



BALTIMORE POLICE DEPARTMENT



STEPHANIE RAWLINGS-BLAKE
Mayor

September 1, 2010

FREDERICK H. BEALEFELD, III
Police Commissioner

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

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

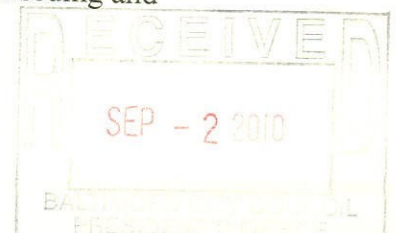
RE: City Council Bill 10-0574-Scrap Metal Dealers-Conformance to State
Law

The Baltimore Police Department (BPD) has reviewed City Council Bill 10-0574-Scrap Metal Dealers-Conformance to State Law and supports its adoption with amendments. This legislation is proposed by the Administration at the request of the BPD and seeks to reconcile recently passed statewide regulations in this area to the existing Baltimore City Code. The BPD in conjunction with the Department of Law offers several amendments to the bill which repeals and clarifies certain provisions of the Code based on the statewide legislation. The BPD defers to the Department of Law Report dated August 30, 2010 which addresses several of the legal issues which are addressed by the proposed amendments.

Over the last several years, the BPD worked with the City Council to amend existing provisions of Baltimore's law to require junk dealers and scrap metal processors to keep complete electronic records of purchases of junk or scrap metal and transmit the electronic records to law enforcement daily. Additionally the City legislation was designed to prohibit certain items, commonly stolen, from being purchased unless appropriate authorization is provided. The amended version was signed into law in January 2010 with an effective date of April 15, 2010 to coincide with the end of the General Assembly Session. It was the City's desire to implement this legislation statewide. Baltimore County also implemented similar regulations but also delayed implementation for the same reasons.

The General Assembly passed Senate Bill 99 which served to supersede and preempt local jurisdictions from enacting and enforcing regulations designed to curb theft and the resale of junk and scrap metal. Baltimore City and Baltimore County strongly lobbied against these provisions and argued that it was essential to the rights of municipalities and counties to ensure that unique issues particular to a jurisdiction's needs are met. Both jurisdictions were unsuccessful in preventing the superseding and

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preemption language although we were able to strengthen some of the reporting requirements in the legislation.

Currently, the BPD is working with law enforcement statewide and the scrap metal industry to implement the state legislation. We are making significant progress and share a commitment to seamless implementation of the reporting requirements. We are also working with a vendor who has developed a database for the electronic reporting and is in the process of providing the technical assistance necessary to the law's requirements. This vendor, Business Watch International (BWI), also provides the electronic reporting platform for our pawnshop and secondhand dealer reporting.

Because of the superseding and preemptive language in the statewide legislation, much of Article 2 Subtitle 8 is repealed. Additionally, in order to conform to the state requirements, the attached legislation as amended proposes to formally designate the BPD at the "primary law enforcement unit" to receive records under the State Business Regulation Article § 17-1011(b). Because the state law is applicable to every jurisdiction including Baltimore which is otherwise exempt under § 17-1002(a), the definition of a "scrap metal processor" also needs to conform to the state definition to the already existing Code definition. The bill exempts from licensing automotive dismantlers and recyclers that are similarly exempted in the statewide legislation. Finally, it is also necessary to amend the aspects of the licensing provisions based on the newly enacted state legislation.

We are happy to address any additional questions or concerns at the scheduled hearing. Thank you for the opportunity to comment on this legislation and the BPD asks for a favorable report for this bill as amended.

Attachment-Amendments to 10-0574

cc: Angela Gibson, Mayor's Legislative Liaison