

Introduced by: President Scott *Bullard, Henry, dr, McCray, Stone, Reisinger, Sneed*

Prepared by: Department of Legislative Reference

Date: September 4, 2019

Referred to: PUBLIC SAFETY Committee

*Scyler
Purcell
Burnett
Castello
Clarke
~~Perkins~~
Dorsey*

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 19-0443

A BILL ENTITLED

AN ORDINANCE concerning

Gun Offender Registration – Additional Violations

FOR the purpose of amending the definition of “gun offender” to add certain criminal violations for which a conviction would require an individual to register with the Baltimore City Police Commissioner; and conforming, correcting, and clarifying related provisions.

BY repealing and re-ordaining, with amendments

Article 19 - Police Ordinances
Section(s) 60-1(e)
Baltimore City Code
(Edition 2000)

Ying
Edward Keenan
Robert Stokes
Manjiv Grewal
Low Jones
o.v. car
James
Bill
Byrd
John Bullard
James
Daniel McCray

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

- | | |
|---|---|
| <input type="checkbox"/> Baltimore City Public School System | <input type="checkbox"/> Department of Public Works |
| <input type="checkbox"/> Baltimore Development Corporation | <input type="checkbox"/> Department of Real Estate |
| <input checked="" type="checkbox"/> City Solicitor | <input type="checkbox"/> Department of Recreation and Parks |
| <input type="checkbox"/> Comptroller's Office | <input type="checkbox"/> Department of Transportation |
| <input type="checkbox"/> Department of Audits | <input type="checkbox"/> Fire Department |
| <input type="checkbox"/> Department of Finance | <input type="checkbox"/> Health Department |
| <input type="checkbox"/> Department of General Services | <input type="checkbox"/> Mayor's Office of Employment Development |
| <input type="checkbox"/> Department of Housing and Community Development | <input type="checkbox"/> Mayor's Office of Human Services |
| <input type="checkbox"/> Department of Human Resources | <input type="checkbox"/> Mayor's Office of Information Technology |
| <input type="checkbox"/> Department of Planning | <input type="checkbox"/> Office of the Mayor |
| <input checked="" type="checkbox"/> Other: Mayor's Office of Criminal Justice | <input checked="" type="checkbox"/> Police Department |
| <input checked="" type="checkbox"/> Other: State's Attorney's Office | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Other: |

Boards and Commissions

- | | |
|--|---|
| <input type="checkbox"/> Board of Estimates | <input type="checkbox"/> Environmental Control Board |
| <input type="checkbox"/> Board of Ethics | <input type="checkbox"/> Fire & Police Employees' Retirement System |
| <input type="checkbox"/> Board of Municipal and Zoning Appeals | <input type="checkbox"/> Labor Commissioner |
| <input type="checkbox"/> Comm. for Historical and Architectural Preservation | <input type="checkbox"/> Parking Authority Board |
| <input type="checkbox"/> Commission on Sustainability | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Employees' Retirement System | <input type="checkbox"/> Wage Commission |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Other: |

CITY OF BALTIMORE
ORDINANCE **20.339**
Council Bill 19-0443

Introduced by: President Scott, Councilmembers Bullock, Henry, Cohen, McCray, Stokes,
Reisinger, Clarke, Sneed, Costello, Pinkett, Schleifer, Dorsey, Burnett, Middleton
Introduced and read first time: September 9, 2019
Assigned to: Public Safety Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: December 2, 2019

AN ORDINANCE CONCERNING

1 **Gun Offender Registration – ~~Additional Violations~~ Revisions**

2 FOR the purpose of amending the definition of “gun offender” to add certain criminal violations
3 for which a conviction would require an individual to register with the Baltimore City Police
4 Commissioner; modifying the term of verification requirement; clarifying how a gun
5 offender’s term is calculated; and conforming, correcting, and clarifying related provisions.

6 BY repealing and re-ordaining, with amendments

7 Article 19 - Police Ordinances
8 Section(s) 60-1(e) and 60-7
9 Baltimore City Code
10 (Edition 2000)

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

13 **Baltimore City Code**

14 **Article 19. Police Ordinances**

15 **Subtitle 60. Gun Offender Registration**

16 **§ 60-1. Definitions.**

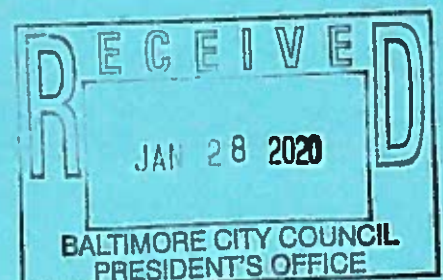
17 (e) *Gun offense.*

18 “Gun offense” means:

