

**CITY OF BALTIMORE
COUNCIL BILL 07-0738
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Mayor's Office of Criminal Justice)
Introduced and read first time: July 16, 2007
Assigned to: Public Safety Subcommittee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Police Department, Mayor's Office of Criminal Justice, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Gun Offender Registration**

3 FOR the purpose of establishing a gun offender registry; requiring gun offenders to register with
4 the Police Commissioner under certain circumstances; requiring periodic verification or
5 updating of registration information; providing for the establishment of rules and regulations;
6 defining certain terms; prohibiting certain acts; imposing certain penalties; and providing for
7 a special effective date.

8 BY adding

9 Article 19 - Police Ordinances
10 Section(s) 60-1 through 60-11, to be under the new subtitle,
11 "Subtitle 60. Gun Offender Registration"
12 Baltimore City Code
13 (Edition 2000)

14 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
15 Laws of Baltimore City read as follows:

16 **Baltimore City Code**

17 **Article 19. Police Ordinances**

18 **SUBTITLE 60. GUN OFFENDER REGISTRATION**

19 **§ 60-1. DEFINITIONS.**

20 (A) *IN GENERAL.*

21 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

22 (B) *CONVICTED.*

23 "CONVICTED" MEANS:

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 (1) HAVING BEEN FOUND GUILTY OF A GUN OFFENSE BY A JURY OR JUDICIAL OFFICER;

2 (2) THE ACCEPTANCE OF A PLEA OF GUILTY OR NOLO CONTENDERE FOR A GUN
3 OFFENSE;

4 (3) HAVING BEEN GRANTED A PROBATION BEFORE JUDGMENT AFTER A FINDING OF
5 GUILT FOR A GUN OFFENSE, IF THE COURT ORDERS COMPLIANCE WITH THIS
6 SUBTITLE AS A CONDITION OF PROBATION; OR

7 (4) HAVING BEEN FOUND NOT CRIMINALLY RESPONSIBLE FOR A GUN OFFENSE.

8 (C) *CORRECTIONAL FACILITY.*

9 “CORRECTIONAL FACILITY” MEANS A FACILITY THAT IS OPERATED FOR THE PURPOSE OF
10 DETAINING OR CONFINING ADULTS WHO ARE CHARGED WITH OR FOUND GUILTY OF A
11 CRIME.

12 (D) *GUN OFFENDER.*

13 (1) *IN GENERAL.*

14 “GUN OFFENDER” MEANS ANY ADULT WHO IS CONVICTED OF A GUN OFFENSE IN A
15 COURT IN BALTIMORE CITY.

16 (2) *EXCLUSIONS.*

17 “GUN OFFENDER” DOES NOT INCLUDE A PERSON:

18 (I) WHOSE CONVICTION FOR A GUN OFFENSE HAS BEEN REVERSED ON APPEAL OR
19 OTHERWISE SET ASIDE PURSUANT TO LAW; OR

20 (II) WHO HAS BEEN PARDONED BY THE GOVERNOR.

21 (D) *GUN OFFENSE.*

22 “GUN OFFENSE” MEANS:

23 (1) A VIOLATION OF ANY OF THE FOLLOWING SECTIONS OF THE STATE CRIMINAL LAW
24 ARTICLE:

25 (i) § 4-203 {WEARING, CARRYING, OR TRANSPORTING HANDGUN};

26 (ii) § 4-204 {USE OF HANDGUN OR ANTIQUE FIREARM IN COMMISSION OF
27 CRIME};

28 (iii) § 4-303 {ASSAULT PISTOLS – PROHIBITED};

29 (iv) § 4-404 {USE OF MACHINE GUN IN CRIME OF VIOLENCE};

30 (v) § 4-405 {USE OF MACHINE GUN FOR AGGRESSIVE PURPOSE}; OR

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1 (vi) §5-621 {CRIMES INVOLVING CONTROLLED DANGEROUS SUBSTANCES AND
2 PARAPHERNALIA – USE OF WEAPON AS SEPARATE CRIME}; OR

