

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 08-0091

Introduced by: President Rawlings-Blake, Councilmembers Henry, Young, Holton, Kraft, Cole,
Clarke, Branch, Reisinger, Welch, Middleton, Conaway, Curran, Spector
Introduced and read first time: April 7, 2008
Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: September 15, 2008

AN ORDINANCE CONCERNING

Pawnbrokers – Dealers in Second-Hand Property, etc. – Daily Reports

FOR the purpose of ~~requiring~~ authorizing the daily reports of pawnbrokers and of dealers in second-hand property, antiques, and consignment goods ~~to contain certain photographs;~~ requiring daily reports to be made electronically; requiring photographs to be submitted of certain items on “additional police hold”; conforming, correcting, and clarifying certain language; providing for a special effective date; and generally relating to the reporting requirements for pawnbrokers and for dealers in second-hand property, antiques, and consignment goods.

By repealing and reordaining, with amendments

Article 2 - Consumer Protection

Section(s) 11-6, 11-7, 11-8(b), 11-9(a), 12-7, and 12-8, 12-9(c), and 12-10(a)

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 2. Consumer Protections

Subtitle 11. Pawnbrokers

§ 11-6. Daily reports required.

(a) *In general.*

(1) Each [and every] pawnbroker[, licensed as aforesaid,] shall [cause to be written in a legible and accurate manner on forms supplied by] SUBMIT TO the Police Commissioner [of Baltimore City,] A DAILY REPORT [a list] of ALL articles taken on

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

Council Bill 08-0091

1 pledge [and to forward the same daily to the Baltimore City Police Department
2 Pawnshop Unit].

3 [(2) The above reports made to the Police Department shall be open to the inspection of
4 such persons as, in the discretion of the said Police Department, may be regarded as
5 having an interest in the same.]

6 (2) THE PAWNBROKER SHALL FORWARD THE DAILY REPORT TO THE POLICE DEPARTMENT,
7 AS PROVIDED IN § 11-7 OF THIS SUBTITLE.

8 (b) *Information required in report.*

9 THE DAILY REPORT SHALL INCLUDE:

10 (1) the date, place, and time of each transaction;

11 (2) the name and address of principal, if the transaction is by an agent;

12 (3) a description of the transacted item, including:

13 (i) the type of item;

14 (ii) its manufacturer, model number, year of manufacture if known, and/or
15 soundex number or unique identifying number found on said property;

16 (iii) its color and size;

17 (iv) for jewelry, a description by weight if payment is based on weight, style,
18 gender, number of stones, configuration of stones, any initials or
19 distinguishing marks or inscriptions;

20 (v) a statement of whether it appears to have been altered by any means,
21 including:

22 (A) obscuring a serial number or identifying feature;

23 (B) melting; or

24 (C) recutting a gem; and

25 (vi) the amount paid or other consideration;

26 (4) for each individual from whom a pawnbroker acquires a transacted item:

27 (i) the individual's name, date of birth, and license number from a clearly
28 identifiable driver's license; or

29 (ii) identification information about the individual that:

30 (A) positively identifies the individual from at least 2 forms of
31 identification, which may include an age of majority card, military

Council Bill 08-0091

1 identification, passport, or other similar photographic
2 identification; and

3 (B) provides a physical description of the individual including sex,
4 race, date of birth, any distinguishing features, and weight of
5 individual;

6 (5) a statement indicating whether or not the person making the transaction is known
7 to the dealer, i.e. has done business with the pawnshop on a previous occasion;

8 ~~(6) A PHOTOGRAPH OF THE TRANSACTED ITEM; and~~

9 ~~(6) (7) [(6)]~~ the signature of the person from whom the item is acquired and the
10 signature of the pawnbroker or dealer who accepted the item.

11 **§ 11-7. Filing with police.**

12 (A) *How.*

13 ~~(1)~~ A pawnbroker shall submit [a copy of] each [transaction] DAILY REPORT to the
14 [Pawnshop Unit of the Baltimore City] Police Department [by] ~~IN THE~~ THE
15 FOLLOWING FORMATS:

16 ~~(1)~~ (1) BY ELECTRONIC TRANSMITTAL, IN THE FORMAT AND MANNER REQUIRED BY
17 THE POLICE COMMISSIONER; AND

18 ~~(2)~~ (2) IF THE ELECTRONIC TRANSMISSION IS NOT SUBMITTED WITH AN
19 ELECTRONIC SIGNATURE ACCEPTABLE TO THE POLICE COMMISSIONER, IN
20 WRITING, ON THE FORMS SUPPLIED BY THE POLICE COMMISSIONER.

