

received  
7-27-17

Hello Council Member,

I am a teenager who lives in Baltimore city and I have multiple reasons why you should vote no on the 17-0111 bill. Mass incarceration affected the nation, and especially Baltimore city since the 70s and I don't understand why Catherine Pugh is trying to pass this bill if the current bill Baltimore has is basically the same thing, just skipping a step, so I say the bill unnecessary. Also, instead of putting people in jail you could give them something to do instead of the illegal things like giving them jobs and also the Chief of Police should stop trying to throw people in jail for having guns and find out where the guns are coming from. Please think twice about your vote because you know that ruining people's lives by locking them up is not going to make anything better.

Yours Truly

Melvin L Barker

410-921-8977



received  
7-27-17

**STATEMENT IN OPPOSITION TO ORDINANCE 17-0111**  
**Weapons - Prohibiting Handguns Near Places of Public Assembly**

TO: Baltimore City Council President and Members of the Council  
FROM: Baltimore Harm Reduction Coalition  
1106 N. Charles Street, 4th Floor  
Baltimore, MD 21201  
[bmorehrc@gmail.com](mailto:bmorehrc@gmail.com) / 443-418-6614  
DATE: July 25, 2017

The Baltimore Harm Reduction Coalition (BHRC) opposes the proposed City Council Ordinance 17-0111, which calls for a mandatory minimum sentence of one year in prison and a \$1,000 fine for handgun possession. BHRC is a coalition of health professionals, students, and community members concerned about public health in Baltimore. Harm reduction is a set of practical, evidence-based strategies for reducing the possible negative consequences of behaviors. It is a public health strategy and a way to meet people where they are in their journey to greater health and well-being.

BHRC opposes 17-0111 because it lacks evidence of efficacy as a policy intended to reduce violence and because it will worsen the problem of over-incarceration and its disproportionate effects on Black people in Baltimore.

Mandatory minimums will not have the intended deterrent effect. Decades of research shows this, including a 2012 meta-analysis of twenty-nine other studies which proved that there was little evidence to support this method. (1) A number of states have experimented with mandatory minimums to reduce gun violence. However, these states (including Florida, Massachusetts, Michigan, and Virginia) were unable to see evidence of their initiative's success. (2) The often cited example of New York's decline in violent crime is erroneously attributed to mandatory minimums. There is much debate over what contributed to their success, but one thing is clear: ninety percent of the reduction in homicides had already taken place by the time the mandatory minimum sentence for handguns went into effect. (2) To make matters worse, a 2015 study showed that instead of preventing crime, incarceration has been linked to increased involvement in criminalized activity. (3)

Aside from running the risk of increasing criminal activity with this ordinance, what mandatory minimums absolutely do is increase the racist trend of mass incarceration. Incarceration of Black citizens' has increased to the point where almost one in three Black men in their twenties are involved in the criminal legal system. (4) We have certainly learned through the DOJ investigation of Baltimore's policing and prosecuting that we are city with racist practices. We are, nevertheless, hopeful for the process of remedy and repair.

We are all very concerned about the violence in many of Baltimore's neighborhoods, but this approach will not deter or remedy that violence. We urge the Mayor and this City Council to invest in alternatives to incarceration. Alternatives that are innovative, humane, and effective; programs such as Safe Streets and the CeaseFire movement. Invest in our youth by investing in youth programming and education.

- 
- (1) Matthew D. Makarios and Travis C. Pratt, The effectiveness of policies and programs that attempt to reduce firearm violence: A meta-analysis. 58 CRIME & DELINQUENCY 222 (2012).
  - (2) Stephanie Kollmann and Dominique D. Nong, Combating Gun Violence in Illinois: Evidence-Based Solutions.  
[http://www.njjn.org/uploads/digital-library/Northwestern-Law\\_Gun-Violence-Memo\\_October-2013.PDF](http://www.njjn.org/uploads/digital-library/Northwestern-Law_Gun-Violence-Memo_October-2013.PDF) (2013).
  - (3) Graham Boyd, The Drug War is the New Jim Crow. NACLA Report on the Americas, July/August (2001).
  - (4) Allison Schrager, In America, mass incarceration has cause more crime than it's prevented.  
<https://qz.com/458675/in-america-mass-incarceration-has-caused-more-crime-than-its-prevented/> (2015).



received  
7-27-17

**STATEMENT IN OPPOSITION TO ORDINANCE 17-0111  
Weapons - Prohibiting Handguns Near Places of Public Assembly**

TO: Baltimore City Council President and Members of the Council  
FROM: SURJ Baltimore (surjbaltimore@gmail.com)  
DATE: July 25, 2017

SURJ (Showing Up for Racial Justice) Baltimore opposes City Council Bill 17-0111, calling for a mandatory minimum sentence of 1 year in prison and a \$1,000 fine for handgun possession. A branch of the SURJ national network, SURJ Baltimore is an organization committed to moving White people toward racial justice in partnership with grassroots People-of-Color-led organizations. We have a mailing list of over 1,000; have monthly meetings that often exceed 200 attendees; and represent a significant number of Baltimore residents – in our case, primarily white residents – with a shared interest in advancing racial equity. We oppose Bill 17-0111 because we believe it will exacerbate the already prevalent problem of over-incarceration and its disproportionate effects on Black and Brown people, particularly youth, in Baltimore.

While those supporting the bill will have you believe it is an anti-crime measure, evidence shows the opposite to be true. Correctional policies like this one have produced the extremely costly state of mass incarceration we are now experiencing. As Leaders of a Beautiful Struggle and others in the room have noted, a recent study by the University of Michigan shows that mandatory minimums increase rather than decrease crime, with each year in prison increasing the odds that a person will reoffend by 5.6%. Even those in prison for minor crimes are more likely to later commit serious offenses the longer they spend in jail.

There is **no** conclusive evidence that mandatory minimums prevent crime; there is evidence that policies resulting in greater incarceration simultaneously result in more crime. Further, mandatory minimums will overwhelmingly impact low-income Black people. As a city we have committed to work against the discriminatory policing



practices outlined in the DOJ Report and Consent Decree. Bill 17-0111 would work against the commitment we have made to alleviate racist practices and policies in our justice system.

While the issue of mass incarceration most directly impacts Black and Brown communities, it affects white residents as well. When people are incarcerated, it disrupts the stability of their families and all of our workplaces, our schools, and our communities. Incarceration is one of the factors that inhibits the vitality of our city overall. No one in our city should stand behind a law that would send members of our community behind bars, when they could otherwise be actively contributing to the life of Baltimore. This is especially so when there is no reason to believe that such a law would stem crime or decrease violence.

The mandatory minimum policy allows politicians - and citizens - to pat ourselves on the back and feel as if we are doing something to reduce Baltimore's crime rate. In reality, there are more equitable and effective solutions in front of us; we need the political will to implement them. Such policies include greater investment in mental health services; diversion programs, such as job training, for young people; and investment in Black and Brown community leaders doing anti-violence work such as Safe Streets Baltimore and the Baltimore CeaseFire movement. Such policies heal and strengthen communities rather than continue to harm them, and investment in those strategies is where Baltimore needs to direct its efforts.

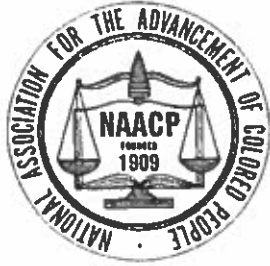
We share the desire to reduce violent crime and we hear community voices who have lost loved ones to gun violence. This policy, however, will be counterproductive. It will increase racial and class disparities in Baltimore's criminal justice system, and it will perpetuate the current circumstances that lead to violent crime. SURJ Baltimore opposes City Council Bill 17-0111 and we respectfully urge the City Council to vote this bill down.

Thank you,

SURJ Baltimore



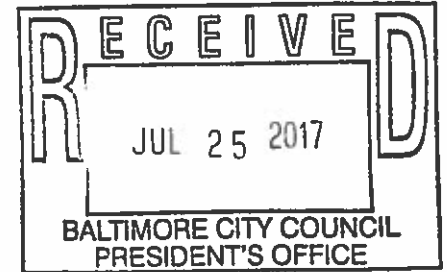




NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE  
4805 MT. HOPE DRIVE • BALTIMORE, MARYLAND 21215-3297 • (410) 580-5777

July 25, 2017

Hon. Bernard C. "Jack" Young, President, Baltimore City Council  
Eric Costello, Chair, Judiciary and Legislative Investigations Committee  
Mary Pat Clarke, Vice Chair, Judiciary and Legislative Investigations Committee  
Members, Judiciary and Legislative Investigations Committee  
Members, Baltimore City Council



RE: Mandatory Minimum for Gun Possession (City Council Bill 17-0111)

Dear President Young and Members of the City Council:

I am writing to urge the Baltimore City Council not to enact a mandatory minimum sentence for gun possession that will have harmful effects without reducing violent crime. The NAACP has been fighting for over a decade to end mandatory minimums at the local, state, and federal level. Our opposition to mandatory minimums is rooted in the evidence that mandatory minimums lead to racial disparities, add to the power of prosecutors and police, and do not keep communities safe.

Mandatory minimum sentences transfer discretion from judges to prosecutors and police officers. Police can selectively determine who to target for enforcement. Given the United States Department of Justice's findings on Baltimore's pattern and practice of discriminatory law enforcement, this bill is likely to lead to racial disparities that will most heavily impact the African American community. Prosecutors will decide who to charge and will determine which people will spend a year in jail. These prosecutorial decisions will not be made in open court with the transparency inherent in judicial proceedings.

Mandatory sentencing for unlawful gun possession is not a new idea; it was enacted by several cities in the 1970s. These laws ushered in a wave of "tough on crime" tactics that fueled the mass incarceration crisis that persists to this day. Baltimore can learn from other cities' experiments with mandatory sentencing for carrying unlicensed firearms. There is no conclusive evidence that these laws reduced crime, and there is extensive evidence that they resulted in selected enforcement by police and prosecutors.<sup>1</sup>

Our country is at a dangerous crossroads. After decades of increasing correctional populations, we have seen increasing awareness of the toll that mass incarceration has taken on our communities. Momentum for change was building, and efforts to enhance public safety while decreasing prison populations have been taken at the federal, state, and local level. However, we now have a federal attorney general who has decided to return to the discredited War on Drugs policies of the past. Laws such as the one under consideration today were the building blocks of our slide into mass incarceration. I hope that Baltimore will not become a leader in backsliding into disproven crime fighting tactics.

Sincerely,  
Ngozi Ndulue  
Senior Director of Criminal Justice Programs

[www.naacp.org](http://www.naacp.org)

<sup>1</sup> See, e.g., Tonry, Michael. "The mostly unintended effects of mandatory penalties: Two centuries of consistent findings." *Crime and justice* 38.1 (2009): 65-114.



