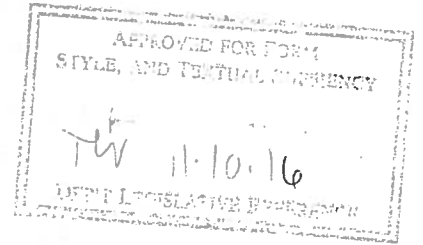


AMENDMENTS TO COUNCIL BILL 16-0761  
(First Reader Copy)



By: The Judiciary and Legislative Investigations Committee  
{To be offered on the Council Floor}

**Amendment No. 1**

On page 2, before line 3, insert:

“(A) IN GENERAL.”;

and, on that same page, after line 6, insert:

“(B) EXCLUSION.

“REPLICA GUN” DOES NOT INCLUDE ANY TOY , IMITATION, FACSIMILE OR REPLICA FIREARM THAT IS IN COMPLIANCE WITH U.S. CODE TITLE 15, CHAPTER 76, § 5001 {“PENALTIES FOR ENTERING INTO COMMERCE OF IMITATION FIREARMS ”} AND ITS IMPLEMENTING REGULATIONS IN 15 C.F.R. § 272.3 {“MARKING OF TOY, LOOK-ALIKE AND IMITATION FIREARMS: APPROVED MARKINGS”}.”.

**Amendment No. 2**

On page 1, in line 5, after “guns;”, insert “exempting certain replica guns used for specific purposes from the general prohibition of replica guns;”; and, on page 2, in line 8, strike “No” and substitute “EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE , NO”; and, on that same page, in line 9, strike “{Reserved}” and substitute “EXEMPTIONS.”

(A) IN GENERAL.

§ 39-2 {“REPLICA GUN POSSESSION PROHIBITED ”} OF THIS SUBTITLE DOES NOT APPLY TO A REPLICA GUN IF THE REPLICA GUN IS :

(1) ACTIVELY BEING TRANSPORTED IN INTRASTATE , INTERSTATE, OR FOREIGN COMMERCE;

(2) OR IS USED PRIMARILY FOR:

(1) THE PRODUCTION OF A TELEVISION PROGRAM , A THEATRICAL OR MOTION PICTURE PRESENTATION , OR A HISTORICAL REENACTMENT , PROVIDED THE

**ADOPTED**

USE COMPLIES WITH ALL APPLICABLE LAWS , RULES , OR REGULATIONS CONCERNING THE USE ;

(II) A FIREARM TRAINING CLASS TAUGHT BY A CERTIFIED QUALIFIED FIREARM INSTRUCTOR PURSUANT TO MARYLAND LAW;

(III) COMPETITIONS , OR IN TRAINING FOR COMPETITIONS , THAT TEST THE SHOOTING SKILLS OF COMPETITORS ;

(IV) DISPLAY OR USE ON REAL PROPERTY OWNED BY THE OWNER OF A REPLICA GUN, PROVIDED THE DISPLAY OR USE COMPLIES WITH ALL APPLICABLE LAWS, RULES, OR REGULATIONS CONCERNING THE DISPLAY OR USE ; OR

(V) PAINTBALL, PROVIDED THE USE COMPLIES WITH CITY CODE ARTICLE 19, § 59-26 {"GAS- OR AIR-PELLET GUNS"}.

(B) REQUIRED STORAGE WHEN NOT IN USE .

A REPLICA GUN MUST BE STORED IN A LOCKED CASE OR AFFIXED TO A WALL AT ALL TIMES WHEN NOT IN USE FOR AN EXEMPT USE UNDER PARAGRAPH (A)(2) OF THIS SECTION IN ORDER TO QUALIFY FOR THE EXEMPTION .”.

### **Amendment No. 3**

On page 3, in line 3, strike “THE POLICE DEPARTMENT SHALL NOTIFY ”; and, in that same line, after “SOLICITOR”, insert “MUST BE NOTIFIED”; and, on that same page, in lines 6, 9, and 13, in each instance strike “SHALL” and substitute “MUST”; and, on that same page, in lines 10 and 11, strike “CITY’S INTENT TO INSTITUTE FORFEITURE PROCEEDINGS ” and substitute “OWNERS RIGHT TO SEEK THE RETURN OF THE REPLICA GUN UNDER § 39-7{"JUDICIAL REVIEW"} OF THIS SUBTITLE”.

### **Amendment No. 4**

On page 3, strike lines 15 through 29 in their entireties and substitute:

#### **§ 39-7. JUDICIAL REVIEW.**

(A) IN GENERAL.

THE OWNER OF A REPLICA GUN SEIZED UNDER THIS SUBTITLE MAY PETITION THE DISTRICT COURT FOR BALTIMORE CITY FOR THE RETURN OF THE REPLICA GUN .

(B) TIME ALLOWED FOR PETITION.

A PETITION UNDER THIS SECTION MUST BE FILED WITHIN 30 DAYS OF THE NOTIFICATION REQUIRED BY § 39-6(B)(2)."

**Amendment No. 5**

On page 4, strike lines 1 through 23 in their entirety; and, on that same page, in line 24, strike "**ORDER OF FORFEITURE**" and substitute "**FORFEITURE**"; and, on that same page, in line 25, strike "*IN GENERAL*" and substitute "*COURT DISPOSAL OF REPLICAS GUN*"; and, on that same page, in line 27, strike "SHALL" and substitute "MAY"; and, in that same line, after "CITY", insert "OR PROVIDE OTHER MEANS TO DISPOSE OF THE REPLICAS GUN .

(B) REPLICAS GUNS DEEMED FORFEITED WITHOUT PETITION .

A REPLICAS GUN THAT HAS BEEN SEIZED BY THE CITY IS DEEMED FORFEITED TO THE CITY IF THE REPLICAS GUN OWNER HAS NOT TIMELY FILED IN THE DISTRICT COURT FOR THE RETURN OF THE REPLICAS GUN UNDER § 39-7 {"JUDICIAL REVIEW"} OF THIS SUBTITLE. ";

and, in line 28, strike "(B) *DISPOSITION*" and substitute "(C) CITY DISPOSAL"; and, in line 29, strike "ORDERED".