

**PRESENTATION OF CRIMINAL CHIEF H. TIMOTHY PERRY
ON BEHALF OF ATTORNEY GENERAL GORDON C. RHEA
REGARDING BILL NO. 35-0419, FOR AN ACT ENACTING THE
“VIRGIN ISLANDS FIREARM SERIAL NUMBER REGULATION ACT”
BEFORE THE THIRTY-FIFTH LEGISLATURE OF THE
VIRGIN ISLANDS, COMMITTEE ON HOMELAND SECURITY,
JUSTICE AND PUBLIC SAFETY
DECEMBER 11, 2024**

Good morning, Honorable Kenneth L. Gittens, Senate Majority Leader and Chairperson of the Committee on Homeland Security, Justice and Public Safety, to the other distinguished Senators, legislative staff, and the listening and viewing audience. Thank you for the opportunity to be here today to address this Chamber on this critical bill, Bill No. 35-0419, for an Act enacting the “Virgin Islands Firearm Serial Number Regulation Act”.

My name is Timothy Perry, I am the Chief of the Criminal Division at the Virgin Islands Department of Justice, I serve the St. Thomas and St. John Districts, under the leadership of the Attorney General, the Honorable Gordon C. Rhea.

The V.I. Department of Justice is fully in support of Bill no. 35-0419. The bill is titled the Virgin Islands Firearm Serial Number Registration Act, but colleagues, this is really the *Closing the Ghost Gun Loophole Act*.

What is a Ghost Gun? Ghost guns are working firearms that bear no serial mark. Since 1968, it has been federal law that all firearms are required to be stamped with a serial number. Ghost guns, on the other hand, are intentionally manufactured, as component parts, designed to be put together to make a fully functioning firearm,

but a gun that is Unserialized. Unserialized, no identifying numbers stamped on the weapon, and therefore an untraceable weapon.

These ghost guns fire the same bullets as a legal firearm, they are just as deadly. But these guns are specifically marketed to would-be criminals, as untraceable guns. And, increasingly, as throughout the United States, ghost guns are showing up here, now, on the streets of the Virgin Islands.

As Criminal Chief, it is my privilege to work daily with our police officers, the men and women of VIPD. Increasingly, I am hearing firsthand reports from officers who have made arrests, officers on crime scenes, officers who have recovered ghost guns, that is, guns with no identifying serial marks.

Closing a gap in the law. In the way of history, in 1968, with some amendments in 2001, this Legislative chamber passed 23 VIC §481, the Virgin Island law making criminal the possession of firearms with altered or obliterated serial marks. We can picture these guns, usually handguns, with the serial number scratched off with a chisel, obliterated. Criminals do this to render the gun untraceable. Virgin Islands Police recover a dozen or more of these guns, guns from crime scenes, guns with obliterated serial marks every year in the Virgin Islands.

But now, fifty years later after this chamber passed 23 VIC §481, the ban on guns with obliterated serial marks, increasingly, our officers are encountering guns with *no* serial marks. These guns cannot be charged under current V.I. law, as such a gun is not illegal under 23 VIC §481, because the serial mark was not altered, it wasn't obliterated—these guns were specifically designed to have *no* serial mark, to evade the law. A “ghost gun.” The bill before this chamber, proposes adding to T. 23, code section 490. This bill closes the ghost gun loophole.

This bill is also in line with national trends. *We are not alone*, in seeing an explosion in the number of ghost guns. The Brady Campaign to Prevent Gun Violence, the bipartisan group formed after President Ronald Reagan was shot by a gunman in 1981, reports that, between 2016 and 2021, the number of ghost guns — untraceable ghost guns recovered by law enforcement agencies nationwide, increased by over 1,000%.ⁱ In 2016, 1,758 ghost guns were recovered by law enforcement. Just five years later, in 2021, law enforcement recovered over 19,000 ghost guns. The U.S. Dept. of Justice reports that these ghost guns were implicated in almost 700 homicides or attempted homicides.ⁱⁱ

National Public Radio reported *just yesterday noon*, that the gunman in New York City, who murdered the CEO of United Healthcare in cold blood and led the nation on a manhunt, he was *carrying a ghost gun*. That gun, without serial number, was likely made on a 3D printer. The news reports, yet again, that these ghost guns are “difficult, if not impossible for law enforcement to trace.... ghost guns have been recovered from crime scenes across the U.S... used in homicides, domestic violence, robberies, killings of law enforcement officers, mass shootings and school shootings, including one [last week] that wounded two kindergarteners...”ⁱⁱⁱ The Feds, ATF reports that less than 1% of ghost guns are traceable back to their original purchaser.

We are not alone, in seeing an explosion in the number of ghost guns. We are also not alone in trying to do something about it. This legislation, 23 V.I.C. §490, the Virgin Islands Firearm Serial Number Regulation Act, *or, the Closing the Ghost Gun Loophole Bill*, is consistent with, and brings us up to date with, efforts across the United States. We join 16 other states and numerous localities in getting laws on the books to regulate or ban ghost guns.

In Hawaii, for example, the January 2022 law, HRS Hawaii Revised Statute § 134-10.2, makes it illegal to possess a firearm receiver that has not been provided a serial number that may be registered...^{iv}

In June 2022, the State of Maryland passed Senate Bill 387 (Untraceable Firearms Act), which requires a firearm to be imprinted... with a serial number...^v

New Jersey, New York, Washington, D.C., Illinois, have all drafted similar legislation, to regulate or ban ghost guns and their component parts, to that proposed, here, in the Virgin Islands today.

In Conclusion: I prosecute gun crime. I work with the families of victims of gun crime. And, I work with our brave police officers, the men and women who show up, at 2:00 am at Round the Field, after a shooting. This ghost gun bill is a commonsense fix to close a loophole in the law, to hold criminals accountable and to make our community safer.

There is no downside to this bill. This bill does not foreclose, in any way, the right of any man or woman in this Territory, to acquire and license a legal firearm. This is *exactly the way democracy is supposed to work*, A lawmaker, sees a community need, and crafts a fix. The Department of Justice is in full support of this bill.

Thank you, sincerely, for the opportunity to speak and offer testimony before this distinguished chamber, Honorable Chairman, thank you and I look forward to the committee's questions.

ⁱ <https://www.bradyunited.org/resources/issues/what-are-ghost-guns>

ⁱⁱ <https://www.justice.gov/opa/pr/justice-department-announces-new-rule-modernize-firearm-definitions#:~:text=To%20help%20reduce%20the%20number,firearms%20they%20take%20into%20inventory.>

ⁱⁱⁱ <https://www.npr.org/2024/12/10/nx-s1-5223368/luigi-mangione-united-healthcare-ceo-ghost-gun>

^{iv} <https://law.justia.com/codes/hawaii/title-10/chapter-134/section-134-10-2/>

^v <https://law.justia.com/codes/maryland/public-safety/title-5/subtitle-7/section-5-703/>