STATE OF MARYLAND



LAWRENCE J. HOGAN, JR.  
GOVERNOR

BOYD K. RUTHERFORD  
LT. GOVERNOR

**OFFICE OF THE PUBLIC DEFENDER**  
**DISTRICT ONE – BALTIMORE CITY**  
**201 SAINT PAUL STREET, 5<sup>th</sup> FLOOR**  
**BALTIMORE, MARYLAND 21202**  
*Ph. (410) 333-4900*  
*Fax (410) 333-4653*  
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PAUL B. DeWOLFE  
PUBLIC DEFENDER

BECKY FELDMAN  
DEPUTY PUBLIC DEFENDER

KIRSTEN DOWNS  
DISTRICT PUBLIC DEFENDER

received  
7-27-17

**Testimony of District Public Defender Kirsten Downs  
Opposing Council Bill 17-011**

Chairman Costello, Members of the Judiciary & Legislative Initiatives Committee, Other Council Members, and Stakeholders:

Thank you for this opportunity to testify. As the District Public Defender for Baltimore City, I urge the City Council to reject Bill 17-0111, which would require a mandatory minimum sentence of one-year incarceration and \$1,000 fine for misdemeanor gun possession within 100 yards of a park, church, school, public building, or other place of public assembly.

State law already allows for sufficiently harsh penalties for gun possession and use. A person convicted of wearing, carrying, or transporting a gun can receive a sentence of up to 3 years' incarceration and \$2,500 fine for their first offense.<sup>1</sup> Individuals with one prior gun conviction are subject to a sentence of three to 10 years' incarceration,<sup>2</sup> and individuals with two or more prior gun convictions face a sentence of five to ten years.<sup>3</sup>

The proposed ordinance will only impact people who have no prior convictions and for whom there are mitigating circumstances to suggest a sentence at the lower end of the permissible range. In other words, it targets the lowest rung of gun cases and hampers judges' ability to consider the specific circumstances of the residents charged.

Gun possession as the top charge – where there is no allegation of use – often arises when a gun is found among a group of people. Typically, the police seize a gun found inside a car and arrest everyone inside – all of whom will be charged with gun

<sup>1</sup> Crim. Law § 4-203(c)(2).

<sup>2</sup> Crim. Law § 4-203(c)(3).

<sup>3</sup> Crim. Law §4-203(c)(4).



possession. Individuals who are young, have had no prior involvement with the criminal justice system, and were in the wrong place with the wrong people at the wrong time are common defendants.

Rather than impose stiff penalties on the people considered the most dangerous, it will further push into the criminal justice system at risk youth and other individuals who are better served by community-based services.

A mandatory minimum sentence for first-time gun offenders will provide Baltimore City with similar failed results as mandatory drug sentences. Individuals who can effectively be diverted from the criminal justice system will be separated from their family, lose employment and housing options, and return to the community ill-prepared for a law abiding life. At the same time, a struggling jail system will become overpopulated, and corrections costs will multiply with little impact on community safety.

There has been no evidence to support mandatory minimums as a crime prevention tool. In recognition of their ineffectiveness, the state legislature has not only rejected recent bills considering mandatory minimum sentences, but through the Justice Reinvestment Act repealed several mandatory minimum sentences that were previously in place. Our legislature is thoughtfully moving away from those policies and laws that support the mass incarceration of people of color. This bill runs counter to the efforts of the state legislature, and places Baltimore City residents at greater risk of increased incarceration than other Marylanders.

Gun violence in this City is not due to a lack of sufficient penalties available or imposed by judges. Baltimore's violence is rooted in insufficient treatment resources, lack of employment options and problematic policing. The City Council would better serve our residents and communities by addressing these deficits, rather than diverting attention and resources to re-enlisting failed practices.



# CIVIL RIGHTS DEFENSE FIRM, P.C.

*Defending YOUR Inalienable Rights*

*Joshua Prince*

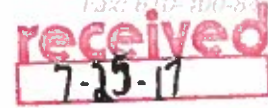
*Adam Kraut*

*Jorge Pereira*

Phone: 888-201-9297

Fax: 610-810-8339

July 25, 2017



Baltimore City Council  
Office of the President  
Suite 400  
City Hall  
100 North Holliday Street  
Baltimore, MD 21202

RE: Testimony re: Proposed Ordinance: Weapons - Prohibiting Handguns Near Places of Public Assembly

Dear Chairman Costello and Committee Members,

Thank you for providing me with this opportunity to raise concerns of my clients and myself in relation to the proposed ordinance - Weapons - Prohibiting Handguns Near Places of Public Assembly.

For those unaware of my background, at the state level, I am licensed in Maryland and Pennsylvania. At the federal level, I actively practice across the United States and am admitted to practice in front of the U.S. Supreme Court and a number of Circuit and District Courts across the Country. The focus of my practice involves constitutional rights at the state and federal level.

As you all have copies of my letter of July 21<sup>st</sup>, 2017, and it has already been placed into the record, I will not recite it; but rather, highlight several points made within it and raise several other issues that this committee, and if enact, the Baltimore City Council, will have to contend with, including the deprivation of civil liberties to the residents of Baltimore and other individuals as a result of the ordinance.

As I quoted in my letter, the U.S. Supreme Court in *D.C. v. Heller* in interpreting the Second Amendment defined "bear arms" as to "wear, bear, or carry ... upon the person or *in the clothing or in a pocket*, for purposes of ... being armed and ready for offensive or defensive action in case of conflict with another person." More recently, the Court in *Caetano v. Massachusetts* held that the possession of electronic incapacitation devices – commonly referred to as Tasers or stun guns – come under the protection of the Second Amendment, including in public. I believe this Committee is acutely aware of that decision, since two months ago, the Baltimore City Council repealed its unlawful Taser ordinance.

In relation to other constitutional concerns, this proposal raises concerns of due process,





equal protection and religious freedom under the state and federal constitutions.

First, due process in a criminal matter requires the state to prove each element of a crime beyond a reasonable doubt. The proposal would criminalize "knowingly" carrying within the prohibited specified locations and then creates a rebuttable presumption that the carrying of the firearm was knowingly; thereby, unconstitutionally seeking to shift the burden to the defendant to disprove an element of the crime.

Moreover, due process precludes a criminal defendant from being convicted, where the law is vague. In relation to the proposal, as my letter points out, there are no definitions for what constitutes parks, churches, schools, public buildings and other places of public assembly; thereby, making it unconstitutionally vague. Interestingly, the proposal endorses Christian-oriented religious institutions in precluding possession at or near "churches," while discriminating against other religious-oriented buildings, which do not constitute a church, by not providing the same protection under the law. To the extent this Committee contends that "churches" is to cover all religious-oriented buildings, then you have an unconstitutionally vague proposal, because only the Christian faith refers to its religious temples as churches.

Second, it would permit unequal application of the law and sentencing across Maryland, since an individual outside of Baltimore City, who is charged with unlawful possession of a firearm, would not be subject to the one year mandatory sentence and would be eligible for probation before judgment.

It is important to note that the Law Department's review of the proposal fails to address any of these constitutional concerns.

In turning to other issues involving the proposal, it seeks to strip the judiciary of its ability to determine appropriate penalties based upon the facts and circumstances of individual cases, after both the prosecutor and defendant have opportunity to argue for what they perceive to be an appropriate sentence. It also seeks to divest prosecutors of prosecutorial discretion, by stripping their ability to offer probation before judgment in cases that warrant such a disposition.

The proposal will also require all law enforcement officers to become lawyers to determine whether any particular individual is in violation of the ordinance. In this vein, it bears noting that few lawyers can discern Maryland's complex maze of firearm laws; yet, if this proposal is enacted, an officer will need to know the exact distance any individual is from any specified location and be able to determine that an individual is not otherwise exempt. As I am sure this Committee is aware, the Maryland State Police in limitedly issuing wear and carry permits, always includes restrictions, such as "only valid while conducting business for ABC Company." How is an officer to know whether the individual is within the permit's protections? As an individual is not constitutionally required to respond to an officer's questions, if an individual produces a wear and bear permit, even with restrictions, what reasonable suspicion, let alone probable cause, does the officer have that the individual has violated the law? If the officer arrests the individual, who was within his/her restrictions, the officer is now subject to a 42 U.S.C. 1983 action for deprivation of constitutional rights, as the individual was unlawfully arrested and potentially prosecuted.

While some contend that this ordinance is necessary because of the increasing rate of homicides in Baltimore, those individuals seemingly ignore the fact that this ordinance will have no impact on decreasing that rate, as the existing felonies and far more egregious misdemeanors –



including murder, manslaughter, unlawful homicide, assault with a firearm and assault – are not dissuading criminals from committing these violent acts.

There are also those who contend that the mandatory minimum is misunderstood, as the State's Attorney retains prosecutorial discretion because the State does not have to charge the offense and if it does, the mandatory minimum can be used to obtain a plea on other charges. This fails to acknowledge that frequently the *only* charge being filed and *only* charge that is applicable is one relating to unlawful possession of a firearm – typically because the individual, with no criminal background, could not comprehend the complex maze of laws and regulations. Therefore, if the State's Attorney's discretion is not to charge those individuals, instead of an increase, we will see a decrease in prosecutions relating to unlawful possession, which is contrary to the understood purpose of this proposal.

While the reduction of crime is a laudable goal, this proposal, in its current form, is not only unconstitutional but also violative of its own stated purpose. Instead of spending monumental amounts of time drafting ordinances – when far more egregious criminal penalties already exist for the conduct sought to be curtailed *i.e.* homicide – this Committee and the Council in general should institute outreach programs to properly explain the complex maze of firearm laws that exists in Maryland. Moreover, specific youth-relate outreach programs should be implemented to get the children off the streets and out of the gangs and into proper after-school and summer programs, where they can expend their energy on productive activities. As a former-President of the Pottstown Police Athletic League, I have seen firsthand the impact that such programs can have upon our youth. I have seen a gangbanger, under the age of 12, with a rap sheet taller than myself, who immersed himself in the activities provided and became an all-star athlete. While not every story has that same happy ending, I leave you with this question: how many youth could we have impacted and changed their lives, if we spent our collective time on them, instead of this ordinance?

Thanking you for this opportunity to address you, I am

Respectfully Yours,  
Civil Rights Defense Firm, P.C.



Joshua Prince  
joshua@civilrightsdefensefirm.com

jp/web  
Matter no. 10003



received  
7-25-17

Nibber, Dpaul

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**From:** Shane Bryan <shane.scott.bryan@gmail.com>  
**Sent:** Tuesday, July 25, 2017 8:39 AM  
**To:** Costello, Eric; Clarke, Mary Pat; Bullock, John; Pinkett, Leon; Reisinger, Edward; Scott, Brandon; Stokes, Robert  
**Cc:** Nibber, Dpaul  
**Subject:** Statement Re: Bill 17-0111 Weapons – Prohibiting Handguns Near Places of Public Assembly

Dear Members of the Judiciary and Legislative Investigations Committee,

I appreciate you taking the time to consider the legislation before this Committee dealing with handguns and mandatory minimum sentence of one-year in prison. I am writing you this morning to voice my opposition to this legislation in hopes you will not support this bill. Due to the timing of today's hearing, I am unable to attend in person and, therefore, submit my opinion to you in writing.

We have a violent crime problem in Baltimore. We have some very serious issues that communities in Baltimore are facing every day and we need solutions to these issues that address the ROOT CAUSES that have allowed these issues to persist for decades. Legislation to increase the minimum wage was an example that dealt with ROOT CAUSES of issues in our community. However, the mayor, after heavy lobbying by the business community under the direction of *The Greater Baltimore Committee*, vetoed the legislation and support for the increased minimum wage disappeared.

