

Testimony of Monte Frank
Massachusetts Special Commission on Emerging Firearm Technology
February 10, 2025

Honorable members of the Massachusetts Special Commission on Emerging Firearm Technology, my name is Monte Frank. While I am the chair of the American Bar Association's Standing Committee on Gun Violence, I am here in my individual capacity as only the president of the ABA can speak on its behalf.

I am a resident of the State of Connecticut with strong connections to Massachusetts. My law firm has an office in Springfield, Massachusetts, my wife and I own a home on the Cape, and I am a die-hard Red Sox fan. I am also a past president of the New England Bar Association.

Since the shooting at the Sandy Hook School, I have been active in working on ways to reduce gun violence. In December 2012, I lived in Sandy Hook and was a town attorney for the Town. I had a front row seat to what mass shootings can do to families and communities. Since then, I have learned how devastating gun violence is for our urban communities. I heard representative Robin Kelly from Chicago describe it as a "slow moving massacre." My efforts have been focused on non-partisan efforts to reduce gun violence. In 2018 I gave up my party registration as a Democrat and ran for Lieutenant Governor with Oz Griebel, a former GOP gubernatorial candidate in Connecticut. In doing so, I was able to speak directly with members of both parties and unaffiliated voters about the gun violence, and I learned that despite the political rhetoric, most Americans understand that reasonable regulation of firearms is necessary to reduce gun violence, drive down homicides and suicides, and help identify and prosecute those who use guns illegally.

Since 2015, I have served on the American Bar Association's Standing Committee on Gun Violence. I am the current chair of the Committee. The American Bar Association is the largest voluntary association of lawyers and legal professionals in the world. The ABA's House of Delegates is the policy-making body of the association. The House of Delegates drafts, debates and votes on resolutions that establish Association policy on professional and public issues. It represents not only various groups within the Association, but also the legal profession as a whole, and includes delegates from state, local and specialty bars.

Over the course of the last six decades, the ABA has adopted many nonpartisan and evidence-informed policies aimed at curbing the scourge of gun violence in America while respecting the Second Amendment.

Among ABA policy on reducing gun violence is Resolution 115 adopted in 2010 concerning microstamping. I will note that the chair of the Standing Committee on Gun Violence at that time was Judge Robert B. Collings of United States District Court of the District of Massachusetts.

Resolution 115 states:

RESOLVED, That the American Bar Association urges federal, state and territorial governments to enact laws requiring that all newly-manufactured semi-automatic pistols be fitted with microstamping technology which would ensure that when a firearm is fired, an alphanumeric and/or geometric code would be stamped on the cartridge casing by way of the firing pin, breech face or other internal surfaces of the firearm, that would enable law enforcement to identify the serial number of the pistol and hence the first known purchaser of a weapon used in a crime.

This resolution remains ABA policy today.

The Report, which accompanies the Resolution, sets forth the reasoning for the resolution, including the need to identify semi-automatic pistols directly through cartridge casings found at crime scenes, much like a license plate enables law enforcement to identify a car's make, model and VIN number. Since cartridge evidence is much more likely to be recovered at the site of shootings than the gun itself, microstamping enables law enforcement to use the microstamped markings on the cartridge to obtain the serial number and to begin an immediate trace request. As stated by the International Association of Chiefs of Police: "This technology would be used to help law enforcement to identify the first known purchaser of a weapon used in crime, therefore providing leads that would allow for substantial evidentiary information that will help identify, apprehend and arrest criminals."

To the extent that persons who commit violent crimes by the use of firearms are detected and prosecuted, gun violence in this country will decrease and our citizens will be that much safer. Microstamping technology will be a material aid to law enforcement in the effort to solve crimes committed by use of guns. It is cost effective and will not impinge on the rights of any gun owners. The Report specifically provides that microstamping does not have Second Amendment implications.

In addition, the use of this technology would deter federal crimes involving "straw purchases" in which a prohibited person recruits an individual with a clean criminal record to pass a background check and purchase a firearm for that person. "Straw purchasers" would be less likely to act in that capacity if they knew that the gun could be successfully traced back to them after the gun was used in the commission of a crime. Thus,

microstamping would help implement long standing ABA policy aimed at reducing the illegal trafficking of firearms.

I will attach the ABA Resolution and Report to my testimony which I will submit. Thank you for consideration of this important matter that will save lives without impacting the rights of law-abiding citizens as protected by the Second Amendment.