19 (1) a violation of any of the following sections of the State Criminal Law Article:

20 (i) § 4-203 {Wearing, carrying, or transporting A handgun};

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 19-0443

- 1 (ii) § 4-204 {Use of A handgun or antique firearm in commission of A crime};
- 2 (iii) § 4-303 {Assault [pistols] WEAPONS – Prohibited};
- 3 (iv) § 4-305 {DETACHABLE MAGAZINES – PROHIBITED};
- 4 (v) § 4-305.1 {RAPID FIRE TRIGGER ACTIVATORS – PROHIBITED};
- 5 (vi) [(iv)] § 4-404 {Use of A machine gun in A crime of violence};
- 6 (vii) [(v)] § 4-405 {Use of A machine gun for AN aggressive purpose};
- 7 (viii) [(vi)] §5-621 {Crimes involving controlled dangerous substances and
- 8 paraphernalia – Use of A weapon as separate crime}; or
- 9 (ix) [(vii)] § 5-622 {Firearm crimes};

10 (2) a violation of any of the following sections of the State Public Safety Article:

- 11 (i) § 5-106 {LICENSE REQUIRED TO ENGAGE IN THE BUSINESS OF SELLING,
- 12 RENTING, OR TRANSFERRING REGULATED FIREARMS};
- 13 (ii) § 5-123 {DEALER – SALE, RENT, OR TRANSFER OF A REGULATED FIREARM
- 14 PRIOR TO THE EXPIRATION OF 7-DAY WAITING PERIOD};
- 15 (iii) § 5-124(A) {NON-DEALER – SALE, RENT, OR TRANSFER OF A REGULATED
- 16 FIREARM PRIOR TO THE EXPIRATION OF 7-DAY WAITING PERIOD};
- 17 (iv) § 5-125(B) {SALE, RENT, OR TRANSFER OF A REGULATED FIREARM TO A
- 18 FIREARM APPLICANT WHOSE FIREARM APPLICATION IS PLACED ON HOLD};
- 19 (v) § 5-132(C)(1) {DEALER – SALE, OFFER FOR SALE, RENT, OR TRANSFER A
- 20 HANDGUN MANUFACTURED ON OR BEFORE DECEMBER 31, 2002, WITHOUT
- 21 AN EXTERNAL SAFETY LOCK};
- 22 (vi) [(i)] § 5-133(b) {Possession of A regulated firearm prohibited};
- 23 (vii) [(ii)] § 5-133(c) {Restrictions on possession of regulated firearms –
- 24 Penalty for possession by A person convicted of crime of violence};
- 25 (viii) [(iii)] § 5-133(d) {Possession of regulated firearms by A person under
- 26 age of 21 years prohibited};
- 27 (ix) § 5-134 {SALE, RENT, OR TRANSFER OF A REGULATED FIREARM TO A
- 28 RESTRICTED INDIVIDUAL};
- 29 (x) § 5-136 {STRAW PURCHASE OF A REGULATED FIREARM};
- 30 (xi) [(iv)] § 5-138 {Sale, transfer, or disposal of A stolen regulated firearm
- 31 prohibited};

Council Bill 19-0443

1 (XII) [(v)] § 5-140 {Transporting A regulated firearm for unlawful sale or
2 trafficking};

3 (XIII) § 5-141 {KNOWING PARTICIPATION IN STRAW PURCHASE};

4 (XIV) [(vi)] § 5-142 {Removal or alteration of identification mark or number
5 on firearm};

6 (XV) § 5-144 {KNOWING PARTICIPATION IN ANY VIOLATION OF TITLE 1,
7 SUBTITLE 5 OF THE STATE PUBLIC SAFETY ARTICLE}

8 (XVI) [(vii)] § 5-203 {Possession of A short-barreled rifle or short-barreled
9 shotgun};

10 (XVII) [(viii)] § 5-205 {Possession of A rifle or shotgun by A person with
11 mental disorder}; or

12 (XVIII) § 5-206 {PERSON CONVICTED OF CRIMES OF VIOLENCE PROHIBITED
13 FROM POSSESSING A RIFLE OR SHOTGUN};

14 (XIX) ~~(XVIII)~~ [(ix)] § 5-406 {Manufacture or sale of handguns}; or

15 (3) a violation of any of the following sections of this City Code Article 19 {"Police
16 Ordinances"}:

17 (i) § 59-1 {Carrying long-barrel firearms}; or

18 (ii) § 59-2 {Discharging firearms}.

19 **§ 60-7. Term of verification requirement.**

20 **(A) IN GENERAL.**

21 The gun offender must verify the contents of the registration, as required by § 60-6 of this
22 subtitle, for a period of [3] 5 years from the date of the gun offender's initial registration.