I stress ROOT CAUSES because that is where our attention and energy should be spent. This bill before you today is not a bill that will address any of the root causes that are leading to the deaths of hundreds and violence in our communities. This bill does absolutely nothing to address the easy access to a firearm. It does not provide an alternative to living a life of violence or give young men and women the opportunity to careers outside of organized crime or dealing.

I believe you share this concern with me when I say our communities have a real lack of trust with the Baltimore City Police Department. With the recent federal incitement of the Guns Task Force officers and the officer who taped himself planting evidence, I find it hard to believe the City Council would create a blank check for cops to go out and try to inflate their stats after we just saw the type of back-door dealings a group of police officers got caught leading through said task force. This legislation will only continue to further deteriorate the relationships we need to rebuild between the Police Department and the community. There are great officers who are committed to our community, those who live in our communities and are proud to be a Baltimore City Police Officer. Yet, there are countless other individuals who live in the city, want to be an officer, but do not want to be an officer with BCPD because of BCPD's reputation in the communities where they grew up. What are we doing to address this issue? How would this legislation affect the utter lack of respect and cooperation between BCPD and community? This legislation will take us many steps back from where we stand today.

Comparable legislation, such that the Mayor and Council President referred to in their press conference, have been evaluated for the impact such legislation had in cities that approved mandatory minimums or implemented similar measures. There were no conclusive evidence the mandatory minimums were effective; rather, there are many documented cases as to how this type of legislation only deteriorated an already troubling relationship with police and crime in communities. To assist in your review of this legislation, please consider these sources:



- *The Mostly Unintended Effects of Mandatory Penalties: Two Centuries of Consistent Findings* by Michael Tonry, University of Minnesota Law School (also attached because it is VERY important to read this comprehensive study)
  - "the weight of the evidence clearly shows that enactment of mandatory penalties has either no demonstrable marginal deterrent effects or short-term effects that rapidly waste away. Nor is it clear that mandatory minimum sentences reduce crime through incapacitation. In many drug operations, if a low-level offender is incapacitated, another may quickly take his place through what is known as the "replacement effect."
- *Reconsidering Mandatory Minimum Sentences: The Arguments for and Against Potential Reforms* by Paul Larkin and Evan Bernick, The Heritage Foundation
  - "Statutes imposing mandatory minimum sentences result in arbitrary and severe punishments that undermine the public's faith in America's criminal justice system."
- *Mandatory Minimum Sentencing Provisions Under Federal Law* by Erik Luna, CATO Institute
  - "The source of this problem is clear: Mandatory minimums effectively transfer sentencing authority from trial judges to federal prosecutors, who may pre-set punishment through creative investigative and charging practices, producing troubling punishment differentials among offenders with similar culpability. Undoubtedly, federal law enforcement is well-intentioned in many cases. But it would be naive to assume that good faith will prevent the misuse of mandatory minimums."
- *The Worst Gun Control Idea Has Bipartisan Support* by Daniel Denvir, New Republic
- *Reduce Gun Penalties* by Maya Schenwar, Executive Director of Truthout
- *Prison Sentence Enhancements: The Case of Project Exile* by Steven Raphael and Jens Ludwig
- *In The Shadow of Exile* by Carl Bialik, Five Thirty Eight

You all have the honor and privilege to serve and represent your communities, your neighbors, your loved ones and our Baltimore. You have the duty to consider the long-term impact legislation has on our community. Mandatory minimums and reactionary policing practices led to the 1 in 3 black men being incarcerated, taken out of our communities and away from their families back in the 1990s. We have learned from the mistakes of our past and must not make the same mistakes of those who came before us. Today, you have an opportunity to take a stand. Show Baltimore you are able to lead and will find solutions to issues in our communities without turning to the prison industrial complex as your savior.

Today, more than any other day, we need leaders who will support creative and long-lasting improvements in our lives and our communities. We need more funding for Safe Streets. We need community-based recreation opportunities across the city, in every neighborhood. We need to invest in our young people and allow for them to shine. We need communities that love and support one another and communities that will nourish the leaders of our city for tomorrow. We need you, the leaders of Baltimore, to join the fight against the business interests of those who refuse to make their home in Baltimore, but will put undue pressure on our elected officials and decision makers for the city to inflate their bottom line. We need to stop fighting over this legislation and begin working to support community-minded solutions that bring everyone to the table and create a brighter Baltimore for everyone.

I am opposed to this legislation before you and your committee. I hope you'll join me and thousands of others in opposing this legislation for Baltimore while continuing to address root causes of violent crime in our community.

Wishing you all the best,





Shane Bryan

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**Shane Bryan**

President, Ednor Gardens - Lakeside Civic Association

3701 Elkader Rd, Baltimore, MD 21218

P. 605-730-1294 | E. shane.scott.bryan@gmail.com

LinkedIn | Facebook



received  
7-25-17

**From:** Rashida Shuford [<mailto:rashida.harper@yahoo.com>]

**Sent:** Tuesday, July 25, 2017 8:28 AM

**To:** Clarke, Mary Pat; City Council President; Cohen, Zeke; Scott, Brandon; Dorsey, Ryan; Henry, Bill (email); [saac.Schleifer@baltimorecity.gov](mailto:saac.Schleifer@baltimorecity.gov); Middleton, Sharon; Pinkett, Leon; Burnett, Kristerfer; Bullock, John; Reisinger, Edward; Costello, Eric; Stokes, Robert; Sneed, Shannon

**Subject:** Please read regarding the hearing for mandatory minimum sentence for illegal gun possession in the city.

Good Morning Council Members and Council President,

My name is Rashida Shuford. I am a citizen and homeowner in Baltimore City. I must confess my normal interaction with one of you is to get assistance or to complain but I am reaching out to each one of you to urge you not to consider passing the bill that it would be a mandatory minimum sentence for illegal gun possession in the city.

I live in the Howard Park area for more than 10 years and this year I have never been more terrified I hear gun shoots so often there has been an increase in murders in my area. I am concerned for my safety of me and my family. I could move to another area which is what everyone tells me to do. I am a veteran in the US Navy and I have PTSD so this environment definitely aggravates my condition. I decided I'm not going to run why cause when I look at many people across the city they are suffering from some form of PTSD as well. I see young teens passed out on the bus stops and you can't ignore the other people of various ages doing the same even the "thugs" have fear and disparate on their faces. The destruction is everywhere and in the schools and guns aren't the only thing that contributes to the violence. And if your Council members that promised represent all your citizens then you have to see it.

This bill is not going to get to the source or reduce violence it's bringing in more people into this wide net your casting, instead of thinking about lasting solutions on this issue. So more black males will be in the system and become a felon and lose their rights for life over 1 year punishment? Your perpetuating the cycle, filling up jails and get revenue.

This bill will adversely effect people outside of your focus which is not a good bill. Your going to lock more people up which will cause a ripple effect on in many families.

If your focus is about targeting repeat offenders then I support a bill that addresses that issue. Hold the judges accountable. No one is saying to turn a blind eye to the law regarding illegal guns but this one time judges are the issue not the criminals so fix that!

The city council can work to change the climate across the whole city. Something with Lasting effects and gets to the source (i.e. campaign or call for Respect, Love and Peace in Baltimore. That's the messages that we should embrace and spread not the fear and punishment campaign isn't working.



Make conflict resolution, educational session (meditation, managing emotions, counseling) a mandatory requirement for public assistance, schools, correctional facility. Everyone is sick and acting on emotions while trying to deal with pain.

-create a felon works program similar to youth works so they don't feel the disparity of thinking they have to rerun back to their old ways because they can provide for their family.

Those are practical out of the box discussions so baltimore can be innovative and have the courage to not do a knee jerk reaction to an issue of violence that has been here for more than one year.

Address Poverty, mental health and addiction, food, and safety (even from the police) violence will decrease.

I have many other ideas I would love to share and test out on Baltimore. But I assure you if we keep doing the same thing and we keep getting the same result I will leave baltimore for my sanity. I hope you consider some of my opinions and am coming from a positive place with good intentions and I appreciate your service.

Thank you for your time.

Kind Regards,  
Rashida Shuford



received  
7-25-17

Nibber, Dpaul

---

**From:** Patricia Helfrich <pah5and9@hotmail.com>  
**Sent:** Tuesday, July 25, 2017 8:55 AM  
**To:** Pinkett, Leon; City Council President; Mayor Catherine E. Pugh  
**Cc:** Clarke, Mary Pat  
**Subject:** MANDATORY

Mandatory Minimums have proven to be good for nothing but prison construction. What's next, chain gangs? GIMMEABREAK! Is this the best you can do?

Raise the bar & salary for hiring police so people feel safe enough to leave home without a gun.

Patricia Helfrich  
1337 W 37th St  
Baltimore MD 21211  
443-286-1808







received  
7-25-17

July 25, 2017

The Honorable Eric Costello  
Chair  
Judiciary and Legislative Investigations Committee  
100 N. Holliday Street  
Suite 500  
Baltimore, Maryland 21202

Honorable Mary Pat Clarke  
Vice Chair  
Judiciary and Legislative Investigations Committee  
100 N. Holliday Street  
Suite 500  
Baltimore, Maryland 21202

RE: Council Bill 17-0111 – Weapons – Prohibiting Handguns Near Places of Public Assembly

Dear Councilman Costello and Councilwoman Clarke,

As President of Johns Hopkins University, I write to express my profound concern about escalating crime and gun violence in Baltimore, and to underscore the urgent need to take action on behalf of Baltimore citizens whose lives are daily – often tragically – affected by this violence.

As an anchor institution in our home city, Johns Hopkins University and Health System together employ over 15,000 Baltimore residents and draw students, patients, and visitors from across the globe. As an institution whose well-being is inextricably tied to that of our neighbors in Baltimore, we stand in support of the Mayor, the City Council and the Police Commissioner in their efforts to implement a forceful, effective crime deterrence and prevention strategy.

A comprehensive crime strategy must address the proliferation of guns in our city and the devastating impact of repeat violent offenders. A successful strategy also will rely on data-driven research and evidence-based solutions to inform decision-making and ensure that criminal justice methods are, in fact, reducing gun violence. Finally, a strategy must include initiatives that support job opportunities, programs for our youth, efforts to address trauma and health, a strong education system, and other long-term crime-reduction interventions.

Johns Hopkins has been pleased to build a cooperative partnership with the City in support of public safety efforts. The Johns Hopkins Center for Gun Policy and Research has worked with Baltimore City officials on a variety of applied research projects to study gun violence and efforts

Office of the President  
242 Garland Hall 3400 North Charles Street Baltimore, MD 21218



Councilman Costello and Councilwoman Clarke  
July 25, 2017  
Page 2

to reduce it. These projects include the Johns Hopkins-Baltimore Collaborative for Violence Reduction, through which a team of Johns Hopkins faculty and staff provide the Baltimore Police Department and the State's Attorney's Office with technical assistance and research to inform efforts to reduce violence and build trust with communities most impacted by violence.

Thank you for your focus on the critical issue of gun violence, and for considering these important policy questions as you take steps to establish a broader strategy to address the critical needs of our citizens in the face of rising crime.

