



BALTIMORE POLICE DEPARTMENT



August 27, 2008

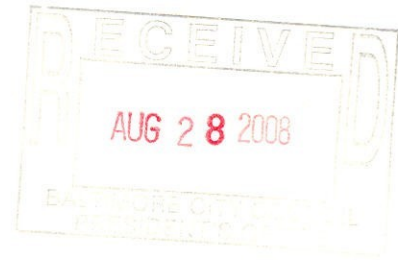
SHEILA DIXON
Mayor

FREDERICK H. BEALEFELD, III
Police Commissioner

TO: The Honorable President and Members
of the Baltimore City Council
Room 400 City Hall
100 N. Holiday Street
Attn. Karen Randle

FROM: ^{JAR} James H. Green, Deputy Legal Counsel
Baltimore Police Department

RE: City Council Bill No. 08-0091-Pawnbrokers-Dealers in Second-hand
Property, etc. Daily Reports



The Baltimore Police Department (BPD) supports the passage of City Council Bill No. 08-0091- Pawnbrokers-Dealers in Second-hand Property, etc. Daily Reports with amendments.

Council Bill 08-0091 would require pawnbrokers and secondhand dealers to submit records of transactions electronically to law enforcement daily. Currently, the law requires the submission of records by delivery or mail by 10:00 a.m. on the next business day after the transaction. Additionally, the proposed amendments provide that photographs of certain items subjected to a law enforcement hold be provided upon request. Finally, the bill provides conforming, correcting, and clarifying language generally relating to the reporting requirements

Baltimore City regulates pawnbrokers in the Consumer Protections Article of the Baltimore City Code. These regulations also cover all secondhand dealers and require daily reporting. The Baltimore Police Department Pawnshop Unit has thirty-seven (37) pawnshops and seventy-eight (78) secondhand dealers that currently report transactions. The unit receives approximately 20,000 transaction sheets a month that are then broken down into twenty-two (22) categories, the majority of which are hand filed. Only five (5) pawnshops electronically report and these transactions are entered into the Regional Pawn Data Sharing System.

The overriding goal of developing electronic reporting is to provide necessary information for law enforcement to conduct timely investigations. This legislation will allow investigators additional time to conduct investigations, instead of wasting time by hand filing and hand searching files. Investigations for stolen property that currently take hours to search will take minutes. Additionally, the standardization of information will allow for more accurate listings of property and searches by specific criteria property or persons as targets of investigations. A future expansion to statewide electronic reporting

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proposed in the Maryland General Assembly will also allow law enforcement in neighboring jurisdictions to work more efficiently together. A number of investigations show that items from one jurisdiction are sold in a neighboring jurisdiction.

Several jurisdictions already have an electronic reporting requirement. In those jurisdictions where electronic reporting is being used, the results are tremendous. Numerous stolen items are recovered and many property crimes that otherwise would not have been cleared are solved. Electronic reporting provides a necessary tool for law enforcement and will greatly improve the service provided to victims in our communities.

The BPD appreciates the opportunity to work with the Council President's Office and members of the Council in developing this very important legislation. We respectfully request your support in securing a **favorable** report on Council Bill 08-0091.

cc: Frederick H. Bealefeld III, Police Commissioner, BPD
Ronald Levitan, Acting Chief of Legal Affairs, BPD
Angela Gibson, Mayor's Legislative Liaison
Sheryl Goldstein, MOCJ

AMENDMENTS TO COUNCIL BILL 08-091
(First Reader Copy)

By: President Rawlings-Blake
{To be offered to the Judiciary and Legislative Investigations Committee}

Amendment No. 1

On page 1, in line 3, strike "requiring" and substitute "authorizing"; and, on the same page, strike beginning with "to contain" in line 4 through "reports" in line 5; and, in line 5, after the first semicolon, insert "requiring photographs to be submitted of certain items on "additional police hold";"; and, in the same line, after the last semicolon, insert "providing for a special effective date;".

Amendment No. 2

On page 1, in line 10, after "11-7," insert "11-8(b)."; and, in the same line, strike "and"; and, in the same line, after "12-8", insert ", and 12-9(c)".