3 (2) A VIOLATION OF ANY OF THE FOLLOWING SECTIONS OF THE STATE PUBLIC SAFETY
4 ARTICLE:

5 (i) § 5-133(B) {POSSESSION OF REGULATED FIREARM PROHIBITED};

6 (ii) § 5-133(C) {RESTRICTIONS ON POSSESSION OF REGULATED FIREARMS --
7 PENALTY FOR POSSESSION BY PERSON CONVICTED OF CRIME OF
8 VIOLENCE};

9 (iii) § 5-138 {SALE, TRANSFER, OR DISPOSAL OF STOLEN REGULATED FIREARM
10 PROHIBITED};

11 (iv) § 5-140 {TRANSPORTING REGULATED FIREARM FOR UNLAWFUL SALE OR
12 TRAFFICKING};

13 (v) § 5-142 {REMOVAL OR ALTERATION OF IDENTIFICATION MARK OR NUMBER
14 ON FIREARM};

15 (vi) § 5-203 {POSSESSION OF SHORT-BARRELED RIFLE OR SHORT-BARRELED
16 SHOTGUN};

17 (vii) § 5-205 {POSSESSION [OF RIFLE OR SHOTGUN] BY PERSON WITH MENTAL
18 DISORDER};

19 (viii) § 5-406 {MANUFACTURE OR SALE OF HANDGUNS}.

20 (E) *POLICE COMMISSIONER*.

21 “POLICE COMMISSIONER” MEANS THE POLICE COMMISSIONER OF BALTIMORE CITY OR HIS
22 OR HER DESIGNEE.

23 **§ 60-2. RULES AND REGULATIONS.**

24 (A) *COMMISSIONER MAY ADOPT*.

25 THE POLICE COMMISSIONER MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THIS
26 SUBTITLE.

27 (B) *SCOPE*.

28 THESE RULES AND REGULATIONS MAY GOVERN:

29 (1) THE FORM, CONTENT, AND PROCESSING OF THE ACKNOWLEDGMENT REQUIRED BY
30 THIS SUBTITLE;

31 (2) THE FORM AND CONTENT OF THE REGISTRATION REQUIRED UNDER THIS SUBTITLE;

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1 (3) THE DOCUMENTATION REQUIRED TO VERIFY THE CONTENT OF THE REGISTRATION
2 REQUIRED UNDER THIS SUBTITLE;

3 (4) THE MAINTENANCE, USE, AND AVAILABILITY OF THE INFORMATION THAT IS
4 COLLECTED BY THE POLICE COMMISSIONER UNDER THIS SUBTITLE.

5 (C) *FILING.*

6 A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED
7 WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

8 **§ 60-3. REGISTRATION – IN GENERAL.**

9 (A) *REGISTRATION REQUIRED.*

10 A GUN OFFENDER MUST REGISTER WITH THE POLICE COMMISSIONER.

11 (B) *ACKNOWLEDGMENT OF DUTY TO REGISTER.*

12 AT THE TIME THAT A GUN OFFENDER IS CONVICTED, THE GUN OFFENDER MUST
13 ACKNOWLEDGE, IN WRITING, HIS OR HER DUTY TO REGISTER UNDER THIS SUBTITLE.

14 **§ 60-4. REGISTRATION – WHEN AND WHERE.**

15 (A) *WHEN.*

16 THE REGISTRATION MUST BE MADE WITHIN 48 HOURS OF:

17 (1) THE DATE THAT THE SENTENCE IS IMPOSED, IF THE GUN OFFENDER RECEIVES A
18 SENTENCE THAT DOES NOT INCLUDE IMPRISONMENT;

19 (2) THE DATE THAT PROBATION BEFORE JUDGMENT IS GRANTED; OR

20 (3) THE DATE OF RELEASE FROM A CORRECTIONAL FACILITY, IF THE GUN OFFENDER
21 RECEIVES A SENTENCE THAT INCLUDES IMPRISONMENT.