21 ~~(2) THE PHOTOGRAPH REQUIRED BY § 11-6(B)(6) OF THIS SUBTITLE NEED ONLY BE~~
22 ~~SUBMITTED IN ONE OF THESE FORMATS.~~

23 (B) *When.*

24 [(1) delivering the copy by 10 a.m. on the next business day after the transaction is made;
25 or

26 (2) mailing the copy at the end of the business day when the transaction is made.]

27 (1) THE ELECTRONIC REPORT SHALL BE SUBMITTED BEFORE ~~10 A.M.~~ NOON ON THE
28 BUSINESS DAY IMMEDIATELY FOLLOWING THE DAY FOR WHICH THE REPORT IS MADE.

29 (2) THE WRITTEN REPORT SHALL BE SUBMITTED BY:

30 (I) MAILING THE REPORT AT THE END OF THE BUSINESS DAY FOR WHICH THE
31 REPORT IS MADE; OR

32 (II) HAND DELIVERY OR FACSIMILE TRANSMISSION BEFORE ~~10 A.M.~~ NOON ON THE
33 BUSINESS DAY IMMEDIATELY FOLLOWING THE DAY FOR WHICH THE REPORT IS
34 MADE.

Council Bill 08-0091

1 (C) *REPORTS OPEN TO INSPECTION.*

2 A DAILY REPORT SUBMITTED UNDER THIS SUBTITLE SHALL BE OPEN TO THE INSPECTION BY
3 THOSE PERSONS THAT, IN THE DISCRETION OF THE POLICE DEPARTMENT, ARE REGARDED
4 AS HAVING AN INTEREST IN THEM.

5 **§ 11-8. Holding requirements.**

6
7 (b) *Additional [police hold] HOLDING PERIOD.*

8 (1) AFTER THE INITIAL HOLDING PERIOD REQUIRED BY SUBSECTION (A) OF THIS SECTION,
9 A PAWNBROKER SHALL CONTINUE TO HOLD A TRANSACTION ITEM IF:

10 (i) A LAW ENFORCEMENT OFFICER REQUESTS THAT THE PAWNBROKER HOLD THE
11 ITEM;

12 (ii) THE LAW ENFORCEMENT OFFICER HAS REASONABLE CAUSE TO BELIEVE THE
13 ITEM HAS BEEN STOLEN; AND

14 (iii) THE ITEM HAS NOT BEEN IDENTIFIED UNDER § 11-9(A)(2) OF THIS SUBTITLE.

15
16 (2) [Any] IF A transaction item IS placed on ADDITIONAL police hold UNDER THIS
17 SUBSECTION, THE PAWNBROKER shall:

18 (i) [be held] CONTINUE TO HOLD THE ITEM until:

19 (A) the police seize [the transacted item] IT; [or]

20 (B) [until] the [pawnshop unit] POLICE DEPARTMENT releases the police
21 hold or directs the [property] ITEM to be released to [the] ITS owner;
22 OR

23 (C) 1 YEAR AFTER THE ADDITIONAL POLICE HOLD WAS IMPOSED; AND

24 (ii) IF REQUESTED TO DO SO, SUBMIT TO THE POLICE DEPARTMENT A PHOTOGRAPH
25 OF THE ITEM, EITHER BY ELECTRONIC TRANSMITTAL OR BY MAIL OR HAND
26 DELIVERY, BY THE SAME DEADLINE AS REQUIRED BY § 11-7 OF THIS SUBTITLE
27 FOR A DAILY REPORT.