23 **(B) CALCULATION OF TIME.**

24 A GUN OFFENDER'S TERM OF REGISTRATION UNDER THIS SECTION IS STAYED IF THE GUN
25 OFFENDER IS SUBSEQUENTLY CONVICTED AND INCARCERATED FOR ANOTHER GUN
26 OFFENSE.

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

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

Council Bill 19-0443

Certified as duly passed this _____ day of DEC 05 2019, 2019



President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this _____ day of DEC 05 2019, 2019



Chief Clerk

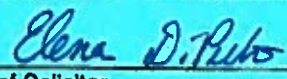
Approved this 23rd day of Jan., 2020



Mayor, Baltimore City

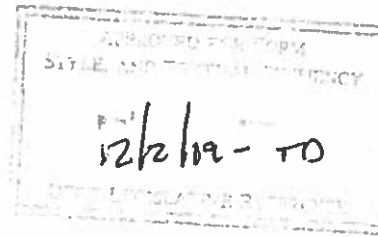
Approved For Form and Legal Sufficiency

This 12th Day of December 2019



Chief Solicitor

AMENDMENTS TO COUNCIL BILL 19-0443
(1" Reader Copy)



By: the Public Safety Committee

Amendment No. 1

On page 1, in the second line of bill sponsors, after "Burnett", insert "Middleton".

Amendment No. 2

On page 1, in line 2, strike "Additional Violations" and substitute "**Revisions**"; and, on that same page, in line 5, after the semi-colon, insert "modifying the term of verification requirement: clarifying how a gun offender's term is calculated;"; and, on that same page, in line 8, after "60-1(e)", insert "and 60-7"; and, on page 3, after line 16, insert:

"§ 60-7. Term of verification requirement.

(A) IN GENERAL.

The gun offender must verify the contents of the registration, as required by § 60-6 of this subtitle, for a period of [3] 5 years from the date of the gun offender's initial registration.

(B) CALCULATION OF TIME.

A GUN OFFENDER'S TERM OF REGISTRATION UNDER THIS SECTION IS STAYED IF THE GUN OFFENDER IS SUBSEQUENTLY CONVICTED AND INCARCERATED FOR ANOTHER GUN OFFENSE."

EDITOR'S NOTE: Since its adoption by the Committee, this amendment has been edited for form and style by the Department of Legislative Reference. These edits have been reviewed and approved by the bill sponsor, the amendment's proponent, and the Committee Chair.

Amendment No. 3

On page 3, in line 11, strike "or"; and, on that same page, after line 11, insert "(XVIII) § 5-206 {PERSON CONVICTED OF CRIMES OF VIOLENCE PROHIBITED FROM POSSESSING A RIFLE OR SHOTGUN};"; and, on that same page, in line 12, strike "(XVIII)" and substitute "(XIX)".

ADOPTED

BALTIMORE CITY COUNCIL
Public Safety Committee
VOTING RECORD

DATE: 11-19-19

Bill# CC 19-0443

BILL TITLE: Ordinance – Gun Offender Registration – Additional Violations

MOTION BY: COHEN SECONDED BY: McCRAE

- FAVORABLE FAVORABLE WITH AMENDMENTS
 UNFAVORABLE WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Schleiffer, I, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Burnett, K. Vice Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cohen, Z.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
McCray, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, L.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sneed, S.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTALS	5	1		

CHAIRPERSON: [Signature]
 COMMITTEE STAFF: Richard G. Krummerich, Initials: RK

CITY OF BALTIMORE

BERNARD C "JACK" YOUNG, Mayor



OFFICE OF THE MAYOR

100 Holliday Street, Rm 250
Baltimore, Maryland 21202

November 15, 2019

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

Re: City Council Bill 19-0443 – Gun Offender Registration – Additional Violations

Dear Council President Scott and Members of the City Council:

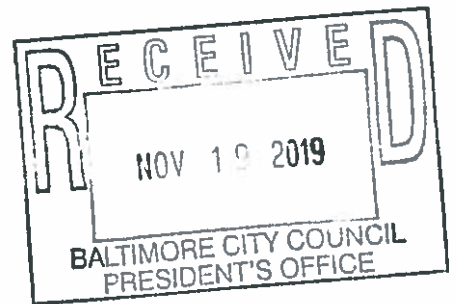
The Mayor's Office of Criminal Justice ("MOCJ") has reviewed City Council Bill #19-0443. This legislation would amend the definition of "gun offender" to add certain criminal violations for which a conviction would require an individual to register with the Baltimore City Police Commissioner; and conforming, correcting and clarifying related provisions.

In general, gun offender registration laws are based on the theory that gun offenders pose unique dangers to others, including law enforcement officers, and should be monitored to prevent them from re-offending and to promote public safety. Council Bill #19-0443 represents a thoughtful update to the existing Gun Offender Registration law and therefore, MOCJ supports the bill.

