

**CITY OF BALTIMORE
COUNCIL BILL 06-0191R
(Resolution)**

Introduced by: Councilmembers Kraft, D’Adamo, Young, Curran, Holton, Harris, Clarke,
Conaway, Mitchell

Introduced and read first time: June 12, 2006

Assigned to: Public Safety Subcommittee

Committee Report: Favorable

Adopted: November 26, 2007

A COUNCIL RESOLUTION CONCERNING

A Request for Legal, Enforcement, and Legislative Action Against Illegal Guns

FOR the purpose of requesting that the City file suit against rogue gun dealers who engage in “straw purchases” to recover damages to the City and its residents, strengthen enforcement, and enact legislation to combat illegal guns.

Recitals

In April 2006, mayors from 15 major cities, including Boston, Los Angeles, Dallas, and Milwaukee, placed a spotlight on the nearly 30,000 gun deaths a year in the United States and urged the federal government to pass stricter gun-control laws. In their statement of principles, the mayors vowed to "punish to the maximum extent of the law criminals who possess, use, and traffic in illegal guns."

The mayors also want access to gun-trace data from the Bureau of Alcohol, Tobacco and Firearms (BATF) to combat illegal gun trafficking. However, BATF is prohibited from sharing data that includes serial numbers and other details that can determine a crime gun's origin. For the past four years, the U.S. Congress has attached amendments to the appropriations bill to prohibit BATF from sharing the data with local government officials. These amendments have been supported by the National Rifle Association so as to prevent the gun trace data from being used to sue gun manufacturers. A bill presently pending in the House would make the prohibition permanent.

Already attempting to make good on the mayors’ pledge, New York City Mayor Michael Bloomberg filed a lawsuit in the Federal District Court for the Eastern District of New York against 15 gun dealers identified as selling firearms in violation of federal law. The 15 gun dealers named in the lawsuit are located in 5 states – Georgia, Ohio, Pennsylvania, South Carolina and Virginia – and were targeted because more than 500 crime guns recovered by the New York City Police Department had been traced to these 15 gun dealers between 1994 and 2001.

The lawsuit seeks injunctive relief to halt the dealers’ illegal practices and to recover money damages. It accuses the dealers of allowing "straw purchases," i.e., where one person who can pass the required background check buys guns that are obviously intended to end up in the hands of someone else.

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter stricken by amendment.

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1 Baltimore City should follow the lead of New York City.

2 By and large, most gun dealers respect and follow the law, but the small group of dealers that
3 do not should be held accountable. One percent of the nation's dealers supply as much as 60
4 percent of the guns used in crimes, and they are protected by disastrous legislation being
5 considered in Congress.

6 Focusing on rogue dealers is the right way to go. To do this, investigators need to be able to
7 identify rogue dealers through undercover investigations of gun stores in- and out-of-state that
8 may be part of the "iron pipeline" of illegal guns that end up in Baltimore City. Following New
9 York City's model, the investigators, in teams, should enter gun stores and follow a "straw
10 purchasing" scenario in which one investigator makes all of the inquiries into purchasing the
11 gun, and then the other individual, completely uninvolved in the sale process up to this point,
12 fills out the required federal forms in order to pass the background check. Federal law prohibits
13 licensed dealers from selling firearms to individuals when they have a reasonable belief that the
14 firearm being sold is not for the person who purports to be the purchaser.

15 Once these dealers sell guns to teams of undercover investigators, the City Solicitor should
16 file suit against them. Following New York's lead, local law firms should be sought to field
17 teams of pro-bono litigators to appear on behalf of the City and assist in the litigation.

18 Along with this suit, the City should use stronger enforcement and new legislation to combat
19 illegal guns. Enforcement efforts could include creating specialized Gun Courts, which would
20 result in longer sentences for gun offenders, installing gun shot detection cameras that would
21 discourage the use and possession of illegal guns, and establishing a "debriefing" protocol for
22 every felony gun defendant, thereby aiding law enforcement agencies in learning more about the
23 identities of gun traffickers. New City and State legislation should also be enacted to close
24 loopholes and increase penalties for illegal guns and to require gun dealers to do more to protect
25 against lost and stolen guns.

26 By doing these things, Baltimore City would send a clear message to rogue gun dealers
27 across the nation to straighten up and follow the law. Too many people die every year because
28 they don't follow the law.

29 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That this
30 Body requests that the City file suit against rogue gun dealers who engage in "straw purchases"
31 to recover damages to the City and its residents, strengthen enforcement, and enact legislation to
32 combat illegal guns.

33 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the City Solicitor,
34 the Baltimore Police Department, the Mayor, and the Mayor's Legislative Liaison to the
35 Council.