

**CITY OF BALTIMORE
COUNCIL BILL 09-0291
(First Reader)**

Introduced by: The Council President

At the request of: The Administration (Mayor's Office of Criminal Justice)

Introduced and read first time: March 2, 2009

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Police Commissioner, Mayor's Office of Criminal Justice, Mayor's Office of Information Technology

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Gun Offender Registration**

3 FOR the purpose of expanding the registration requirements to encompass certain juvenile
4 offenders; expanding the offenses to which the registration requirements apply; modifying
5 the time when a gun offender becomes obligated to sign an acknowledgment of the duty to
6 register; specifying the deadline for registration for one found not criminally responsible;
7 clarifying the requirements for updating residence information; establishing a uniform term
8 for required verification of registration information; clarifying, correcting, and conforming
9 certain language; and generally relating to the registration of gun offenders.

10 BY repealing and reordaining, with amendments

11 Article 19 - Police Ordinances

12 Section(s) 60-1(d)(1) and (e), 60-3, 60-4(a), 60-6(c), and 6-7

13 Baltimore City Code

14 (Edition 2000)

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

17 **Baltimore City Code**

18 **Article 19. Police Ordinances**

19 **Subtitle 60. Gun Offender Registration**

20 **§ 60-1. Definitions.**

21 (d) *Gun offender.*

22 (1) *In general.*

23 "Gun offender" means any [adult] PERSON who is convicted of a gun offense in [a
24 court in] THE CIRCUIT COURT FOR Baltimore City OR THE DISTRICT COURT OF
25 MARYLAND FOR BALTIMORE CITY.

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

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1 (e) *Gun offense.*

2 “Gun offense” means:

3 (1) a violation of any of the following sections of the State Criminal Law Article:

- 4 (i) § 4-203 {Wearing, carrying, or transporting handgun};
- 5 (ii) § 4-204 {Use of handgun or antique firearm in commission of crime};
- 6 (iii) § 4-303 {Assault pistols – Prohibited};
- 7 (iv) § 4-404 {Use of machine gun in crime of violence};
- 8 (v) § 4-405 {Use of machine gun for aggressive purpose};
- 9 (vi) § 5-621 {Crimes involving controlled dangerous substances and
- 10 paraphernalia – Use of weapon as separate crime}; or
- 11 (vii) § 5-622 {Firearm crimes}; [or]

12 (2) a violation of any of the following sections of the State Public Safety Article:

- 13 (i) § 5-133(b) {Possession of regulated firearm prohibited};
- 14 (ii) § 5-133(c) {Restrictions on possession of regulated firearms -- Penalty for
- 15 possession by person convicted of crime of violence};
- 16 (iii) § 5-133(d) {Possession [of regulated firearms] by person under
- 17 age of 21years prohibited}
- 18 (iv) § 5-138 {Sale, transfer, or disposal of stolen regulated firearm
- 19 prohibited};
- 20 (v) § 5-140 {Transporting regulated firearm for unlawful sale or trafficking};
- 21 (vi) § 5-142 {Removal or alteration of identification mark or number on
- 22 firearm};
- 23 (vii) § 5-203 {Possession of short-barreled rifle or short-
- 24 barreled shotgun};
- 25 (viii) § 5-205 {Possession [of rifle or shotgun] by person with mental
- 26 disorder}; or
- 27 (ix) § 5-406 {Manufacture or sale of handguns}; OR

28 (3) A VIOLATION OF ANY OF THE FOLLOWING SECTIONS OF THIS CITY CODE ARTICLE

29 19 {“POLICE ORDINANCES”}:

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1 (I) § 59-1 {CARRYING LONG-BARREL FIREARMS}; OR

2 (II) § 59-2 {DISCHARGING FIREARMS}.

3 **§ 60-3. Registration – In general.**

4 (a) *Registration required.*

5 A gun offender must register with the Police Commissioner.

6 (b) *Acknowledgment of duty to register.*

7 [At the time that a gun offender is convicted,] WHEN REQUESTED TO DO SO, the gun
8 offender must acknowledge, in writing, his or her duty to register under this subtitle.

9 **§ 60-4. Registration – When and where.**

10 (a) *When.*

11 The registration must be made within 48 hours of:

12 (1) [the date that the sentence is imposed,] if the gun offender receives a sentence that
13 does not include imprisonment, THE DATE THAT THE SENTENCE IS IMPOSED;

14 [(2) the date that probation before judgment is granted; or]

15 (2) [(3) the date of release from a correctional facility,] if the gun offender receives a
16 sentence that includes imprisonment, THE DATE OF THE GUN OFFENDER'S RELEASE
17 FROM A CORRECTIONAL FACILITY;

18 (3) IF THE GUN OFFENDER IS GRANTED PROBATION BEFORE JUDGMENT, THE DATE THAT
19 THE PROBATION BEFORE JUDGMENT IS GRANTED;

20 (4) IF THE GUN OFFENDER IS FOUND NOT CRIMINALLY RESPONSIBLE AND IS RELEASED,
21 THE DATE OF THE GUN OFFENDER'S RELEASE; OR

22 (5) IF THE GUN OFFENDER IS FOUND NOT CRIMINALLY RESPONSIBLE AND COMMITTED
23 TO THE STATE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE DATE OF
24 THE GUN OFFENDER'S DISCHARGE OR CONDITIONAL RELEASE FROM THAT
25 COMMITMENT.

26 **§ 60-6. Verification by resident offenders.**

27 (c) *Update on [change of] RESIDENCE address.*

28 Within 10 calendar days after ESTABLISHING OR changing [residences] A RESIDENCE
29 within the City of Baltimore, a gun offender must personally appear at an office
30 designated by the Police Commissioner to update the contents of the registration.

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1 **§ 60-7. Term of verification requirement.**

2 The gun offender must verify the contents of the registration, as required by § 60-6 of this
3 subtitle, for a period of 3 years from THE DATE OF THE GUN OFFENDER’S INITIAL
4 REGISTRATION[:

- 5 (1) the date that the sentence is imposed, if the gun offender receives a sentence
6 that does not include imprisonment;
- 7 (2) the date that probation before judgment is granted; or
- 8 (3) the date of release from a correctional facility, if the gun offender receives a
9 sentence that includes imprisonment].

10 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
11 are not law and may not be considered to have been enacted as a part of this or any prior
12 Ordinance.

13 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
14 after the date it is enacted.