Amendment No. 3

On page 3, in line 6, and on page 5, in line 28, in each instance, strike beginning with "(6)" through the semicolon; and, on page 3, in line 7, and page 5, in line 29, in each instance, strike "(7)" and substitute "(6)".

Amendment No. 4

On page 3, in line 11, and on page 6, in line 1, in each instance, strike "(1)"; and on page 3, in line 12, and on page 6, in line 1, in each instance, strike "TWO" and substitute "THE FOLLOWING"; and, on page 3, in line 13, and on page 6, in line 3, in each instance, strike "(I)" and substitute "(1)"; and, on page 3, in line 15, and on page 6, in line 5, in each instance, strike "(II)" and substitute "(2) IF THE ELECTRONIC TRANSMISSION IS NOT SUBMITTED WITH AN ELECTRONIC SIGNATURE ACCEPTABLE TO THE POLICE COMMISSIONER."; and, on page 3, strike lines 16 and 17, in their entireties; and, on page 6, strike lines 6 and 7, in their entireties.

Amendment No. 5

On page 3, in line 22 and in line 27, and on page 6, in line 13 and in line 18, in each instance, strike "10 A.M." and substitute "NOON".

Amendment No. 6

On page 3, after line 33, insert:

"§ 11-8. Holding requirements.

(b) Additional [police hold] HOLDING PERIOD.

(1) AFTER THE INITIAL HOLDING PERIOD REQUIRED BY SUBSECTION (A) OF THIS SECTION, A PAWNBROKER SHALL CONTINUE TO HOLD A TRANSACTION ITEM IF:

(I) A LAW ENFORCEMENT OFFICER REQUESTS THAT THE PAWNBROKER HOLD THE ITEM; AND

(II) THE LAW ENFORCEMENT OFFICER HAS REASONABLE CAUSE TO BELIEVE THE ITEM HAS BEEN STOLEN.

(2) [Any] If A transaction item IS placed on ADDITIONAL police hold UNDER THIS SUBSECTION, THE PAWNBROKER shall:

(I) [be held] CONTINUE TO HOLD THE ITEM until:

(A) the police seize [the transacted item] IT; [or]

(B) [until] the [pawnshop unit] POLICE DEPARTMENT releases the police hold or directs the [property] ITEM to be released to [the] ITS owner; OR

(C) 1 YEAR AFTER THE ADDITIONAL POLICE HOLD WAS IMPOSED; AND

(II) IF REQUESTED TO DO SO, SUBMIT TO THE POLICE DEPARTMENT A PHOTOGRAPH OF THE ITEM, EITHER BY ELECTRONIC TRANSMITTAL

OR BY MAIL OR HAND DELIVERY, BY THE SAME DEADLINE AS
REQUIRED BY § 11-7 OF THIS SUBTITLE FOR A DAILY REPORT.”;

and, on page 6, after line 23, insert:

“§ 12-9. Holding requirements.

(c) Additional holding period.

(1) After the [retention] INITIAL HOLDING period [specified] REQUIRED by
subsection (a) of this section, a dealer shall continue to hold [any] AN item
if:

(i) a law enforcement officer requests that the dealer hold the item;

(ii) the law enforcement officer has reasonable cause to believe the
item has been stolen; and

(iii) the item has not been identified under § 12-10(a)(2) of this
subtitle.

(2) [Any] IF AN item IS placed on additional police hold under this subsection,
THE DEALER shall:

(I) [be held by the dealer] CONTINUE TO HOLD THE ITEM until:

(A) [(i)] the police seize [the item] IT;

(B) [(ii)] the Police Department releases the police hold or
directs the item to be released to [the] ITS owner; or

(C) 1 year after the additional police hold was imposed; AND

(II) IF REQUESTED TO DO SO, SUBMIT TO THE POLICE DEPARTMENT A
PHOTOGRAPH OF THE ITEM, EITHER BY ELECTRONIC TRANSMITTAL
OR BY MAIL OR HAND DELIVERY, BY THE SAME DEADLINE AS
REQUIRED BY § 12-8 OF THIS SUBTITLE FOR A DAILY REPORT.”.

Amendment No. 7

On page 6, in line 27, strike “30th” and substitute “90th”.