Sincerely,



Ronald J. Daniels  
President

Cc: Karen Stokes, Director, Mayor's Office of Government Relations



received  
7-25-17

Testimony on Weapons Prohibiting Handguns Near Public Places of Public Assembly  
Hearing Date: 7/25/2017

For context, the language in the Thirteenth Amendment to the Constitution, that makes it legal to enslave people as punishment for a crime, made legal the way for the American justice system to become the long arm of white supremacy. This language has enabled the continuation of racist narratives to justify enslavement primarily of people of African descent for profit. From the peonage of the Jim Crow South to the Rockefeller Drug Laws of the Industrial North, lawmakers, courts, State's or District Attorneys and police have brutally applied any number of unjust laws upon the Black community. The proposed Weapons Prohibiting Handguns Near Public Places of Public Assembly legislation is but one recent example.

The council has before it a law establishing mandatory minimum sentence of one year for carrying a handgun near places of public assembly; in spite of sufficient research indicating that the use of mandatory minimums is ineffective. There are those that believe this research only applies to non-violent, drug related offenses. I disagree and posit that the populations of those arrested for non-violent drug offenses and those arrested for carrying or possessing "illegal weapons" are much the same. And, I say "illegal weapons" because, based on my reading of this law and the opinion of a local lawyer, legal gun owners could be arrested, charged and convicted under the law as currently written. As such, this legislation will continue the legacy of racial profiling, overcharging and other forms of police misconduct.

In the last two weeks we have seen two examples of the type of police maleficence that makes the use of mandatory minimums so disturbing. First is the case of Officer Richard Pinheiro, Baltimore Police Department who is seen, on his own body camera, allegedly planting evidence. The second was the recovery of a suspected crime gun at the house of a former Baltimore City Police Commander, Dan Lioi. Neither man has been convicted however the circumstances certainly point toward wrongdoing. These incidents underscore the potential for police abuse of power. The police do not need another law with which to railroad people. Neither the State's Attorney's office nor the court is off the hook here because prosecutors routinely offer plea bargains for cases with weak or cooked-up evidence and the courts accepts them. The checks in the justice system are not balancing when it comes to Black people but that is the result of the incomplete abolition of slavery driven by the capitalist imperative. I ask. How much is being spent on policing and jailing innocent folks? How much has this city spent over that last 10 years in settlements for police misconduct? How many innocent people have been held in captivity because they could not make bail? How many were subsequently convicted because they couldn't afford quality counsel? Too much and many- There are already sufficient gun laws on the books. We should be making sure those are being fairly applied and prosecuted before adding more, especially not the variety that make it easy for the police to use their clearly unchecked power to play out the racist narrative of Black inferiority and criminality.

Perhaps the city council should direct its work toward addressing the root causes of crime in Baltimore instead of attempting to cover the symptoms with legislation crafted from diseased charging and sentencing practices. Many of the people committing and being victimized by gun crimes are drug addicted and/or lead exposed. Significant resources should be put toward prevention and rehabilitation of both the mental/emotional condition of the affected and the physical condition of the neighborhoods to solve those problems. A blighted Baltimore will continue to be a bleeding Baltimore.

Nneka N'namdi, District 11



**From:** kevin slayton [mailto:revkevinslayton@gmail.com]  
**Sent:** Tuesday, July 25, 2017 1:07 AM  
**To:** Schleifer, Isaac; Reisinger, Edward; Costello, Eric  
**Cc:** Scott, Brandon; [ravdaniel@bethambaltimore.com](mailto:ravdaniel@bethambaltimore.com); Kamau High  
**Subject:** Opposition to Bill 17-0111

received  
7-25-17

Dear Council Members:

On May 19, 2016 Governor Larry Hogan signed into law a significant piece of legislation (Maryland Justice Reinvestment Act) that addressed the devastating impact of mandatory sentencing on poor black and brown people in this great state. Hogan, a leading Republican faced the hard truths of injustice often overlooked due to accepted stereotypes of certain people. This signing signaled a turning point for this state and the people who live in it. It recognized the overwhelming statistics and data the pointed out the gross injustice of mass incarceration.

One of the major factors impacting the decision was the fact that "Incarceration costs \$38,383 per inmate annually, while Community supervision costs \$1800 per year." It simply did not add up! And as a citizen with the same desires for safer communities as you, I have no idea how this policy would add up to safer streets.

As the leader of a faith institution I am fully aware of the need to provide a safer environment, in which we can raise the next generation of citizens. But, I also recognize the need to extend policies that are fair and balanced in their application. No longer do we have to wonder about the impact of mandatory sentencing on people of color. The number of incarcerated persons is dramatically higher in its disproportion to the actual population. One of the major reasons as pointed out by best-selling authors Michelle Alexander and Bryan Stevenson in their respective books *The New Jim Crow* and *Just Mercy*. These two books alone over the past 3 years have almost single handedly dismantled any arguments that would argue for the continued use of mandatory sentencing in our nation. Why on earth would a city that is predominantly African American choose to continue down such a dark path.

The notion that this legislation is to protect faith institutions and schools is a noble one, but it's a pitiful attempt at sincerity. If the legislation is truly concerned about the negative impact of violence near faith institutions and academic centers then might I suggest that it consider banning the sale of alcohol within that certain distance, especially on Friday's and Saturday's when most





of our faith institutions are open. Why not pursue the businesses that surround these places pumping gallons of poison into them each and every day before noon? Better yet, why not just go after the more serious gun offenders.

The impact of such policies is devastating to the future of young black boys, especially. I'm reminded of a familiar passage of Christian scripture in Matthew 12 where a young boy was born and the local politician sought to find him and destroy him. As you read the story you will learn that the politician asked a group of men to tell him where the child could be found. It was at that point that the men recognized the politician had ulterior motives. Their decision to go back a different way garnered them the title of "Wise Men." They made a wise decision to protect the future of a child that was not theirs.

And so, as you continue to read the story you will notice that the boy is relocated to Africa for his own protection. As a result, the politician instituted a policy that suggested all boys in a certain region and of a certain aged be killed. I raise this point to suggest that this is not the first time that a politician has sought bad policy to cut short the promise and future of young boys of color. But what is most important to take away from the story is that the person who secures his future was a man that was not his birth father. I would argue that Joseph was just a man put in a position for such a time as this and still today we need men and women who are willing to go out of their way to protect those futures. You are those men and women.

While I hold each of you high esteem, I respectfully ask you to consider voting against this legislation. Your non-support will send a message that the time has come to use our better gifts to ensure brighter futures and safer communities. If Republicans can come to such conclusions, surely a majority body of Democrats can do the same. Frustration is understandable, it just means that we must work harder at the solutions. But the solution is never more people of color being imprisoned. Once again, I strongly encourage your opposition to Bill 17-0111.

Respectfully Submitted,

Rev. K. A. Slayton, Sr., M.Div



New Waverly United Methodist Church

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*Rev Kev*



received  
7-25-17

STATEMENT OF THE DOWNTOWN PARTNERSHIP OF BALTIMORE

Bill No. 17-0111: Prohibiting Handguns Near Places of Public Assembly

For more than 30 years, Downtown Partnership of Baltimore has attempted to address some of the most pressing needs in our City. We have dedicated significant resources to improve homeless outreach, find employment opportunities for youth, and provide second-chance employment to ex-offenders and people who have overcome drug addiction. Our employees are City residents. Many of them reside in neighborhoods that suffer from high crime rates, and too many have lost family and friends to gun violence. This is an issue that affects us all in a very personal way.

No single law can address the complexity of factors that lead to higher crime rates, but it is clear that something needs to be done to stem our city's unacceptably high rate of gun violence. The City needs to send an unambiguous message to people who carry illegal handguns in public – guns that are being carried, in most cases, to threaten or cause harm to others. Punishment must be certain in order to change this behavior. Furthermore, the legislation reflects the community's urgent consensus that guns should not be used to resolve disputes – an unfortunate practice in our City. At the end of the day, this bill is supported by elected officials who care deeply about creating not only a safe city, but a just and fair one as well. We trust their judgment and their accountability to the citizens of Baltimore.

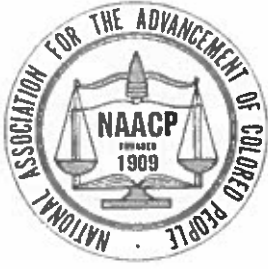
For these reasons, Downtown Partnership supports Council Bill 17-0111.

Like most legislation, this bill is imperfect. We are concerned about mandatory sentences for first-time offenders, with no prior criminal backgrounds. We urge our City leaders to consider community-based diversion programs for such citizens to avoid harmful time in prison. We ask that the City and State work together to allow a person to easily expunge a conviction under this law if they are first-time offenders. Further, we recommend that the City launch a campaign to educate people on how to properly register a handgun, and we ask the City to persuade the State to waive its registration fees.

Because this bill represents a new strategy for Baltimore City, we request that the legislation include a requirement to research the effectiveness of this law after three or five years. If gun violence is reduced, if fewer people own illegal handguns, and if first-time offenders are treated fairly, then the law should continue in effect. If not, the law should be withdrawn.

In the end, this bill is another step in creating a comprehensive criminal justice strategy, and we welcome additional bold steps by the Mayor and City Council to reduce crime in the City. We know, for a fact, that leaders of all sectors – business, university, community, religious, public, and non-profit – would dedicate their time to implement a plan to achieve permanent progress on this front.





NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE  
4805 MT. HOPE DRIVE • BALTIMORE, MARYLAND 21215-3297 • (410) 580-5777

July 25, 2017

received  
7-25-17

Hon. Bernard C. "Jack" Young, President, Baltimore City Council  
Eric Costello, Chair, Judiciary and Legislative Investigations Committee  
Mary Pat Clarke, Vice Chair, Judiciary and Legislative Investigations Committee  
Members, Judiciary and Legislative Investigations Committee  
Members, Baltimore City Council

RE: Mandatory Minimum for Gun Possession (City Council Bill 17-0111)

Dear President Young and Members of the City Council:

I am writing to urge the Baltimore City Council not to enact a mandatory minimum sentence for gun possession that will have harmful effects without reducing violent crime. The NAACP has been fighting for over a decade to end mandatory minimums at the local, state, and federal level. Our opposition to mandatory minimums is rooted in the evidence that mandatory minimums lead to racial disparities, add to the power of prosecutors and police, and do not keep communities safe.

Mandatory minimum sentences transfer discretion from judges to prosecutors and police officers. Police can selectively determine who to target for enforcement. Given the United States Department of Justice's findings on Baltimore's pattern and practice of discriminatory law enforcement, this bill is likely to lead to racial disparities that will most heavily impact the African American community. Prosecutors will decide who to charge and will determine which people will spend a year in jail. These prosecutorial decisions will not be made in open court with the transparency inherent in judicial proceedings.

Mandatory sentencing for unlawful gun possession is not a new idea; it was enacted by several cities in the 1970s. These laws ushered in a wave of "tough on crime" tactics that fueled the mass incarceration crisis that persists to this day. Baltimore can learn from other cities' experiments with mandatory sentencing for carrying unlicensed firearms. There is no conclusive evidence that these laws reduced crime, and there is extensive evidence that they resulted in selected enforcement by police and prosecutors.<sup>1</sup>

Our country is at a dangerous crossroads. After decades of increasing correctional populations, we have seen increasing awareness of the toll that mass incarceration has taken on our communities. Momentum for change was building, and efforts to enhance public safety while decreasing prison populations have been taken at the federal, state, and local level. However, we now have a federal attorney general who has decided to return to the discredited War on Drugs policies of the past. Laws such as the one under consideration today were the building blocks of our slide into mass incarceration. I hope that Baltimore will not become a leader in backsliding into disproven crime fighting tactics.

