



BALTIMORE POLICE DEPARTMENT



STEPHANIE RAWLINGS-BLAKE
Mayor

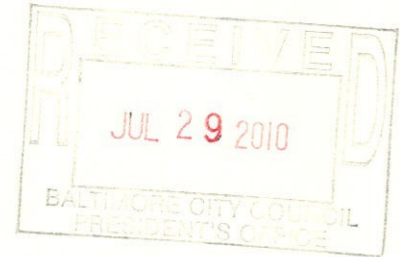
FREDERICK H. BEALEFELD, III
Police Commissioner

July 27, 2010

TO: The Honorable President and Members
of the Baltimore City Council
Room 400 City Hall
Attn. Karen Randle

FROM: ^{JHG} James H. Green, Deputy Chief Legal Counsel
Baltimore Police Department

RE: City Council Bill 10-0573-Gun Offender Registration-Update of
Residence



The Baltimore Police Department (BPD) has reviewed City Council Bill 10-0573-Gun Offender Registration-Update of Residence and supports the bill. This legislation seeks to amend Baltimore's Gun Offender Registration Act (GORA), Baltimore City Code Article 19 § 60 and proposes to clarify and expand the circumstances under which registered gun offenders are required to update their residence.

As of July 27, 2010, the BPD has 1,133 gun offenders in the Registry. There are 451 persons registered that are not incarcerated and living in Baltimore City. An additional 147 persons are registered and live outside of the City. The GORA imposes on defendants convicted of the enumerated gun offenses a duty similar to a sex offender's duty to register under Megan's Law. Specifically, the GORA requires gun offenders to report to the BPD Gun Offender Registry Unit (GORU) within forty-eight (48) hours after release from incarceration or after sentencing if they receive a non-incarcerative sentence, including probation before judgment. Defendants are required to register every six (6) months with the GORU and upon any change of address (assuming they remain City residents). The period of registration is for three (3) years.

Recently, the BPD was contacted by the State's Attorney Office for Baltimore City (SAO) and informed that the District Court had dismissed several cases involving violations of the Gun Registration Ordinance because the SAO could not prove that the offender had moved from the City and had established a different residence. The current statute provides that an offender provide to the BPD an update of their residence address after establishing or changing their address within the City of Baltimore. It is silent as to an offender's responsibility to inform the BPD about a change of address outside of the

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City. Because this statute only applies to offenders who are residents of Baltimore City, it requires clarification and notification to the BPD if the offender moves from the City. The proposed legislation represents changes which will clarify the responsibilities of the gun offender as to updating his or her residence address. By requiring an offender subject to the reporting requirements to personally appear at the BPD Gun Registration Unit **before** moving from Baltimore City to a residence outside of the City, it will allow the Unit to verify this information and prevent a individual from claiming that they are no longer subject to the registry without the necessary address verification. The changes are needed so that future prosecutions for violations of the Gun Offender Registration statute are not compromised.

Baltimore's Gun Offender Registry continues to be a very important tool in the BPD's public safety commitment to Baltimore City. This is due in no small measure to the partnership of the Office of the State's Attorney, the Maryland Division of Parole and Probation, and the judicial branch. Thank you for the opportunity to comment on this legislation and we respectfully ask for your favorable report.

cc: Angela Gibson, Mayor's Legislative Liaison