Thank you for the opportunity to comment.

Sincerely,

Ganesha Martin
Director



cc: Sunny Schnitzer, Deputy Chief of Staff – Public Safety
Matt Stegman, Mayor's Legislative Liaison

F



BALTIMORE POLICE DEPARTMENT



BEARNARD C. "JACK" YOUNG
Mayor

MICHAEL S. HARRISON
Police Commissioner

November 15, 2019

Honorable President and Members of the Baltimore City Council
Room 400, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

RE: City Council Bill #19-0443
Gun Offender Registration – Additional Violations

Dear Council President Scott and Members of the City Council:

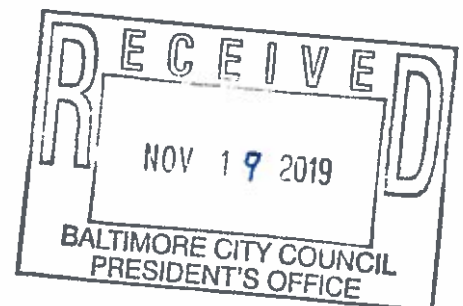
The Baltimore Police Department (BPD) has reviewed Council Bill 19-0443. The bill amends the definition of “gun offender” to add certain criminal violations for which a conviction would require an individual to register with the Baltimore City Police Commissioner; and conforming, correcting, and clarifying related provisions.

The Baltimore Police Department supports City Council Bill #19-0443. Thank you for the opportunity to comment.

Sincerely,

Michelle Wirzberger, Esq.
Director of Government Affairs

cc: Natwana Austin, Executive Secretary
Sunny Schnitzer, Deputy Chief of Staff – Public Safety
Matt Stegman, Mayor’s Legislative Liaison
Eric Melancon, BPD Chief of Staff
Andrew Smullian, BPD Deputy Chief of Staff
Deputy Commissioner Michael Sullivan
Colonel Sheree Briscoe
Lieutenant Colonel John Herzog



F

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG
Mayor



DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

November 15, 2019

The Honorable President and Members
of the Baltimore City Council
c/o Natwana Austiin, Executive Secretary
Room 409, City Hall
100 North Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 19-0443 – Gun Offender Registration – Additional Violations

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0443, which would require individuals who have been convicted in Baltimore City of certain gun offenses to register with the Baltimore City Police Department. The purpose of the bill is to add additional violations of State gun laws to the list of offenses that will trigger the registration requirement

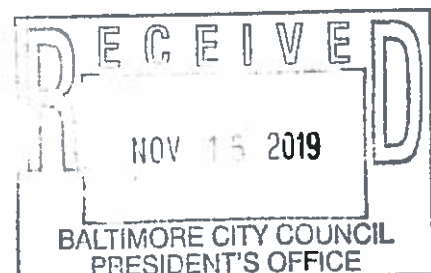
The City has the authority, under its general police power, to require gun offenders to register with the Police Department and to enumerate the offenses that will trigger registration as provided for in Council Bill 19-0443. See Baltimore City Charter, Art. 22, § 27 (permitting the City to exercise the "Police Power to the same extent as the State" within the limits of Baltimore City); *State v. Williams*, 728 N.E.2d 342, 355 (Ohio 2000) (holding that Ohio's laws requiring sexual offenders to register was a reasonable exercise of the police power).

Accordingly, the Law Department approves Council Bill 19-0443 for form and legal sufficiency.

Sincerely yours

Elena R. DiPietro
Chief Solicitor

cc: Andre Davis, City Solicitor
Matthew Stegman, Mayor's Legislative Liaison
Caylin Young, President's Legislative Director
Hilary Ruley, Chief Solicitor
Victor Terval, Chief Solicitor
Ashlea Brown, Assistant Solicitor



CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 6 - Member Isaac "Yitzy" Schleifer, Member Kristerfer Burnett, Member Zeke Cohen, Member Danielle McCray, Member Leon F. Pinkett III, and Member Shannon Sneed

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0443

Gun Offender Registration - Additional Violations

For the purpose of amending the definition of "gun offender" to add certain criminal violations for which a conviction would require an individual to register with the Baltimore City Police Commissioner; and conforming, correcting, and clarifying related provisions.