Sincerely,  
Ngozi Ndulue  
Senior Director of Criminal Justice Programs

[www.naacp.org](http://www.naacp.org)

<sup>1</sup> See, e.g., Tonry, Michael. "The mostly unintended effects of mandatory penalties: Two centuries of consistent findings." *Crime and justice* 38.1 (2009): 65-114.





received  
7-25-17

Nibber, Dpaul

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**From:** Molly Gill <MGill@famm.org>  
**Sent:** Tuesday, July 25, 2017 9:43 AM  
**To:** City Council President; Costello, Eric  
**Cc:** Cohen, Zeke; Scott, Brandon; Dorsey, Ryan; Henry, Bill (email); Middleton, Sharon; Schleifer, Isaac; Pinkett, Leon; Burnett, Kristerfer; Reisinger, Edward; Bullock, John; Stokes, Robert; Sneed, Shannon; Clarke, Mary Pat  
**Subject:** Groups Oppose Proposed Gun Ordinance

**Joint Statement: Baltimore City Council Should Reject Mandatory Minimum Sentence**  
July 25, 2017

WASHINGTON – Today, the following criminal justice and civil rights organizations issued this joint statement in response to Baltimore City’s proposed handgun safety law, which will be debated before the City Council on Tuesday, July 25, and contains a mandatory minimum sentence of one year for gun possession:

We collectively urge Baltimore City to reject the mandatory minimum sentence requirement contained in its proposed illegal handgun possession bill, Bill 17-0111. Decades of failed local, state, and federal policies tell us that mandatory minimum sentences do not deter crime or increase public safety. We know how this ends: increased incarceration rates, jail overcrowding, astronomical costs to taxpayers, increased racial disparity, and fewer resources for crime prevention, victim services, and smarter policing. Enacting a failed policy is not the answer to gun violence and won’t make our communities safer.

**Groups:**

Church of Scientology National Affairs Office  
Drug Policy Alliance  
Families Against Mandatory Minimums  
Justice Policy Institute  
Justice Strategies  
Law Enforcement Action Partnership  
NAACP Legal Defense and Educational Fund, Inc.  
National Association of Criminal Defense Lawyers

Molly Gill  
Vice President of Policy

Twitter: [@mmgillwriter](https://twitter.com/mmgillwriter)

Families Against Mandatory Minimums  
1100 H Street, NW, Suite 1000  
Washington, D.C., 20005  
(202) 822-6700



Sentences that fit. Justice that works.



received  
7-25-17

Dr. Jay Perman  
President

University of Maryland, Baltimore

Statement in Support of Baltimore City Council—Testimony: Council Bill 17-0111  
Baltimore City Council Judiciary and Legislative Investigation Committee  
July 25, 2017

Good morning. I thank the Committee and Chairman Costello for this chance to testify.

I'm Jay Perman, president of the University of Maryland, Baltimore. But I come here today in a different capacity. I come as a pediatrician to speak for the children of Baltimore. And I think that's appropriate, because while I've been the head of UMB for seven years, I've been a pediatrician for more than 40.

I've seen the effects of gun violence on children—not as my surgeon colleagues too often see the effects, with young victims lying on their operating tables. But I see the cognitive stress, the anxiety, the depression among children who experience gun violence up close, who have had family members and friends maimed and killed.

Very often, these children do not thrive, they underperform in school, they have behavioral issues that can, in fact, result in the perpetuation of crime and violence. Violence in these communities is a tragedy, no doubt. But more than that, it's a cyclic tragedy that's visited upon these neighborhoods and families again and again and again.

As UMB president, I see it. I see it all the time.

Before I go further, I should make clear that I'm certain my support of this bill is *not* shared by every member of the UMB community, and I do understand the reservations of those who might oppose the legislation. But I'd like to share a personal story that explains my support.

As I believe you know, UMB runs a program called UMB CURE Scholars, a long-term, science-focused mentoring program for West Baltimore middle school students. These scholars, in fact, visited the City Council last year to share with you what the program means to them.

Each fall, we induct a couple dozen students into the CURE program. At the induction ceremony, we put white coats on them, just like the white coats my colleagues and I wear as health professionals and scientists.

Last fall, we held the White Coat Ceremony on a Saturday. One of the scholars—a 6th grader—was accompanied by her father. Two days later, on a Monday morning, her father was murdered.



Since then, we've helped the family in any way we can—with bereavement counseling, with employment assistance and job training for the scholar's mother, with help in navigating the Criminal Injuries Compensation Board.

But what the mother wants desperately—more than anything else—is help in moving away.

Many of our CURE families feel this way. It's not the first time a mother has asked us to help her move. Often, the move she can afford isn't far—to another city neighborhood plagued by the same problem of violence. But it's far enough that we constantly run the risk of losing these bright and talented students from our programs. We risk them slipping out of our reach and watching our progress and theirs—this slow, hard progress—get undone day after day.

And what if these families could afford a farther move? *Leaving* can't be our best answer. We can't relocate—dislocate—countless children from our city so that they might find better opportunities elsewhere. We need those opportunities *here*. We need safe spaces to live and learn here. We need to build a city that nurtures and protects its children.

Of course, I know this bill alone can't cure Baltimore's crisis of violence—this public health crisis. It has to be part of a MUCH larger effort.

We need to find our neighbors jobs. And even before that, we need to prepare them for jobs—with literacy education, GED preparation, certification courses, skills training, and internships.

We need youth development programs, after-school activities, summer jobs, rec centers, and sports leagues, and everything else that occupies children's attention and energy—and puts them on a positive path forward.

We need to support community-based violence prevention programs, where so much good work—heroic work—is being done every day.

We need better mental and behavioral health care in the city—robust addiction counseling—and we need to make sure our neighbors can access it and afford it.

I know this bill before the City Council isn't THE answer, but I hope it can be part of it. Baltimore is bleeding. We're hemorrhaging lives, talent, potential, and the very hope we're trying to offer these young people. As a community, we need to put a firm mark down against illegal guns, and certainly against guns near our schools. We have to act—and we have to act now.

Thank you.

.....



July 25, 2017

To: [Councilpresident@baltimorecity.gov](mailto:Councilpresident@baltimorecity.gov)

From: Inez Robb

President

Fulton community Association

Sandtown Winchester Condominium Association

Western District Community Relations Council

received  
7-25-17

Subjet: Council Bill 17-0111

My name is Inez Robb and I been living in the Sandtown Winchester neighborhood for 30 years as a home owner. I support Council Bill 17-0111 for the following reasons:

As I talk and listen to residents, community leaders, youth, seniors, and businesses we all agree that to many people are being murdered in Baltimore city. The children are afraid to go to the corner store, go to the playground, or play in front of where they live. Some resident are afraid to set on their steps or porches, go to the super market and even go to Bible study. Just put yourself in their place.

So far this year we have had 189 murders, 86% were from handguns or 162 people. 46% of the victims had previously been arrested for a gun crime and 41.5% of the suspects had previously been arrested for a gun crime.

This year there has been 361 NON-fatal shooting in Baltimore city, the handguns used in these crimes are ILLEGALLY possessed by the offenders, which is generating the most violent crimes in Baltimore City. From 2016 to present 605 people have been found guilty in criminal cases involving a gun. 60% of those found guilty received the majority of their sentence suspended by the judges. WHY, WHY, WHY. The offenders do not view the possession of an ILLEGAL gun is a serious crime with serious consequences.

If passed, Bill 17-0111, being arrested, prosecuted and CONVICTED of possessing an ILLEGALLY handgun would lead to a 1 year jail sentence and can not be suspended by judges.

Lets help neighborhoods and communities feel safer and feel that our elected officials care. That's why I am asking you to vote in support of Bill 17-0111.

Thank you  
Inez Robb





received  
7-15-17

Calling it a “shanda”, Yiddish for shame or disgrace, Molly Amster for Jews United for Justice, condemned the City Council proposal, Bill 17-0111, a mandatory one-year sentence for possession of an unlicensed gun. This is a mistaken response to the tragic gun violence and murder rate in our city. Mandatory sentences do not curb violence and have unintended consequences. They disproportionately effect young, poor black men. We should not be repeating the mistakes of the past few decades that have led to mass incarceration of black men.

I am Dr. Gwen DuBois, president of Chesapeake Physicians for Social Responsibility, as well as a member of Jews United for Justice. I too condemn this poorly conceived response to the problem we face of rising gun violence and high murder rate in Baltimore City. I practiced medicine in the last century when we did what we did because it had always been done that way. Then the concept of “evidence” came into medicine. We used to recommend radical mastectomies for breast cancer until studies showed that led to overtreatment and unnecessary complications.

There is no evidence that I know of that this policy will reduce the murder rate in Baltimore. While we have no evidence that this policy will reduce the murder rate do we know what the unintended consequences might be analogous to risks of “over treatment”. How many young people’s lives will be disrupted by the mandatory jail sentence for the unforgiving



consequences that follow making a mistake. In addition, as in children poisoned by lead who lose a lifetime of wages from the drop in IQ, spending a year in prison too often leads to difficulty in subsequent employment. This constitutes a form of stolen wages. Past policies in housing discrimination and mandatory sentencing from discriminatory drug policies, subprime mortgage catastrophe (Wells Fargo suit) have already unjustly left minority Baltimoreans in poverty. We must stop writing these kinds of laws that are discriminatory in their impact and stop subjecting our minority neighbors to unending injustice.

The National Academy of Sciences released a report critical of mandatory and long sentences as having an uncertain effect on crime while disproportionately falling on minority, poor young men.

It concluded that sentencing should be as short as possible to accomplish its end, should be proportional to the crime, should not be so long lasting as to deprive of the privileges of society and should be consistent with social justice goals. This proposed legislation fails on all four accounts.

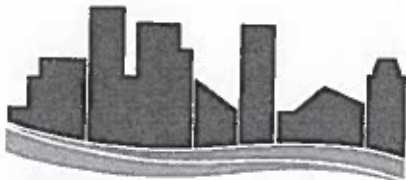
<http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=18613>

Dr. Gwen DuBois MD, MPH  
1817 Sulgrave Ave. 21209



President Chesapeake Physicians for Social Responsibility  
and member Jews United for Justice





**BALTIMORE CITY  
COMMUNITY COLLEGE**

2901 Liberty Heights Ave.  
Baltimore, Maryland 21215-7893

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www.bccc.edu

Gordon F. May, PhD / CEO  
*President*

Lawrence J. Hogan, Jr.  
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Jason Perkins-Cohen (Ex-Officio)

Tom Geddes

OFFICE OF THE PRESIDENT

received  
7-25-17

July 25, 2017

Dear Mayor Catherine Pugh and City Council President Jack Young:

Please accept this letter as an indicator of my support for City Council Bill "Weapons- Prohibiting handguns near places of Public Assembly.

As you know, Baltimore City Community College (BCCC) has a strong presence in West Baltimore with our Liberty Campus. We are celebrating our 70<sup>th</sup> Anniversary this year.

