensee that engraves, casts, stamps or otherwise



146 conspicuously and permanently places a unique serial number
147 pursuant to this subsection must record the serial number at the
148 time of every transaction involving the transfer of a firearm,
149 rifle, shotgun, finished frame or receiver, or unfinished frame or
150 receiver that has been so marked in compliance with the federal
151 guidelines set forth in 27 CFR 478.124.

152 (d) Every federally licensed firearms dealer or other
153 federal licensee that engraves, casts, stamps or otherwise
154 conspicuously and permanently places a unique serial number
155 pursuant to this subsection must review and confirm the validity
156 of the owner's identification before returning the firearm to the
157 owner.

158 (7) In order to educate the public, the Commissioner of
159 Public Safety shall issue a public notice regarding the provisions
160 of this section. The notice must be posted on the Department of
161 Public Safety website and may be provided by written notification
162 or other means of communication statewide to all Mississippi-based
163 federal firearms manufacturers, federal firearms dealers or other
164 federal licensees authorized to provide marking services in
165 compliance with the serialization process in subsection (6).

166 (8) This section does not apply to an unserialized
167 unfinished frame or receiver or an unserialized firearm that:

168 (a) Has been rendered permanently inoperable;

169 (b) Is an antique firearm, as defined in 18 USC

170 921(a)(16);



171 (c) Was manufactured before October 22, 1968;
172 (d) Is an unfinished frame or receiver and is possessed
173 by a bona fide supplier exclusively for transfer to a federal
174 firearms manufacturer or federal firearms importer, or is
175 possessed by a federal firearms manufacturer or federal firearms
176 importer in compliance with all federal laws and regulations
177 regulating the manufacture and import of firearms, except that
178 this exemption does not apply if an unfinished frame or receiver
179 is possessed for transfer or is transferred to a person other than
180 a federal firearms manufacturer or federal firearms importer; or

181 (e) Is possessed by a person who received the
182 unserialized unfinished frame or receiver or unserialized firearm
183 through inheritance and who is not prohibited otherwise from
184 possessing the unserialized unfinished frame or receiver or
185 unserialized firearm, for a period not exceeding thirty (30) days
186 after inheriting the unserialized unfinished frame or receiver or
187 unserialized firearm.

188 (9) (a) A person who violates subsection (2) of this
189 section is guilty of a felony and upon conviction, must be
190 punished by a fine not to exceed Twenty-five Thousand Dollars
191 (\$25,000.00) or commitment to the custody of the Department of
192 Corrections for not less than one (1) year nor more than three (3)
193 years, or both.

194 (b) A person who commits a second or subsequent
195 violation of subsection (2) of this section is guilty of a felony



196 and upon conviction, must be punished by a fine not to exceed
197 Twenty-five Thousand Dollars (\$25,000.00) or commitment to the
198 custody of the Department of Corrections for not less than three
199 (3) years nor more than seven (7) years, or both.

200 (c) A person who violates subsection (3) or (4) of this
201 section is guilty of a misdemeanor and upon conviction, must be
202 punished by a fine not to exceed Two Thousand Five Hundred Dollars
203 (\$2,500.00) or confinement in the county jail not to exceed one
204 (1) year, or both.

205 (d) A person who commits a second or subsequent
206 violation of subsection (3) or (4) of this section is guilty of a
207 felony and upon conviction, must be punished by a fine not to
208 exceed Twenty-five Thousand Dollars (\$25,000.00) or commitment to
209 the custody of the Mississippi Department of Corrections for not
210 less than five (5) years nor more than ten (10) years, or both.

211 **SECTION 2.** This act shall take effect and be in force from
212 and after July 1, 2024.