Sponsors: President Brandon M. Scott, John T. Bullock, Bill Henry, Zeke Cohen, Danielle McCray, Robert Stokes, Sr., Edward Reisinger, Eric T. Costello, Leon F. Pinkett, III, Ryan Dorsey, Kristerfer Burnett, Shannon Sneed, Isaac "Yitzy" Schleifer, Mary Pat Clarke

A motion was made by Member Cohen, seconded by Member McCray, that this Ordinance be Recommended Favorably with Amendment. The motion carried by the following vote:

Yes: 5 - Member "Yitzy" Schleifer, Member Cohen, Member McCray, Member Pinkett III, and Member Sneed

No: 1 - Member Burnett

ADJOURNMENT

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, 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

HEARING NOTES

Bill: CC19-0443

Ordinance – Gun Offender Registration – Additional Violations

Committee: Public Safety

Chaired By: Councilmember Isaac "Yitzy" Schleifer

Hearing Date: November 19, 2019

Time (Beginning): 4:06 PM

Time (Ending): 4:45PM

Location: Clarence "Du" Burns Chamber

Total Attendance: 64

Committee Members in Attendance:

Isaac "Yitzy" Schleifer Sharon Sneed

Kristerfer Burnett

Zeke Cohen

Danielle McCray

Leon Pinkett

Bill Synopsis in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Attendance sheet in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Agency reports read?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Hearing televised or audio-digitally recorded?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Certification of advertising/posting notices in the file?	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
Evidence of notification to property owners?	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
Final vote taken at this hearing?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Motioned by:	Councilmember Cohen		
Seconded by:	Councilmember McCray		
Final Vote:	Favorable/Amended		

Major Speakers

(This is not an attendance record.)

- Council President Brandon Scott
- Michelle Wirzberger







Baltimore City Council Committee Hearing Attendance Record

Subject: Ordinance – Gun Offender Registration – Additional Violations	Bill #: 19-0443
Committee: Public Safety	Chair: Isaac "Yitzy" Schleifer
Date: Tuesday, November 19, 2019	Time: 4:00 PM
Location: Clarence "Du" Burns Council Chamber	

PLEASE PRINT CLEARLY

CHECK HERE TO TESTIFY



First Name	Last Name	Address / Organization / Email	Testify	What is your position on this bill?		Lobbyist: Are you registered in the City?*	
				For	Against	Yes	No
John	Doe	400 N. Holliday St. Johndoenbmore@yahoo.com	✓	✓	✓	✓	✓
Nicholas	Machado	3400 N Charles St Apt B 13 Baltimore, MD, 21218		✓			
Shara	Davis	Homeless 8608 Rdancy@gmail.com Chestnut	✓				
✓ Rico	Dancy	8608 Rdancy@gmail.com Chestnut					✓
Leo	Burroughs	301 McMechen St Apt 504 Baltimore, MD 21217	✓	✓			
Michael	JENSON	P.O. 2963 BOX	✓				

*NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD AS A LOBBYIST. REGISTRATION CAN BE DONE ONLINE AND IS A SIMPLE PROCESS. FOR INFORMATION VISIT: [HTTPS://ETHICS.BALTIMORECITY.GOV/](https://ethics.baltimorecity.gov/) OR CALL: 410-396-4730

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Meeting Agenda - Final Public Safety Committee

Tuesday, November 19, 2019

4:00 PM

Du Burns Council Chamber, 4th floor, City Hall

19-0443

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0443

Gun Offender Registration - Additional Violations

For the purpose of amending the definition of "gun offender" to add certain criminal violations for which a conviction would require an individual to register with the Baltimore City Police Commissioner; and conforming, correcting, and clarifying related provisions.

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, 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: Public Safety

Bill CC 19-0443

Ordinance – Gun Offender Registration – Additional Violations.

Sponsor: President Scott et. al.

Introduced: September 9, 2019

Purpose:

For the purpose of amending the definition of “gun offender” to add certain criminal violations for which a conviction would require an individual to register with the Baltimore City Police Commissioner; and conforming, correcting, and clarifying related provisions.

Effective: 30 days after enactment

Agency Reports

Department of Law
Police Department
State's Attorney Office
Mayor's Office of Criminal Justice

Analysis





12-1-19

Current Law

Article 19 Section 60-1 of the Baltimore City Code establishes a process by which individuals convicted of certain gun related crimes must register with the Police Commissioner.

Background

CC 19-0443 adds approximately 25 additional crimes to the list requiring registration of convicted offenders. These crimes mostly involve illegal transfer of weapons.

Additional Information

Fiscal Note: Not Available

Information Source(s): Bill File

Analysis by: Richard G. Krummerich *RK* Direct Inquiries to: 410-396-1266
Analysis Date: 11-15-19



**CITY OF BALTIMORE
COUNCIL BILL 19-0443
(First Reader)**

Introduced by: President Scott, Councilmembers Bullock, Henry, Cohen, McCray, Stokes,
Reisinger, Clarke, Sneed, Costello, Pinkett, Schleifer, Dorsey, Burnett

Introduced and read first time: September 9, 2019

Assigned to: Public Safety Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Police Department, Mayor's Office of
Criminal Justice, Baltimore City State's Attorney's Office

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Gun Offender Registration – Additional Violations**

3 FOR the purpose of amending the definition of “gun offender” to add certain criminal violations
4 for which a conviction would require an individual to register with the Baltimore City Police
5 Commissioner; and conforming, correcting, and clarifying related provisions.