I applaud Mayor Pugh and City Council President Jack Young for taking such a strong stance against crime. We want our students safe on and around campus and throughout the city. I also applaud Mayor Pugh and City Council for increasing the city's investment in City Schools as well as recreational enrichment, and summer employment opportunities. BCCC has been heavily invested in creating summer academic and employment opportunities for city youth.

Please know that I support you in your efforts to make Baltimore City a safe place for all city residents. We stand at-the-ready to help.

Sincerely,

Gordon F. May, PhD  
President/CEO

GFM/vml

**CHANGING LIVES...BUILDING COMMUNITIES**





received  
7-25-17

Nibber, Dpaul

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**From:** DAVID EBERHARDT <mozela9@comcast.net>  
**Sent:** Tuesday, July 25, 2017 9:12 AM  
**To:** City Council President  
**Subject:** please enter this at the hearing on the gun mandatory min.? thanx

sent to sun columnist Todd Oppenheim- who writes opposing the 1 yr mandatory minimum for gun carriers-

I am a p;rogressive-worked at jail for 33 yrs helping offenders

Ok, mandatory is bad. You do realize we are talking abt gun s here.

Nobody likes knee jerk reactions, but I advise you to now write a column re solutions- where do the guns come from? why is little done on guns and dealers by the politicians, media, judges, you name it.

Guns are a scourge.

As a supporter of Marylanders to Prevent Gun Violence, I suggest you read their platform and get on board.

Fine, you make yr small point.

Now get on board with some solutions.

In the interests of transparency- are you an NRA member? Do you carry? Are you pimping for the gun lobby?

But you don't address these issues.

david eberhardt

baltimore, md.



Received  
7-25-17

Nibber, Dpaul

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**From:** Carolyn Boitnott <c.boitnott@verizon.net>  
**Sent:** Tuesday, July 25, 2017 7:00 AM  
**To:** City Council President  
**Cc:** Jarrod.Jackson@baltimorepolice.org  
**Subject:** FW: proposed handgun bill cc17-0111

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**From:** Carolyn Boitnott [<mailto:c.boitnott@verizon.net>]  
**Sent:** Saturday, July 22, 2017 12:54 PM  
**To:** 'Zeke.Cohen@baltimorecity.gov'  
**Cc:** 'Clinedinst, George'; 'Jarrod.Jackson@baltimorepolice.org'; 'Austin, Bryant'  
**Subject:** proposed handgun bill cc17-0111

Dear Councilman Cohen,

I urge you to support the bill being considered by the City Council to help address handguns in Baltimore City. I am the Chair of the Butchers Hill Crime Prevention Committee and have been such for many years. While SE has not had many homicides over the past few years, we have had a large number of robberies many involving handguns, some occurring in our neighborhood. As a recipient of the SE Police Daily Summaries of Part 1 Crime I have gone back through those reports from July 1, 2016 through June of 2017 and find that there have been 768 robberies in SE over the past year, 280 of them report a gun being involved with another 35 implying there is a gun. That is over a third! In 109 cases a knife was reported and 37 others with various other weapons.

I generally am not supportive of mandatory sentences but this seems to be a very reasonable approach that I would expect would serve as a deterrent to the many young people who are often perpetrators of these robberies. Personally, I would like to see stronger gun control laws in our state but this, cumbersome as it may be, I believe would be helpful and should be supported.

Carolyn Boitnott, 2105 E Baltimore St  
410-522-4991



**Nibber, Dpaul**

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**From:** Zoe <zhendri1@gmail.com>  
**Sent:** Monday, July 24, 2017 7:41 PM  
**To:** Stokes, Robert; City Council President  
**Subject:** Vote NO on handgun mandatory minimum bill

Dear Councilman Stokes and President Young,

Please vote against the handgun bill because it will impose mandatory minimum sentences that have been shown to lock up minor offenders who become career criminals in jail. Mandatory minimums are not conducive to an effective or sustainable approach to addressing violence in Baltimore. Leaders of a Beautiful Struggle wrote an Op-Ed that explains why this is bad policy:

<http://lbsbaltimore.com/op-ed-mandatory-minimums-for-illegal-handguns-will-not-stop-murders-in-baltimore/>

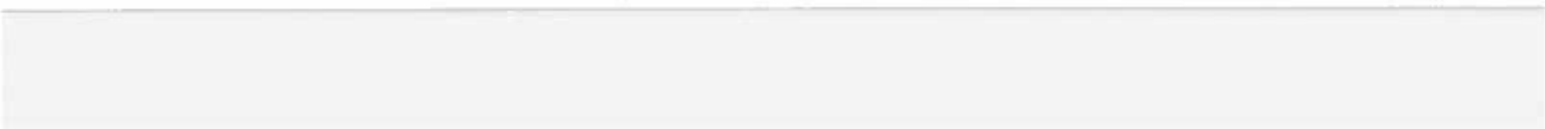
Sincerely,  
Zoé Hendrickson

2802 Saint Paul St #2  
603-918-7300

received  
7-24-17



Received  
[illegible]





**MARYLAND CHIEFS OF POLICE ASSOCIATION**

received  
7-24-17

6740 Alexander Bell Dr #350  
Columbia, MD 21046  
410-516-9873

July 24, 2017

The Honorable Eric Costello  
Chairman, Judiciary and Legislative Investigations Committee  
Baltimore City Council  
100 Holliday St #400  
Baltimore, MD 21202

RE: City of Baltimore, Council Bill 17-0111 – Mandatory Sentencing for Handgun Possession

Dear Councilman Costello:

The Maryland Chiefs of Police Association (MCPA) commends the Baltimore City Council as it considers enacting legislation imposing mandatory sentencing for those individuals convicted of unlawfully possessing a handgun within the City of Baltimore.

The MCPA recognizes the seriousness of the discussion regarding minimum sentencing, and the importance of providing fair and impartial guidelines which allow for judicial discretion as the very basis of supporting Constitutional values. The MCPA also recognizes that those who illegally possess and carry a handgun make a conscious decision to do so. Too often, the outcome of these deliberate decisions lead to violence, many times, unfortunately, resulting in murder. Shamefully, it seems our society has become desensitized to these horrendous crimes, forgetting that every crime has a victim, and every victim has a face. Too many lives are being cut short because no one is speaking out for the victims. The statistics speak for themselves:

- 194 murders in Baltimore to date;
- Over 605 people found guilty in criminal cases involving handguns since 2016;
- 86% of murders involve the use of a handgun;
- 60% of those found guilty received suspended sentences.

The City of Baltimore represents, in so many ways, the best of Maryland: history, culture, arts, sports, premier health care systems, world-renowned universities. The Baltimore City Council, by your actions, is demonstrating courageous leadership, taking the forefront in making sure that the City of Baltimore maintains its "Charm City" status, sending a clear and convincing message to those who would violate the law that their actions are not acceptable and they will be held accountable. The safety of our communities in Baltimore requires such consideration and the MCPA urges a "Favorable Report" on Council Bill 17-0111.

Respectfully,  
Chief David Morris, President  
Maryland Chiefs of Police Association





Received  
7-24-17

Nibber, Dpaul

---

**From:** Carl Shapiro <crshapiro@gmail.com>  
**Sent:** Monday, July 24, 2017 7:37 PM  
**To:** Stokes, Robert; City Council President  
**Subject:** Vote NO on handgun mandatory minimum bill

Dear Councilman Stokes and President Young,

I urge you both to vote against the handgun bill because it will impose mandatory minimum sentences that have been shown to lock up minor offenders who become career criminals in jail. Leaders of a Beautiful Struggle wrote a wonderful Op-Ed that explains why this is bad policy:

<http://lbsbaltimore.com/op-ed-mandatory-minimums-for-illegal-handguns-will-not-stop-murders-in-baltimore/>

Sincerely,  
Carl Shapiro

2802 Saint Paul St #2  
678-777-5429



received  
7-24-17

Nibber, Dpaul

---

**From:** Laurie Green <ravlaurieg@gmail.com>  
**Sent:** Monday, July 24, 2017 6:11 PM  
**To:** City Council President; Clarke, Mary Pat  
**Subject:** Reject mandatory minimums

I live in Ednor gardens. My neighborhood is awash in a crime wave we've never seen before. I want to feel safe and I don't want my car to be stolen again.

I don't want to lock up another generation of young black men. I don't want to turn first time offenders into career criminals.

**REJECT MANDATORY MINIMUMS!**

-Laurie Green  
21218

--  
Rabbi Laurie Green



JAMES SWEETING III, L.L.C.  
Attorneys-at-Law



received  
7-22-17

37 N. Orange Avenue  
Suite 500  
Orlando Florida 32801

17 Courtland Street  
Suite 110  
Bel Air Maryland 21014

July 22<sup>nd</sup>, 2017

James Sweeting III,  
L.L.C.  
P.O. Box 215  
Churchville, Maryland  
21028  
Phone: (443) 267 7534  
email:  
[james@sweetinglaw.com](mailto:james@sweetinglaw.com)  
[www.sweetinglaw.com](http://www.sweetinglaw.com)

Cornelius Scott  
Mothers of Murdered Sons and Daughters United  
105 Kenyon Court  
Joppa Maryland 21085

*Re: Proposed Amendment to Baltimore City Ordinance Prohibiting Handguns:*

Dear Mr.Scott:

Please find enclosed the proposed amendment to the Baltimore City Handgun Ordinance. I have attached the Ordinance as it currently exists as well as a version the encompasses the proposed amendments. In the version containing the amended language the original language is stricken through.

If you have any questions, please do not hesitate to contact me.

Sincerely,



James Sweeting III, Esquire

Encl:

James Sweeting III, is a  
Practicing Attorney and a  
Licensed Member of the  
Florida and Maryland  
Bar Associations  
Florida Bar No.: 715311

- Your Activist Attorneys -



DRAFTED BY

DRAFTED BY

**INTRODUCTORY\***

**Proposed Amendment  
City of Baltimore  
Council Bill \_\_\_\_\_**

---

**Introduced By:  
At the request of:**

---

**A BILL ENTITLED**

**An Ordinance concerning:**

**Weapons – Prohibiting Handguns Near Places of Public Assembly**

For the purpose of prohibiting the wearing, carrying, or knowingly transporting of handguns near certain places of public assembly; creating certain exceptions; defining certain term; establishing a certain mandatory penalty; setting a special effective date; and generally relating to handguns.

By adding

Article 19 – Police Ordinances  
Sections(s) 59-5  
Baltimore City Code  
(Edition 2000)

Section 1. BE IT ORDAINED BY THE Mayor and City Council of Baltimore, That the Laws of Baltimore City read as follows:

**Baltimore City Code  
Article 19. Police Ordinances  
Subtitle 59. Weapons**

**§ 59-5. Handguns.**

(A) ***"HANDGUN – DEFINED"***

IN THIS SECTION "HANDGUN" MEANS A FIREARM, AS DEFINED IN STATE PUBLIC SAFETY ARTICLE §5-101(H), THE BARREL OF WHICH IS 14 INCHES OR UNDER IN LENGTH.

(B) ***CARRYING PROHIBITED.***





DRAFTED BY

DRAFTED BY

A PERON MAY NOT:

(1) WEAR, CARRY, OR KNOWINGLY TRANSPORT A HANDGUN, WHETHER CONCEALED OR OPEN, ON OR ABOUT THE PERSON WITHIN 100 YARDS OF, OR IN, A:

- (I) PARK;
- (II) CHURCH
- (III) SCHOOL;
- (IV) PUBLIC BUILDING; OR
- (V) OTHER PLACE OF PUBLIC ASSEMBLY.

