

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

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

Committee Report: Favorable
Adopted: December 7, 2006

A COUNCIL RESOLUTION CONCERNING

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

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

Recitals

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

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

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

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

Council Bill 06-0120R

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

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

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

40 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That this
41 Body will hold hearings to determine if current laws are effective in controlling the use of BB,
42 pellet, and paintball guns by minors; investigate laws in other states to determine what measures
43 have been effective in jurisdictions across the country, and ascertain at what government level

Council Bill 06-0120R

1 changes are needed to address the problems associated with the use of lookalike guns by minors,
2 by closing loopholes in existing law or by adopting new statutes.

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