

**CITY OF BALTIMORE  
COUNCIL BILL 06-0120R  
(Resolution)**

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Introduced by: Councilmembers Holton, Harris, President Dixon, Councilmembers Kraft,  
Curran, Rawlings Blake, Conaway, Welch, Reisinger, Branch, Clarke

Introduced and read first time: January 9, 2006

Assigned to: Public Safety Subcommittee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Police Department, Health Department,  
Mayor's Office of Children, Youth, and Families, Baltimore City State's Attorney's Office,  
Baltimore City Public School System

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A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Investigative Hearing – Are Existing Local, State, and Federal Laws**  
3 **Sufficient to Prohibit the Use of BB, Pellet, and Paintball Guns in Baltimore City?**

4 FOR the purpose of determining if current laws are effective in controlling the use of BB, pellet,  
5 and paintball guns by minors; investigating laws in other states to determine what measures  
6 have been effective in jurisdictions across the country, and ascertaining at what government  
7 level changes are needed to address the problems associated with the use of lookalike guns  
8 by minors, by closing loopholes in existing law or by adopting new statutes.

9 **Recitals**

10 BB-Guns.Org reports that BB Guns, that use compressed air or gas to propel steel balls or  
11 lead balls, are bought without a permit in all but a few states in the U.S. and that the advent of  
12 the internet allows the purchase of such guns, even in states with restrictive laws. An estimated  
13 3.2 million such guns are sold in the United States each year. Even though these guns fire  
14 relatively low-velocity loads, the pellets from multiple pump BB and pellet guns can achieve  
15 velocities as high as 900 feet a second. This velocity is comparable to many traditional powder  
16 handguns whose velocity may only be 700- 800 feet a second and is powerful enough to  
17 penetrate the cranium, abdomen, thorax, and paranasal sinuses.

18 A report by the Committee on Injury, Violence, and Poison Prevention of the American  
19 Academy of Pediatrics states that nonpowder guns – BB, pellet guns, air rifles, paintball guns –  
20 continue to cause serious injuries to children and adolescents and can result in fatalities. A  
21 persisting problem is the lack of medical recognition of the severity of injuries that can result  
22 from these guns, including penetration of the eye, skin, internal organs, and bones. In 2000,  
23 there were an estimated 21,840 injuries related to the guns, with approximately 4% resulting in  
24 hospitalization. Between 1980 and 2000, the Consumer Product Safety Commission reported 63  
25 nonpowder gun-related deaths, of which 32 were children younger than 15 years. The Centers  
26 for Disease Control estimates that, on average, there are approximately 30 injuries a year caused  
27 by the guns, with 81% of those injured being children.

EXPLANATION: Underlining indicates matter added by amendment.  
~~Strike out~~ indicates matter deleted by amendment.

1 The following media reports of incidents that took place over the last 15 years involving the  
2 use of fake guns demonstrate the severity of the problems caused by the proliferation of these  
3 unregulated “toys”:

- 4 • A wheelchair-bound Laurel man threatening suicide in the parking lot of a Columbia  
5 library, trapping 150 patrons inside, brandished what was believed to be a gun. The first  
6 responding SWAT officers hid behind cruisers with their guns drawn. After over 2 hours  
7 of negotiations by officers from an armored personnel vehicle, the man slumped over in  
8 his chair, and it was determined that the weapon he brandished was a fake gun.
  
- 9 • In Annapolis, employees of a video store were confronted by a gun-wielding 4 feet tall,  
10 70 pound 8-year-old who declared that “I’m going to stand this place up”. His gun  
11 looked real, and he was dressed all in black with a hooded sweat shirt hiding his identity.  
12 Luckily the incident ended without injury to the employees or the would-be robber.  
13 However, a police spokesman noted that it definitely is not taken as a joke when someone  
14 points a gun and attempts a robbery and that the boy’s actions could have gotten him  
15 killed.
  
- 16 • A Baltimore man pulled a fake handgun on a Southwestern District police officer when  
17 the officer tried to conduct a “field interview” because he suspected the man was dealing  
18 drugs. When the officer approached, the man drew what appeared to be a .45 caliber  
19 handgun from his pants pocket and pointed it at the officers face. During the ensuing  
20 struggle, the officer pulled his 9mm semiautomatic handgun and fired 3 fatal shots into  
21 the suspect’s chest. It was later determined that the gun was made of plastic and a fake.
  
- 22 • A 16-year-old sophomore at Northeast High School in Pasadena was removed from  
23 school when an administrator discovered he had a toy semi-automatic handgun that  
24 looked exactly like a police service revolver. The Commander of the Eastern District  
25 station said it was the best replica he had ever seen and that it looked exactly like the  
26 9mm he carried.
  
- 27 • A Baltimore police officer, a member of the Violent Crime Task Force, was confronted  
28 on a dark rainy night in a drug-infested area of the City by a man with a firearm. The  
29 officer fired from 30 feet away, hitting what turned out to be a 15-year-old kid pointing a  
30 pellet gun designed as a replica of a 17 shot Glock 9mm semiautomatic. The incident  
31 prompted the department spokesman to once again warn the public that it is extremely  
32 difficult for a officer to differentiate between an authentic handgun and a replica pellet or  
33 toy gun.

34 The Ohio Coalition Against Gun Violence reports that due to the increased concern over BB  
35 and pellet gun-related injuries, 14 states have enacted laws regulating the sale to those under 16  
36 years of age, and in some states the age minimum has been raised to 18 years. We, in Baltimore,  
37 need to join other jurisdictions in limiting access to or outright prohibiting possession of these  
38 guns that in no way can be considered to be “just toys”.

39 In 1991, the U.S. Customs Service banned the importation of toy M-16 rifles because they  
40 looked so real. In an indignant protest to the ban, the president of the National Toy Gun  
41 Association actually gave the best reason to support the ban by declaring “Toy guns don’t kill  
42 people. People kill people who carry toy guns!”

1       **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That this  
2 Body will hold hearings to determine if current laws are effective in controlling the use of BB,  
3 pellet, and paintball guns by minors; investigate laws in other states to determine what measures  
4 have been effective in jurisdictions across the country, and ascertain at what government level  
5 changes are needed to address the problems associated with the use of lookalike guns by minors,  
6 by closing loopholes in existing law or by adopting new statutes.

7       **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Governor, the  
8 Mayor, the Honorable Members of the Maryland Delegation to the 109th Congress, the  
9 Honorable Members of the Baltimore City Senate and House Delegations to the 2006 Maryland  
10 General Assembly, the Commissioner of Police, the Baltimore City Health Commissioner, the  
11 Director of the Mayor’s Office for Children, Youth, and Families, the Director of Safe and  
12 Sound, the Baltimore City State’s Attorney, the Director of Afterschool Initiative, the C.E.O. of  
13 the Baltimore City Public School System, the President of the Interdenominational Ministerial  
14 Alliance, the President of the A.M.E. Baltimore Alliance, the President of BUILD, the Director  
15 of the Mayor’s Office of Criminal Justice, the Maryland U.S. Attorney, the organizations listed  
16 in the Planning Department Community Associations Directory, and the Mayor’s Legislative  
17 Liaison to the City Council.