6 BY repealing and re-ordaining, with amendments

7 Article 19 - Police Ordinances

8 Section(s) 60-1(e)

9 Baltimore City Code

10 (Edition 2000)

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

13 **Baltimore City Code**

14 **Article 19. Police Ordinances**

15 **Subtitle 60. Gun Offender Registration**

16 **§ 60-1. Definitions.**

17 (e) *Gun offense.*

18 “Gun offense” means:

19 (1) a violation of any of the following sections of the State Criminal Law Article:

20 (i) § 4-203 {Wearing, carrying, or transporting A handgun};

21 (ii) § 4-204 {Use of A handgun or antique firearm in commission of A crime};

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

Council Bill 19-0443

- 1 (iii) § 4-303 {Assault [pistols] WEAPONS – Prohibited};
- 2 (IV) § 4-305 {DETACHABLE MAGAZINES – PROHIBITED};
- 3 (V) § 4-305.1 {RAPID FIRE TRIGGER ACTIVATORS – PROHIBITED};
- 4 (VI) [(iv)] § 4-404 {Use of A machine gun in A crime of violence};
- 5 (VII) [(v)] § 4-405 {Use of A machine gun for AN aggressive purpose};
- 6 (VIII) [(vi)] §5-621 {Crimes involving controlled dangerous substances and
- 7 paraphernalia – Use of A weapon as separate crime}; or
- 8 (IX) [(vii)] § 5-622 {Firearm crimes};

9 (2) a violation of any of the following sections of the State Public Safety Article:

- 10 (I) § 5-106 {LICENSE REQUIRED TO ENGAGE IN THE BUSINESS OF SELLING,
- 11 RENTING, OR TRANSFERRING REGULATED FIREARMS};
- 12 (II) § 5-123 {DEALER – SALE, RENT, OR TRANSFER OF A REGULATED FIREARM
- 13 PRIOR TO THE EXPIRATION OF 7-DAY WAITING PERIOD};
- 14 (III) § 5-124(A) {NON-DEALER – SALE, RENT, OR TRANSFER OF A REGULATED
- 15 FIREARM PRIOR TO THE EXPIRATION OF 7-DAY WAITING PERIOD};
- 16 (IV) § 5-125(B) {SALE, RENT, OR TRANSFER OF A REGULATED FIREARM TO A
- 17 FIREARM APPLICANT WHOSE FIREARM APPLICATION IS PLACED ON HOLD};
- 18 (V) § 5-132(C)(1) {DEALER – SALE, OFFER FOR SALE, RENT, OR TRANSFER A
- 19 HANDGUN MANUFACTURED ON OR BEFORE DECEMBER 31, 2002, WITHOUT
- 20 AN EXTERNAL SAFETY LOCK};
- 21 (VI) [(i)] § 5-133(b) {Possession of A regulated firearm prohibited};
- 22 (VII) [(ii)] § 5-133(c) {Restrictions on possession of regulated firearms –
- 23 Penalty for possession by A person convicted of crime of violence};
- 24 (VIII) [(iii)] § 5-133(d) {Possession of regulated firearms by A person under
- 25 age of 21 years prohibited};
- 26 (IX) § 5-134 {SALE, RENT, OR TRANSFER OF A REGULATED FIREARM TO A
- 27 RESTRICTED INDIVIDUAL};
- 28 (X) § 5-136 {STRAW PURCHASE OF A REGULATED FIREARM};
- 29 (XI) [(iv)] § 5-138 {Sale, transfer, or disposal of A stolen regulated firearm
- 30 prohibited};

Council Bill 19-0443

1 (XII) [(v)] § 5-140 {Transporting A regulated firearm for unlawful sale or
2 trafficking};

3 (XIII) § 5-141 {KNOWING PARTICIPATION IN STRAW PURCHASE};

4 (XIV) [(vi)] § 5-142 {Removal or alteration of identification mark or number
5 on firearm};

6 (XV) § 5-144 {KNOWING PARTICIPATION IN ANY VIOLATION OF TITLE 1,
7 SUBTITLE 5 OF THE STATE PUBLIC SAFETY ARTICLE}

8 (XVI) [(vii)] § 5-203 {Possession of A short-barreled rifle or short-barreled
9 shotgun};

10 (XVII) [(viii)] § 5-205 {Possession of A rifle or shotgun by A person with
11 mental disorder}; or