28
29
30 **§ 11-9. Release of stolen property.**

31 (a) *In general.*

32 A pawnbroker shall release to the [primary law enforcement agency] POLICE
33 DEPARTMENT any item [of property] IN THE PAWNBROKER'S POSSESSION[, other than a
34 security or printed evidence of indebtedness, located at the place of business of the
35 pawnbroker] if:

36 (1) the item is established to be stolen;

37 (2) the owner of the item or the victim of the theft has:

Council Bill 08-0091

1 (i) positively identified the item; [or] AND

2 (ii) provided an affidavit of ownership [and] OR PREVIOUSLY made a report of
3 the theft to a law enforcement agency; [and]

4 (3) the stolen property report describes the item by:

5 (i) date;

6 (ii) initials;

7 (iii) an insurance record;

8 (iv) a photograph;

9 (v) a sales receipt;

10 (vi) a serial number;

11 (vii) specific damage;

12 (viii) a statement of facts that show the item is one of a kind; or

13 (ix) a unique engraving; AND

14 (4) THE PAWNBROKER IS GIVEN A RECEIPT FOR THE ITEM RELEASED.

15 **Subtitle 12. Second-Hand Property, Antiques, and Consignment Goods**

16 **§ 12-7. Daily reports required.**

17 (a) *In general.*

18 (1) Each dealer shall [cause to be written in a legible and accurate manner on forms
19 supplied by] SUBMIT TO the Police Commissioner[,] a daily report [for] OF each
20 transaction in which a person transfers items to the dealer on that day.

21 (2) The dealer shall forward the daily report to the Police Department, as provided in
22 § 12-8 of this subtitle.

23 (b) *Scope of reports.*

24 Except as provided in this subtitle, the daily report shall contain the information specified
25 in subsection (c) of this section for:

26 (1) each item transferred; or

27 (2) each group of substantially similar items transferred as part of 1 transaction.

Council Bill 08-0091

1 (c) *Information required.*

2 The daily report shall [contain the following information] INCLUDE:

3 (1) the date, place, and time of each transaction, including the location where the
4 dealer purchased or received the item or group of items;

5 (2) a description of the item or group of items, including:

6 (i) the specific type and number of items;

7 (ii) the manufacturer, model number, and year of manufacture, if known, and
8 any soundex number or unique identifying number found on the item;

9 (iii) the color, size, style, and approximate age;

10 (iv) for jewelry (other than costume jewelry meeting standards set by the
11 Police Commissioner), a description by weight (if payment is based on
12 weight), style, gender, number and configuration of stones, and any
13 initials or distinguishing marks or inscriptions;

14 (v) a statement of whether or not the item appears to have been altered by any
15 means, including:

16 (A) obscuring a serial number or identifying feature;

17 (B) melting; or

18 (C) recutting a gem; and

19 (vi) the amount paid or other consideration;

20 (3) for each individual from whom the dealer acquires an item:

21 (i) the individual's name, date of birth, and license number from a clearly
22 identifiable driver's license;

23 (ii) identification information about the individual that:

24 (A) positively identifies the individual from at least 2 forms of
25 identification, which may include an age of majority card, military
26 identification, passport, or other similar photographic
27 identification; and

28 (B) provides a physical description of the individual, including the sex,
29 race, date of birth, any distinguishing features, and weight of the
30 individual; or

Council Bill 08-0091

(iii) a statement by the dealer that:

(A) the dealer has known the transferor of the item for 10 years or longer and knows that the transferor has lived at his/her current residence for not less than 3 years;

(B) that the specific information required by subitems (i) or (ii) of this item (3) is retained in the dealer's records; and

(C) that a record of the transaction signed by the individual from whom the item is acquired is retained in the dealer's records;

(4) if the individual from whom the dealer acquires the item is acting as an agent for a principal, the same information for the principal as that which is required by item (3) of this subsection to be given for the agent;

(5) a statement indicating whether or not the person making the transfer is personally known to the dealer;

~~(6) A PHOTOGRAPH OF THE ITEM OR ITEMS;~~ and

~~(6)~~ ~~(7)~~ [(6)] the signature of the dealer who accepted the item and, except for a transaction reported under item (3)(iii) of this subsection, the signature of the individual from whom the item is acquired.

§ 12-8. Filing with police.