22 (B) *WHERE.*

23 TO REGISTER, A GUN OFFENDER MUST PERSONALLY APPEAR AT AN OFFICE DESIGNATED BY
24 THE POLICE COMMISSIONER.

25 **§ 60-5. REGISTRATION – CONTENT AND FORM.**

26 (A) *IN GENERAL.*

27 THE REGISTRATION MUST BE IN THE FORM AND CONTAIN THE INFORMATION THAT THE
28 POLICE COMMISSIONER REQUIRES.

29 (B) *SPECIFIC INFORMATION.*

30 THE REGISTRATION MUST SPECIFY:

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- 1 (1) THE GUN OFFENDER'S NAME;
- 2 (2) A DESCRIPTION OF THE CRIME FOR WHICH THE GUN OFFENDER WAS CONVICTED;
- 3 (3) THE DATE THAT THE GUN OFFENDER WAS CONVICTED;
- 4 (4) ANY OTHER NAME BY WHICH THE GUN OFFENDER HAS BEEN LEGALLY KNOWN;
- 5 (5) A LIST OF ALL ALIASES THAT THE GUN OFFENDER HAS USED;
- 6 (6) IDENTIFYING FACTORS OF THE GUN OFFENDER, INCLUDING A PHYSICAL
- 7 DESCRIPTION;
- 8 (7) THE GUN OFFENDER'S RESIDENCE; AND
- 9 (8) ANY OTHER INFORMATION REQUIRED BY THE RULES AND REGULATIONS ADOPTED
- 10 BY THE POLICE COMMISSIONER UNDER THIS SUBTITLE.

11 (C) *SIGNATURE AND DATE.*

12 THE REGISTRATION MUST BE SIGNED AND DATED BY THE GUN OFFENDER.

13 (D) *PHOTOGRAPH PERMITTED.*

14 AT THE TIME THAT THE GUN OFFENDER APPEARS AT THE OFFICE, THE POLICE

15 COMMISSIONER MAY PHOTOGRAPH THE GUN OFFENDER.

16 (E) *DOCUMENTATION REQUIRED.*

17 THE POLICE COMMISSIONER MAY REQUIRE THE GUN OFFENDER TO PROVIDE

18 DOCUMENTATION THAT VERIFIES THE CONTENTS OF THE REGISTRATION

19 **§ 60-6. VERIFICATION BY RESIDENT OFFENDERS.**

20 (A) *SCOPE.*

21 THIS SECTION APPLIES ONLY TO GUN OFFENDERS WHO ARE RESIDENTS OF BALTIMORE

22 CITY.

23 (B) *PERIODIC VERIFICATION.*

24 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, WITHIN 20 CALENDAR

25 DAYS AFTER EACH 6-MONTH ANNIVERSARY OF A GUN OFFENDER'S INITIAL

26 REGISTRATION, THE GUN OFFENDER MUST PERSONALLY APPEAR AT AN OFFICE

27 DESIGNATED BY THE POLICE COMMISSIONER TO VERIFY AND UPDATE, AS

28 APPROPRIATE, THE CONTENTS OF THE REGISTRATION.

29 (2) IF A GUN OFFENDER IS CONFINED TO ANY CORRECTIONAL FACILITY, HOSPITAL, OR

30 INSTITUTION THROUGHOUT THE 20-DAY PERIOD DESCRIBED IN PARAGRAPH (1) OF THIS

31 SUBSECTION, THE GUN OFFENDER MUST PERSONALLY APPEAR AT AN OFFICE

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DESIGNATED BY THE POLICE COMMISSIONER, WITHIN 48 HOURS OF RELEASE, TO VERIFY AND UPDATE, AS APPROPRIATE, THE CONTENTS OF THE REGISTRATION.

(C) *UPDATE ON CHANGE OF ADDRESS.*

WITHIN 10 CALENDAR DAYS AFTER CHANGING RESIDENCES WITHIN THE CITY OF BALTIMORE, A GUN OFFENDER MUST PERSONALLY APPEAR AT AN OFFICE DESIGNATED BY THE POLICE COMMISSIONER TO UPDATE THE CONTENTS OF THE REGISTRATION.