12 (XVIII) [(ix)] § 5-406 {Manufacture or sale of handguns}; or

13 (3) a violation of any of the following sections of this City Code Article 19 {"Police
14 Ordinances"}:

15 (i) § 59-1 {Carrying long-barrel firearms}; or

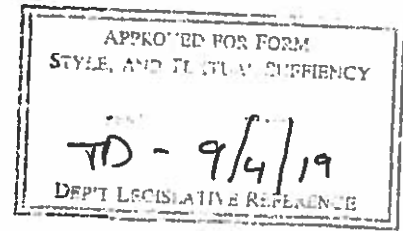
16 (ii) § 59-2 {Discharging firearms}.

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 day
21 after the date it is enacted.



INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____



Introduced by: President Scott

A BILL ENTITLED

AN ORDINANCE concerning

Gun Offender Registration – Additional Violations

FOR the purpose of amending the definition of “gun offender” to add certain criminal violations for which a conviction would require an individual to register with the Baltimore City Police Commissioner; and conforming, correcting, and clarifying related provisions.

BY repealing and re-ordaining, with amendments

Article 19 - Police Ordinances
Section(s) 60-1(e)
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 60. Gun Offender Registration

§ 60-1. Definitions.

(e) *Gun offense.*

“Gun offense” means:

(1) a violation of any of the following sections of the State Criminal Law Article:

- (i) § 4-203 {Wearing, carrying, or transporting A handgun};
- (ii) § 4-204 {Use of A handgun or antique firearm in commission of A crime};
- (iii) § 4-303 {Assault [pistols] WEAPONS – 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.

- (IV) § 4-305 {DETACHABLE MAGAZINES – PROHIBITED};
- (V) § 4-305.1 {RAPID FIRE TRIGGER ACTIVATORS – PROHIBITED};
- (VI) [(iv)] § 4-404 {Use of A machine gun in A crime of violence};
- (VII) [(v)] § 4-405 {Use of A machine gun for AN aggressive purpose};
- (VIII) [(vi)] §5-621 {Crimes involving controlled dangerous substances and paraphernalia – Use of A weapon as separate crime}; or
- (IX) [(vii)] § 5-622 {Firearm crimes};

(2) a violation of any of the following sections of the State Public Safety Article:

- (I) § 5-106 {LICENSE REQUIRED TO ENGAGE IN THE BUSINESS OF SELLING, RENTING, OR TRANSFERRING REGULATED FIREARMS};
- (II) § 5-123 {DEALER – SALE, RENT, OR TRANSFER OF A REGULATED FIREARM PRIOR TO THE EXPIRATION OF 7-DAY WAITING PERIOD};
- (III) § 5-124(A) {NON-DEALER – SALE, RENT, OR TRANSFER OF A REGULATED FIREARM PRIOR TO THE EXPIRATION OF 7-DAY WAITING PERIOD};
- (IV) § 5-125(B) {SALE, RENT, OR TRANSFER OF A REGULATED FIREARM TO A FIREARM APPLICANT WHOSE FIREARM APPLICATION IS PLACED ON HOLD};
- (V) § 5-132(C)(1) {DEALER – SALE, OFFER FOR SALE, RENT, OR TRANSFER A HANDGUN MANUFACTURED ON OR BEFORE DECEMBER 31, 2002, WITHOUT AN EXTERNAL SAFETY LOCK};
- (VI) [(i)] § 5-133(b) {Possession of A regulated firearm prohibited};
- (VII) [(ii)] § 5-133(c) {Restrictions on possession of regulated firearms – Penalty for possession by A person convicted of crime of violence};
- (VIII) [(iii)] § 5-133(d) {Possession of regulated firearms by A person under age of 21 years prohibited};
- (IX) § 5-134 {SALE, RENT, OR TRANSFER OF A REGULATED FIREARM TO A RESTRICTED INDIVIDUAL};
- (X) § 5-136 {STRAW PURCHASE OF A REGULATED FIREARM};
- (XI) [(iv)] § 5-138 {Sale, transfer, or disposal of A stolen regulated firearm prohibited};
- (XII) [(v)] § 5-140 {Transporting A regulated firearm for unlawful sale or trafficking};
- (XIII) § 5-141 {KNOWING PARTICIPATION IN STRAW PURCHASE};
- (XIV) [(vi)] § 5-142 {Removal or alteration of identification mark or number on firearm};

(XV) § 5-144 {KNOWING PARTICIPATION IN ANY VIOLATION OF TITLE 1,
SUBTITLE 5 OF THE STATE PUBLIC SAFETY ARTICLE}

(XVI) [(vii)] § 5-203 {Possession of A short-barreled rifle or short-barreled
shotgun};

