

**CITY OF BALTIMORE
COUNCIL BILL 20-0520
(First Reader)**

Introduced by: President Scott, Councilmembers Henry, Middleton, Clarke, Costello, Stokes,
Cohen, Pinkett, Dorsey, Schleifer, Bullock, Sneed

Introduced and read first time: April 13, 2020

Assigned to: Judiciary Committee

REFERRED TO THE FOLLOWING AGENCIES: Baltimore City State's Attorney, Police Department,
Health Department, Office of Civil Rights, Commission on Aging and Retirement Education

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **False Statements – States of Emergency**

3 FOR the purpose of prohibiting a person from making certain false statements for pecuniary gain
4 during a declared state of emergency; defining certain terms; conforming and correcting
5 related provisions; and providing for a special effective date.

6 BY repealing and re-ordaining, with amendments

7 Article 19 - Police Ordinances

8 Section(s) 21-3

9 Baltimore City Code

10 (Edition 2000)

11 BY renumbering current

12 Article 19 - Police Ordinances

13 Sections 21-1, 21-2, and 21-3, respectively, to Sections 21-2, 21-3, and 21-5, respectively

14 Baltimore City Code

15 (Edition 2000)

16 BY adding

17 Article 19 - Police Ordinances

18 Section(s) 21-1 and 21-4

19 Baltimore City Code

20 (Edition 2000)

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

23 **Baltimore City Code**

24 **Article 19. Police Ordinances**

25 **Subtitle 21. Fraud - Impersonations and False Representations**

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

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1 **§ 21-1. “PERSON” DEFINED.**

2 IN THIS SUBTITLE, “PERSON” MEANS:

- 3 (1) AN INDIVIDUAL;
- 4 (2) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR
5 REPRESENTATIVE OF ANY KIND; OR
- 6 (3) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY KIND.

7 **§ 21-2. [§ 21-1.] Impersonating inspector or other official.**

8 It shall be is unlawful for any person falsely to represent or imply within the City of
9 Baltimore that he is an inspector or other official or employee of any department, bureau,
10 board, commission, or other agency of the Mayor and City Council of Baltimore.

11 **§ 21-3. [§ 21-2.] Misrepresenting regulated structures, etc.**

12 It shall be unlawful for any person wilfully to make a false representation or implication
13 within the City of Baltimore as to the condition, workability, or efficiency of any building,
14 structure, mechanical device, or other thing which is subject in any way to the regulating
15 powers or control of the Mayor and City Council of Baltimore, for the purpose of persuading
16 or inducing the owner or person in control thereof to have made any change, repair, or
17 improvement in the building, structure, mechanical device, or thing.

18 **§ 21-4. FALSE STATEMENTS REGARDING DECLARED STATES OF EMERGENCY.**

19 (A) *“STATE OF EMERGENCY” DEFINED.*

20 IN THIS SECTION, “STATE OF EMERGENCY” MEANS A PERIOD OF TIME IN WHICH:

- 21 (1) A PROCLAMATION HAS BEEN ISSUED BY THE GOVERNOR DECLARING A STATE OF
22 EMERGENCY UNDER TITLE 14, SUBTITLE 3 OF THE STATE PUBLIC SAFETY ARTICLE
23 {“GOVERNOR’S EMERGENCY POWERS”};
- 24 (2) A PROCLAMATION HAS BEEN ISSUED BY THE GOVERNOR DECLARING A
25 CATASTROPHIC HEALTH EMERGENCY UNDER TITLE 14, SUBTITLE 3A OF THE STATE
26 PUBLIC SAFETY ARTICLE {“GOVERNOR’S HEALTH EMERGENCY POWERS”}; OR
- 27 (3) AN ORDER OR PROCLAMATION HAS BEEN ISSUED BY THE MAYOR DECLARING A
28 STATE OF EMERGENCY UNDER § 14-111 {“LOCAL STATE OF EMERGENCY”} OF THE
29 STATE PUBLIC SAFETY ARTICLE.

30 (B) *FALSE STATEMENTS PROHIBITED.*

31 WHILE A STATE OF EMERGENCY IS PENDING, A PERSON MAY NOT WILLFULLY,
32 MALICIOUSLY, OR WITH RECKLESS DISREGARD FOR HUMAN SAFETY MAKE A STATEMENT

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1 REGARDING A STATE OF EMERGENCY OR THE UNDERLYING CAUSE OF THE STATE OF
2 EMERGENCY THAT:

3 (1) THE PERSON KNOWS TO BE FALSE OR MISLEADING WITH THE INTENT TO DECEIVE
4 ANOTHER; AND

5 (2) IS FOR THE PERSON’S PECUNIARY GAIN.

6 **§ 21-5. [§ 21-3.] Penalties.**

7 Any person[, firm, or corporation] violating any provision of this subtitle shall be deemed
8 guilty of a misdemeanor and, [upon] ON conviction [thereof], shall be subject to a fine not
9 exceeding \$500, or to imprisonment for a period not exceeding 12 months, or to both [such]
10 fine and imprisonment, in the discretion of the court.

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

14 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is
15 enacted.