(2) WEAR, CARRY, OR KNOWINGLY TRANSPORT A HANDGUN, WHETHER CONCEALED OR OPEN, IN A VEHICLE TRAVELING ON A ROAD WITHIN 100 YARDS OF A:

- (I) PARK;
- (II) CHURCH;
- (III) SCHOOL;
- (IV) PUBLIC BUILDING; OR
- (V) OTHER PLACE OF PUBLIC ASSEMBLY.

(B) PRESUMPTION OF KNOWLEDGE:

THERE IS A REBUTTABLE PRESUMPTION THAT A PERSON WHO TRANSPORTS A HANDGUN IN VIOLATION OF THIS SECTION TRANSPORTS THE HANDGUN KNOWINGLY.

(C) EXCEPTIONS.

THIS SECTION DOES NOT PROHIBIT THE WEARING, CARRYING OR TRANSPORTING OF A HANDGUN BY A PERSON COVERED BY AN EXCEPTION IN STATE CRIMINAL LAW ARTICLE §4-203(B).

(D) PENALTIES:

(1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO THE FOLLOWING MANDATORY PENALTIES FOR EACH OFFENSE:

FIRST OFFENSE

- (I) ~~IMPRISONMENT FOR 1 YEAR; AND~~  
ORDERED INTO DISPUTE RESOLUTION COURSE
- (II) A FINE OF \$1,000.



DRAFTED BY

DRAFTED BY

SECOND OFFENSE

- (I) MISDEMEANOR
- (II) A FINE OF \$1,000.
- (III) ORDERED INTO DISPUTE RESOLUTION COURSE

THIRD OFFENSE

- (I) FELONY
- (II) IMPRISONMENT FOR 1 YEAR
- (III) A FINE OF \$1,000.

- (2) THE COURT MAY NOT IMPOSE LESS THAN, OR SUSPEND ANY PART OF, THE MANDATORY SENTENCE PROVIDED IN PARAGRAPHS (1) OF THIS SUBSECTION.
- ~~(3) A PERSON WHO VIOLATES THIS SECTION IS NOT ELIGIBLE FOR A PROBATION BEFORE JUDGMENT.~~
- (4) A PERSON WHO VIOLATES THIS SECTION IS NOT ELIGIBLE FOR PAROLE.
- (5) EACH VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE.

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

SECTION D. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.



DRAFTED BY DLR 13JUL17

DRAFTED BY DLR 13JUL17

**INTRODUCTORY\***  
**CITY OF BALTIMORE**  
**COUNCIL BILL \_\_\_\_\_**

---

Introduced by: ♦  
At the request of: ♦

---

**A BILL ENTITLED**

**AN ORDINANCE** concerning

**Weapons – Prohibiting Handguns Near Places of Public Assembly**

FOR the purpose of prohibiting the wearing, carrying, or knowingly transporting of handguns near certain places of public assembly; creating certain exceptions; defining a certain term; establishing a certain mandatory penalty; setting a special effective date; and generally relating to handguns.

By adding

Article 19 - Police Ordinances  
Section(s) 59-5  
Baltimore City Code  
(Edition 2000)

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

**Baltimore City Code**

**Article 19. Police Ordinances**

**Subtitle 59. Weapons**

**§ 59-5. HANDGUNS.**

**(A) "HANDGUN" DEFINED.**

**IN THIS SECTION "HANDGUN" MEANS A FIREARM, AS DEFINED IN STATE PUBLIC SAFETY ARTICLE § 5-101(H), THE BARREL OF WHICH IS 14 INCHES OR UNDER IN LENGTH.**

**(B) CARRYING PROHIBITED.**

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

\* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.  
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.



A PERSON MAY NOT:

(1) WEAR, CARRY, OR KNOWINGLY TRANSPORT A HANDGUN, WHETHER CONCEALED OR OPEN, ON OR ABOUT THE PERSON WITHIN 100 YARDS OF, OR IN, A:

- (i) PARK;
- (ii) CHURCH;
- (iii) SCHOOL;
- (iv) PUBLIC BUILDING; OR
- (v) OTHER PLACE OF PUBLIC ASSEMBLY.

(2) WEAR, CARRY, OR KNOWINGLY TRANSPORT A HANDGUN, WHETHER CONCEALED OR OPEN, IN A VEHICLE TRAVELING ON A ROAD WITHIN 100 YARDS OF A:

- (i) PARK;
- (ii) CHURCH;
- (iii) SCHOOL;
- (iv) PUBLIC BUILDING; OR
- (v) OTHER PLACE OF PUBLIC ASSEMBLY.

(B) *PRESUMPTION OF KNOWLEDGE.*

THERE IS A REBUTTABLE PRESUMPTION THAT A PERSON WHO TRANSPORTS A HANDGUN IN VIOLATION OF THIS SECTION TRANSPORTS THE HANDGUN KNOWINGLY.

(C) *EXCEPTIONS.*

THIS SECTION DOES NOT PROHIBIT THE WEARING, CARRYING, OR TRANSPORTING OF A HANDGUN BY A PERSON COVERED BY AN EXCEPTION IN STATE CRIMINAL LAW ARTICLE § 4-203(B).

(D) *PENALTIES.*

(1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO THE FOLLOWING MANDATORY PENALTIES FOR EACH OFFENSE:

- (i) IMPRISONMENT FOR 1 YEAR; AND
- (ii) A FINE OF \$1,000.

(2) THE COURT MAY NOT IMPOSE LESS THAN, OR SUSPEND ANY PART OF, THE MANDATORY SENTENCE PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION.





**DRAFTED BY DLR 13JUL17**

**DRAFTED BY DLR 13JUL17**

- (3) A PERSON WHO VIOLATES THIS SECTION IS NOT ELIGIBLE FOR A PROBATION BEFORE JUDGMENT.
- (4) A PERSON WHO VIOLATES THIS SECTION IS NOT ELIGIBLE FOR PAROLE.
- (5) EACH VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE.

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

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





received  
7-18-17

**Testimony for the Baltimore City Council Public Safety Committee  
July 18, 2017**

**OPPOSITION**

**Bill 17-0111 Weapons Prohibiting Handguns Near Places of Public  
Assembly**

The ACLU of Maryland opposes Bill 17 – 0111, which would impose a mandatory minimum sentence for certain firearm offenses.

AMERICAN CIVIL  
LIBERTIES UNION  
OF MARYLAND

MAIN OFFICE  
& MAILING ADDRESS  
3600 CLIPPER MILL ROAD  
SUITE 350  
BALTIMORE, MD 21211  
T/410-889-8555  
or 240-274-5295  
F/410-366-7838

FIELD OFFICE  
6930 CARROLL AVENUE  
SUITE 410  
TAKOMA PARK, MD 20912  
T/240-274-5295

WWW.ACLU-MD.ORG

COLEMAN BAZELON  
PRESIDENT

SUSAN GOERING  
EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

**Mandatory minimum sentences create a one-size-fits-all approach and thereby usurp the authority of the judiciary, which is best positioned to determine criminal sentencing**

Mandatory minimum sentences create a one-size-fits-all approach to criminal sentencing, when each case involves individualized circumstances and unique individuals. By imposing a fixed minimum sentence, judges are precluded from considering a range of mitigating factors, including any extenuating circumstances or exculpatory evidence.

Liberals and conservatives alike have long recognized the havoc wreaked by mandatory minimum sentences. Conservative Justice William Rehnquist opined,

“These mandatory minimum sentences are perhaps a good example of the law of unintended consequences [...] mandatory minimums have also led to an inordinate increase in the federal prison population and will require huge expenditures to build new prison space...they frustrate the careful calibration of sentences, from one end of the spectrum to the other, which the sentencing guidelines were intended to accomplish.”<sup>1</sup>

The general public is also in agreement against mandatory minimum sentencing. A recent poll found that only 32% of Americans still think the government should require certain minimum sentences for anyone convicted of a given crime.<sup>2</sup>

<sup>1</sup> William H. Rehnquist, “Luncheon Address,” (June 18, 1993), in U.S. Sentencing Commission on Drugs, & Violence in America: Proceedings of the Inaugural Symposium on Crime and Punishment in the United States (June 16-18, 1993).

<sup>2</sup> Emily Swanson, Drug Sentencing Poll Finds Most Oppose Mandatory Minimums, Huffington Post (Aug 27, 2013).



### **Mandatory minimum sentences compromise the integrity of the criminal justice system**

Mandatory minimums were first introduced because judges in the 19<sup>th</sup> and 20<sup>th</sup> centuries exercised too much discretion, which resulted in wide racial disparities in sentencing despite factual similarities across cases.

However, the result of imposing mandatory minimum sentences has been the opposite of what was intended—mandatory minimums have not reduced discretion, they have simply shifted discretion from judges to prosecutors, who often use the threat of a mandatory minimum sentence to influence plea bargains. As a result, mandatory minimums have compromised the integrity of the justice system.

### **Mandatory minimum sentences disproportionately penalize Black defendants**

During the meetings of the 2017 statewide Justice Reinvestment Coordinating Council, data uncovered that in FY13 and FY14, 81% of defendants sentenced to mandatory minimum sentences for drug crimes in Maryland were Black.<sup>3</sup>

Several JRCC council members expressed concern regarding the magnitude of discretion that mandatory minimum sentences place with the prosecution and the resultant racial disparities in sentencing. It is for this reason that the General Assembly removed mandatory minimum sentences for certain drug-related offenses in 2016.

### **Mandatory minimum sentences are costly and do not enhance public safety**

Mandatory minimum sentences require that the state expend unjustified resources housing persons who may otherwise be appropriate for a shorter sentence. This is not only a waste of existing correctional resources; it is also a waste of future taxpayer dollars. Moreover, there is no evidence to suggest that mandatory minimum sentences enhance public safety. In fact, some evidence shows that severe sentences have no greater deterrent impact on crime than do less severe sentences.<sup>4</sup>

For these reasons, the ACLU of Maryland opposes Bill 17 – 0111.

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<sup>3</sup> Final Report, Justice Reinvestment Coordinating Council (2015) available at <http://goccp.maryland.gov/wp-content/uploads/jrcc-final-report.pdf>.

<sup>4</sup> Durlauf & Nagin, *Imprisonment and Crime: Can Both Be Reduced?*, 10 CRIMINOLOGY & PUB. POL'Y. 13, 37-38 (2011) at 37-38 (finding relatively little reliable evidence that severity of punishment results in a substantial deterrent effect).





**BALTIMORE CITY COUNCIL  
JUDICIARY AND LEGISLATIVE INVESTIGATIONS  
COMMITTEE**

**Mission Statement**

*On behalf of the Citizens of Baltimore City, the mission of the Judiciary and Legislative Investigations Committee is to investigate and study the continuing operations, efficiency, and functions of Baltimore City government in accordance with the laws of Baltimore City, the State of Maryland, and the United States.*

*As a result of its investigations and studies, the Committee will recommend and oversee reforms to improve the operations of Baltimore City's government through legislative, administrative, and/or budgetary processes.*

**The Honorable Eric T. Costello  
Chairman**

**PUBLIC HEARING**

**Tuesday, July 25, 2017  
10:00 AM**

**CLARENCE "DU" BURNS COUNCIL CHAMBERS**

***Council Bill 17-0111***

***Weapons - Prohibiting Handguns Near Places of Public Assembly***

## CITY COUNCIL COMMITTEES

### BUDGET AND APPROPRIATIONS

Eric Costello – Chair  
Leon Pinkett – Vice Chair  
Bill Henry  
Sharon Green Middleton  
Brandon M. Scott  
Isaac "Yitzy" Schleifer  
Shannon Sneed  
*Staff: Marguerite Murray*

### EDUCATION AND YOUTH

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Mary Pat Clarke – Vice Chair  
John Bullock  
Kristerfer Burnett  
Ryan Dorsey  
*Staff: D'Paul Nibber*

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Robert Stokes – Chair  
Kristerfer Burnett – Vice Chair  
Mary Pat Clarke  
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Isaac "Yitzy" Schleifer  
*Staff: Jennifer Coates*

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Eric Costello – Chair  
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John Bullock  
Leon Pinkett  
Ed Reisinger  
Brandon Scott  
Robert Stokes  
*Staff: D'Paul Nibber*

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Robert Stokes – Vice Chair  
Eric Costello  
Bill Henry  
Mary Pat Clarke  
*Staff: Marguerite Murray*

### LAND USE AND TRANSPORTATION

Edward Reisinger – Chair  
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Eric Costello  
Ryan Dorsey  
Leon Pinkett  
Robert Stokes  
*Staff: Marshall Bell*

### PUBLIC SAFETY

Brandon Scott – Chair  
Ryan Dorsey – Vice Chair  
Kristerfer Burnett  
Shannon Sneed  
Zeke Cohen  
Leon Pinkett  
Isaac "Yitzy" Schleifer  
*Staff: Marshall Bell*

### TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair  
Leon Pinkett – Vice Chair  
Erick Costello  
Edward Reisinger  
Robert Stokes  
*Staff: Jennifer Coates*  
- Larry Greene (*pension only*)



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director  
415 City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202  
410-396-7215 / Fax: 410-545-7596  
email: larry.greene@baltimorecity.gov

## BILL SYNOPSIS

**Committee: Judiciary and Legislative Investigations**

**Bill 17-0111**

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### **Weapons - Prohibiting Handguns Near Places Of Public Assembly**

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**Sponsor: President Young (Administration), et al**

**Introduced: July 17, 2017**

**Purpose:**

**For the purpose of prohibiting the wearing, carrying, or knowingly transporting of handguns near certain places of public assembly; creating certain exceptions; defining a certain term; establishing a certain mandatory penalty; setting a special effective date; and generally relating to handguns.**

**Effective: On the date it is enacted.**

**Hearing Date/Time/Location: July 25, 2017/10:00 a.m./Clarence "Du" Burns Chamber**

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### **Agency Reports**

Law Department  
Police Department  
States' Attorney's Office

Favorable  
Favorable  
\*Not Received

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## **ANALYSIS**

### **Current Law**

Md. Crim. Law Art. §4-209 preempts the ability of local jurisdictions to regulate firearms, excepting "the purchase, sale, transfer, ownership, possession, and transportation" of said items "within 100 yards of or in a park, church, school, public building, and other place of public assembly." Md. Crim. Law Art. §4-203(B) allows the carrying and/or transport of firearms under certain conditions, which includes, amongst others, being at one's place of residence or a part of law enforcement/the military, and moving a firearm between residences, sporting events, exhibitions, repair shops, and/or points of sale.

### **Background**

Council Bill 17-0111 creates new sentencing guidelines for individuals, in a car or otherwise, caught wearing, carrying, or knowingly transporting a handgun within 100 yards of a park, church, school, public building, or other place of public assembly. An exception to this law is created by State Criminal Law Article § 4-203(B). The proposed ordinance creates a sentence of 1 year imprisonment and a fine of \$1,000 for each offense, and courts may not "impose less than, or suspend any part of," the sentencing guideline.

The Baltimore City Solicitor approved 17-0111 for form and legal sufficiency, citing federal and Maryland statutes and case law that allow local jurisdictions to regulate gun possession within certain areas and restrict the sentencing discretion of the judiciary. The Police Department provided a favorable report, stating, "illegal possession of a handgun in Baltimore City is a serious crime."

**Additional Information**

**Fiscal Note:** Not Available

**Information Source(s):** Law Department; Police Department

Analysis by: *D'Paul S. Nibber*  
D'Paul S. Nibber  
Analysis Date: July 21, 2017

Direct Inquiries to: (410) 396-1268

**CITY OF BALTIMORE  
COUNCIL BILL 17-0111  
(First Reader)**

---

Introduced by: The Council President, President Young, Councilmembers Costello, Middleton,  
Reisinger, Stokes

At the request of: The Administration (Police Department)

Introduced and read first time: July 17, 2017

Assigned to: Judiciary and Legislative Investigations Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Police Department, Baltimore City  
State's Attorney

---

**A BILL ENTITLED**

1 AN ORDINANCE concerning

2 **Weapons – Prohibiting Handguns Near Places of Public Assembly**

3 FOR the purpose of prohibiting the wearing, carrying, or knowingly transporting of handguns  
4 near certain places of public assembly; creating certain exceptions; defining a certain term;  
5 establishing a certain mandatory penalty; setting a special effective date; and generally  
6 relating to handguns.

7 BY adding

8 Article 19 - Police Ordinances  
9 Section(s) 59-5  
10 Baltimore City Code  
11 (Edition 2000)

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

14 **Baltimore City Code**

15 **Article 19. Police Ordinances**

16 **Subtitle 59. Weapons**

17 **§ 59-5. HANDGUNS.**

18 (A) *"HANDGUN" DEFINED.*

19 IN THIS SECTION "HANDGUN" MEANS A FIREARM, AS DEFINED IN STATE PUBLIC SAFETY  
20 ARTICLE § 5-101(H), THE BARREL OF WHICH IS 14 INCHES OR UNDER IN LENGTH.

21 (B) *CARRYING PROHIBITED.*

22 A PERSON MAY NOT:

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

**Council Bill 17-0111**

1 (1) WEAR, CARRY, OR KNOWINGLY TRANSPORT A HANDGUN, WHETHER CONCEALED OR  
2 OPEN, ON OR ABOUT THE PERSON WITHIN 100 YARDS OF, OR IN, A:

3 (I) PARK;

4 (II) CHURCH;

5 (III) SCHOOL;

6 (IV) PUBLIC BUILDING; OR

7 (V) OTHER PLACE OF PUBLIC ASSEMBLY.

8 (2) WEAR, CARRY, OR KNOWINGLY TRANSPORT A HANDGUN, WHETHER CONCEALED OR  
9 OPEN, IN A VEHICLE TRAVELING ON A ROAD WITHIN 100 YARDS OF A:

10 (I) PARK;

11 (II) CHURCH;

12 (III) SCHOOL;

13 (IV) PUBLIC BUILDING; OR

14 (V) OTHER PLACE OF PUBLIC ASSEMBLY.

15 (C) *PERMISSIBLE INFERENCE.*

16 THE FINDER OF FACT MAY INFER THAT A PERSON WHO TRANSPORTS A HANDGUN IN  
17 VIOLATION OF THIS SECTION TRANSPORTS THE HANDGUN KNOWINGLY.

18 (D) *EXCEPTIONS.*

19 THIS SECTION DOES NOT PROHIBIT THE WEARING, CARRYING, OR TRANSPORTING OF A  
20 HANDGUN BY A PERSON COVERED BY AN EXCEPTION IN STATE CRIMINAL LAW ARTICLE  
21 § 4-203(B).

22 (E) *PENALTIES.*

23 (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON  
24 CONVICTION IS SUBJECT TO THE FOLLOWING MANDATORY PENALTIES FOR EACH  
25 OFFENSE:

26 (I) IMPRISONMENT FOR 1 YEAR; AND

27 (II) A FINE OF \$1,000.

28 (2) THE COURT MAY NOT IMPOSE LESS THAN, OR SUSPEND ANY PART OF, THE MANDATORY  
29 SENTENCE PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION.

**Council Bill 17-0111**

1 (3) A PERSON WHO VIOLATES THIS SECTION IS NOT ELIGIBLE FOR A PROBATION BEFORE  
2 JUDGMENT.

3 (4) A PERSON WHO VIOLATES THIS SECTION IS NOT ELIGIBLE FOR PAROLE.

4 (5) EACH VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE.

5 (F) *SEVERABILITY.*

6 ALL PROVISIONS OF THIS SECTION ARE SEVERABLE. IF A COURT DETERMINES THAT A  
7 WORD, PHRASE, CLAUSE, SENTENCE, PARAGRAPH, SUBSECTION, OR OTHER PROVISION IS  
8 INVALID OR THAT THE APPLICATION OF ANY PART OF THE PROVISION TO ANY PERSON OR  
9 CIRCUMSTANCES IS INVALID, THE REMAINING PROVISIONS AND THE APPLICATION OF THOSE  
10 PROVISIONS TO OTHER PERSONS OR CIRCUMSTANCES ARE NOT AFFECTED BY THAT  
11 DECISION.

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

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

# **JUDICIARY AND LEGISLATIVE INVESTIGATIONS COMMITTEE**

## **Council Bill 17-0111**

**Hearing Date: July 25, 2017**

### **Agency Reports:**

- **Law Department**
  - Favorable
- **Police Department**
  - Favorable
- **States' Attorney's Office**
  - Not Received

**CITY OF BALTIMORE**

CATHERINE E. PUGIL, Mayor



**DEPARTMENT OF LAW**

101 City Hall  
Baltimore, Maryland 21202

July 17, 2017

The Honorable President and Members  
of the Baltimore City Council  
Attn: Natawna Austin, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 17-0111 – Weapons – Prohibiting Handguns Near Places of Public Assembly.

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0111 for form and legal sufficiency. This bill provides that a person may not wear, carry or knowingly transport a handgun, concealed or open, on or about the person within 100 yards of or in a park, church, school, public building or other place of public assembly. The bill also provides that a person may not wear, carry or knowingly transport a handgun, concealed or open, in a vehicle within those same areas. The bill provides for the same exceptions to the prohibition that are found in the State gun law Md. Criminal Law Art. §4-203(b). Within these exceptions is a provision which exempts persons from the prohibition who have a valid permit to carry a handgun. See §4-203(b)(2).

Upon review, there are several legal issues that arise that will be discussed below. The Law Department believes that these issues can be resolved in a way that allows for approval for form and legal sufficiency.

**Preemption**

Md. Crim. Law Art., §4-209 expressly preempts law regulation of handguns. It states (a) Except as otherwise provided in this section, the State preempts the right of a county, municipal corporation, or special taxing district to regulate the purchase, sale, taxation, transfer, manufacture, repair, ownership, possession, and transportation of: (1) a handgun, rifle, or shotgun ....”

§4-209(b) provides for exceptions to the general preemption of local regulation. It states: (b)(1) A county, municipal corporation, or special taxing district may regulate the purchase, sale, transfer, ownership, possession, and transportation of the items listed in subsection (a) of this section: (iii) except as provided in paragraph (2) of this subsection, within 100 yards of or in a park, church, school, public building, and other place of public assembly.