(D) *PHOTOGRAPH PERMITTED.*

AT THE TIME THAT THE GUN OFFENDER APPEARS AT THE OFFICE, THE POLICE COMMISSIONER MAY PHOTOGRAPH THE GUN OFFENDER.

(E) *DOCUMENTATION REQUIRED.*

THE POLICE COMMISSIONER MAY REQUIRE THE GUN OFFENDER TO PROVIDE DOCUMENTATION THAT VERIFIES THE CONTENTS OF THE REGISTRATION.

§ 60-7. TERM OF VERIFICATION REQUIREMENT.

THE GUN OFFENDER MUST VERIFY THE CONTENTS OF THE REGISTRATION, AS REQUIRED BY § 60-6 OF THIS SUBTITLE, FOR A PERIOD OF 3 YEARS FROM:

- (1) THE DATE THAT THE SENTENCE IS IMPOSED, IF THE GUN OFFENDER RECEIVES A SENTENCE THAT DOES NOT INCLUDE IMPRISONMENT;
- (2) THE DATE THAT PROBATION BEFORE JUDGMENT IS GRANTED; OR
- (3) THE DATE OF RELEASE FROM A CORRECTIONAL FACILITY, IF THE GUN OFFENDER RECEIVES A SENTENCE THAT INCLUDES IMPRISONMENT.

§ 60-8. SHARING OF REGISTRATION INFORMATION.

THE POLICE COMMISSIONER MAY MAKE THE INFORMATION COLLECTED UNDER THIS SUBTITLE AVAILABLE TO:

- (1) ANY FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCY; AND
- (2) ANY CITY AGENCY.

§ 60-9. COOPERATION WITH OTHER AGENCIES.

THE POLICE COMMISSIONER MAY COOPERATE WITH OTHER FEDERAL, STATE AND CITY AGENCIES AND THE JUDICIARY TO FACILITATE IMPLEMENTATION OF THIS SUBTITLE.

§ 60-10. PROHIBITED CONDUCT.

NO GUN OFFENDER MAY:

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1 (1) KNOWINGLY FAIL TO ACKNOWLEDGE IN WRITING HIS OR HER DUTY TO REGISTER UNDER
2 THIS SUBTITLE;

3 (2) FAIL TO REGISTER AS REQUIRED BY THIS SUBTITLE OR THE RULES AND REGULATIONS
4 ADOPTED UNDER IT;

5 (3) FAIL TO VERIFY INFORMATION AS REQUIRED BY THIS SUBTITLE OR THE RULES AND
6 REGULATIONS ADOPTED UNDER IT; OR

7 (4) PROVIDE FALSE INFORMATION IN THE REGISTRATION OR VERIFICATION REQUIRED BY
8 THIS SUBTITLE OR THE RULES AND REGULATIONS ADOPTED UNDER IT.

9 **§ 60-11. PENALTIES.**

10 (A) *IN GENERAL.*

11 ANY GUN OFFENDER WHO VIOLATES ANY PROVISION OF § 60-10 OF THIS SUBTITLE IS GUILTY
12 OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000
13 OR IMPRISONMENT FOR NOT MORE THAN 12 MONTHS OR BOTH FINE AND IMPRISONMENT FOR
14 EACH OFFENSE.

15 (B) *EACH DAY A SEPARATE OFFENSE.*

16 EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

17 **SECTION 2. AND BE IT FURTHER ORDAINED,** That all provisions of this Ordinance are
18 severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection,
19 section, or other provision is invalid or that the application of any part of the provision to any
20 person or circumstances is invalid, the remaining provisions and the application of those
21 provisions to other persons or circumstances are not affected by that decision.

22 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
23 are not law and may not be considered to have been enacted as a part of this or any prior
24 Ordinance.

25 **SECTION 4. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 90th day
26 after the date it is enacted and applies to convictions occurring after its effective date.