(a) [*In general.*] *How.*

~~(1)~~ A dealer shall submit each daily report to the Police Department [by] IN ~~FWO~~ THE FOLLOWING FORMATS:

~~(1)~~ (1) BY ELECTRONIC TRANSMITTAL, IN THE FORMAT AND MANNER REQUIRED BY THE POLICE COMMISSIONER; AND

~~(2)~~ (2) IF THE ELECTRONIC TRANSMISSION IS NOT SUBMITTED WITH AN ELECTRONIC SIGNATURE ACCEPTABLE TO THE POLICE COMMISSIONER, IN WRITING, ON THE FORMS SUPPLIED BY THE POLICE COMMISSIONER.

~~(2)~~ ~~THE PHOTOGRAPH REQUIRED BY § 12-7(C)(6) OF THIS SUBTITLE NEED ONLY BE SUBMITTED IN ONE OF THESE FORMATS.~~

(B) *WHEN.*

[(1) delivering the report or electronically transmitting a facsimile of it before 10 a.m. on the business day immediately following the day for which the report is made; or

(2) mailing the report at the end of the business day for which the report is made.]

(1) THE ELECTRONIC REPORT SHALL BE SUBMITTED BEFORE ~~10 A.M.~~ NOON ON THE BUSINESS DAY IMMEDIATELY FOLLOWING THE DAY FOR WHICH THE REPORT IS MADE.

Council Bill 08-0091

1 (2) THE WRITTEN REPORT SHALL BE SUBMITTED BY:

2 (I) MAILING THE REPORT AT THE END OF THE BUSINESS DAY FOR WHICH THE
3 REPORT IS MADE; OR

4 (II) HAND DELIVERY OR FACSIMILE TRANSMISSION BEFORE ~~10 A.M.~~ NOON ON THE
5 BUSINESS DAY IMMEDIATELY FOLLOWING THE DAY FOR WHICH THE REPORT IS
6 MADE.

7 (C) [(b) Confidentiality] *REPORTS CONFIDENTIAL.*

8 A daily report submitted under this subtitle is confidential, as provided in § 12-304(c) of
9 the Business Regulation Article of the Maryland Code.

10 **§ 12-9. Holding requirements.**

11 (c) *Additional holding period.*

12
13 (1) After the [retention] INITIAL HOLDING period [specified] REQUIRED by subsection (a)
14 of this section, a dealer shall continue to hold [any] AN item if:

15
16 (i) a law enforcement officer requests that the dealer hold the item;

17
18 (ii) the law enforcement officer has reasonable cause to believe the item has been
19 stolen; and

20
21 (iii) the item has not been identified under § 12-10(a)(2) of this subtitle.

22
23 (2) [Any] IF AN item IS placed on additional police hold under this subsection, THE
24 DEALER shall:

25 (i) [be held by the dealer] CONTINUE TO HOLD THE ITEM until:

26
27 (A) [(i)] the police seize [the item] IT;

28
29 (B) [(ii)] the Police Department releases the police hold or directs the
30 item to be released to [the] ITS owner; or

31
32 (C) 1 year after the additional police hold was imposed; AND

33 (II) IF REQUESTED TO DO SO, SUBMIT TO THE POLICE DEPARTMENT A PHOTOGRAPH
34 OF THE ITEM, EITHER BY ELECTRONIC TRANSMITTAL OR BY MAIL OR HAND
35 DELIVERY, BY THE SAME DEADLINE AS REQUIRED BY § 12-8 OF THIS SUBTITLE
36 FOR A DAILY REPORT.

37 **§ 12-10. Release of stolen property.**

38 (a) *In general.*

39 A dealer shall release to the Police Department any item in the dealer's possession if:

Council Bill 08-0091

- 1 (1) the item is established to be stolen;
2 (2) the owner of the item or the victim of the theft has:
3 (i) positively identified the item; and
4 (ii) provided an affidavit of ownership and made a report of the theft to a law
5 enforcement agency;
6 (3) the stolen property report describes the item by:
7 (i) date;
8 (ii) initials;
9 (iii) an insurance record;
10 (iv) a photograph;
11 (v) a sales receipt;
12 (vi) a serial number;
13 (vii) specific damage;
14 (viii) a statement of facts that show the item is one of a kind; or
15 (ix) a unique engraving; and
16 (4) the dealer is given a receipt for the item released.

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

20 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the ~~30th~~ 90th
21 day after the date it is enacted.

Council Bill 08-0091

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City