(XVII) [(viii)] § 5-205 {Possession of A rifle or shotgun by A person with
mental disorder}; or

(XVIII) [(ix)] § 5-406 {Manufacture or sale of handguns}; or

(3) a violation of any of the following sections of this City Code Article 19 {"Police
Ordinances"}:

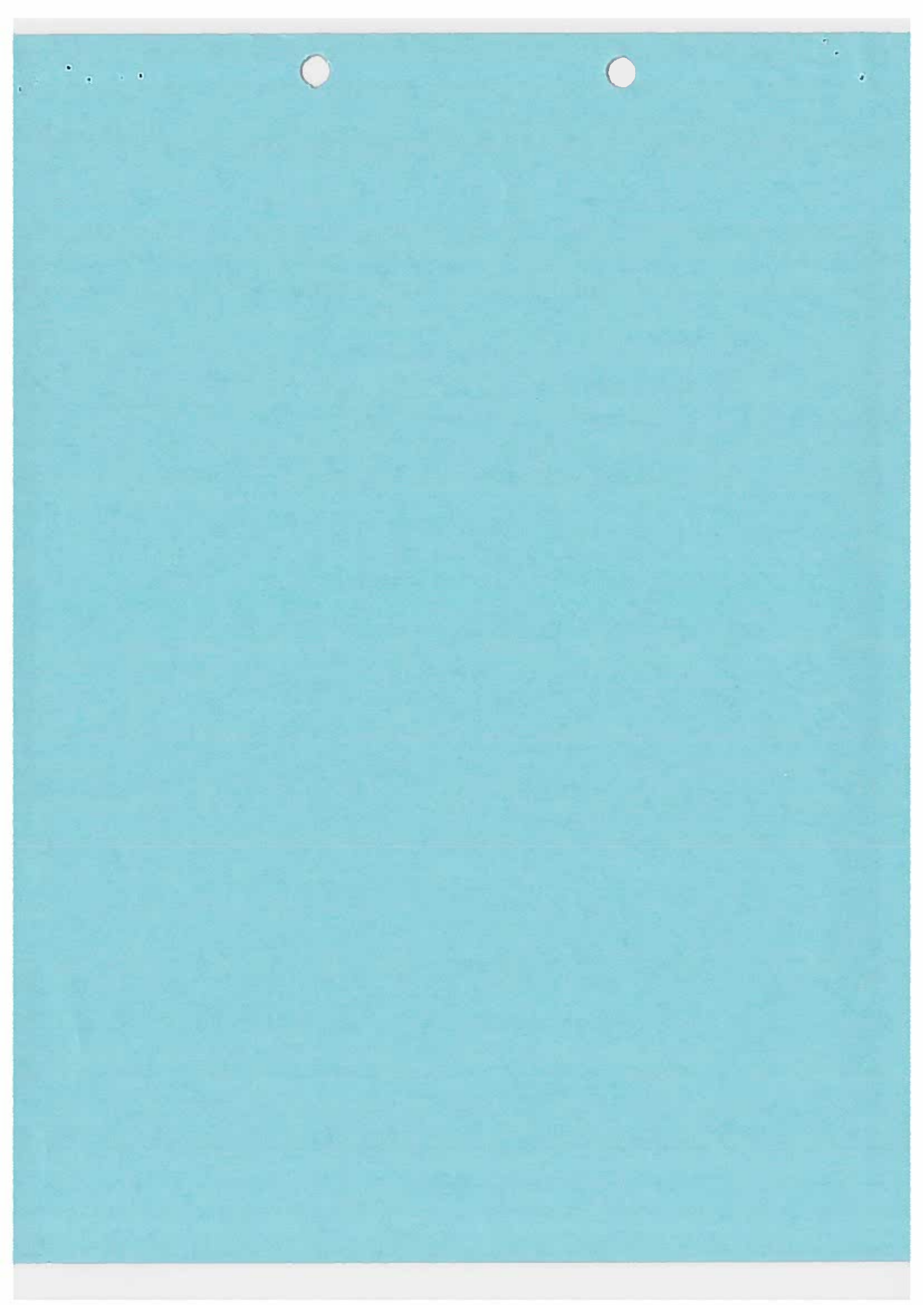
(i) § 59-1 {Carrying long-barrel firearms}; or

(ii) § 59-2 {Discharging firearms}.

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 30th day after the date it is enacted.





ACTION BY THE CITY COUNCIL

SEP 09 2019

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON 11-19 _____ 20 19

COMMITTEE REPORT AS OF 12-2 _____ 20 19

_____ FAVORABLE _____ UNFAVORABLE X FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

[Handwritten Signature]

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

DEC 02 2019

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ DEC 05 2019

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk