

**CITY OF BALTIMORE
COUNCIL BILL 06-0318
(First Reader)**

Introduced by: Councilmembers Holton, D'Adamo, Welch, Reisinger, Clarke

Introduced and read first time: January 9, 2006

Assigned to: Public Safety Subcommittee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Police Department, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Weapons — Paintball, Pellet Guns**

3 FOR the purpose of prohibiting the possession, sale or transfer, or discharge of paintball guns and
4 similar devices; defining certain terms; imposing certain penalties; correcting, clarifying, and
5 conforming certain related provisions governing gas- and air-pellet devices; and generally
6 relating to guns and other devices that discharge pellets and other objects.

7 BY repealing and reordaining, with amendments

8 Article 19 - Police Ordinances

9 Section(s) 59-26

10 Baltimore City Code

11 (Edition 2000)

12 BY adding

13 Article 19 - Police Ordinances

14 Section(s) 59-26.1

15 Baltimore City Code

16 (Edition 2000)

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

19 **Baltimore City Code**

20 **Article 19. Police Ordinances**

21 **Subtitle 59. Weapons**

22 **§ 59-26. Gas- or air-pellet guns.**

23 (A) *DEFINITIONS.*

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

1 (1) *IN GENERAL.*

2 IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

3 (2) "*GAS- OR AIR-PELLET GUN*".

4 "GAS- OR AIR-PELLET GUN" MEAN ANY GUN OR OTHER DEVICE, BY WHATEVER NAME
5 OR DESCRIPTION KNOWN, THAT DISCHARGES A PELLET OR OTHER OBJECT BY FORCE OF
6 GAS OR AIR CYLINDER OR CARTRIDGE.

7 (3) "*PERSON*".

8 "PERSON" MEANS ANY INDIVIDUAL, PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION,
9 LIMITED LIABILITY COMPANY, OR OTHER ENTITY OF ANY KIND.

10 (B) [(a)] *Giving, etc., to minor prohibited.*

11 [It shall be unlawful for any persons, firm, or corporation to] NO PERSON MAY sell, give
12 away, [lend, rent,] or otherwise transfer A GAS- OR AIR-PELLET GUN to, or permit the use
13 OF A GAS- OR AIR-PELLET GUN by, any individual whom [any such] THAT person[, firm, or
14 corporation] knows or has reasonable cause to believe [to be] IS a minor[, under the age
15 of 21 years, any gun or other device, by whatever name or description known, which
16 discharges a pellet or other object by force of gas or air cylinder or cartridge].

17 (C) [(b)] *Discharge or use [prohibited].*

18 [It shall be unlawful for any] NO person [to] MAY discharge or use any [gun or other
19 device, by whatever name or description known, which discharges a pellet or other object
20 by force of a gas or air cartridge or cylinder,] GAS- OR AIR-PELLET GUN unless the [said]
21 gun [shall be] IS kept within his OR HER own domicile or [shall be] IS used by him
22 EXCLUSIVELY for the purpose of teaching the use and care of [weapons or] firearms at
23 [an] A PROPERLY CONSTRUCTED indoor or outdoor range [which shall be under the
24 supervision, guidance, and instruction of an adult].

25 [(c)] *Same.*

26 It shall be unlawful for any person to discharge any such gun or device from or across
27 any street, sidewalk, alley, or public road within the limits of the City of Baltimore
28 except on a properly constructed target range or except on private grounds or residence
29 under circumstances where the said gun or device can be fired, discharged, or operated in
30 such a manner as not to endanger persons or property and also in such a manner as to
31 prevent the projectile from traversing any grounds or space outside the limits of such
32 grounds or residence.]

33 (d) *Penalties.*

34 Any [violation of the provisions] PERSON WHO VIOLATES ANY PROVISION of this section
35 [shall be deemed to be] IS GUILTY OF a misdemeanor AND, ON CONVICTION, IS subject
36 [upon conviction] to a fine of not more than [\$500] \$1,000 or to imprisonment for not
37 [longer] MORE than [60 days] 12 MONTHS or to both fine and imprisonment[, in the
38 discretion of the Court] FOR EACH OFFENSE.

1 **§ 59-26.1. PAINTBALL GUNS.**

2 (A) *DEFINITIONS.*

3 (1) *IN GENERAL.*

4 IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

5 (2) *“PAINTBALL GUN”.*

6 *“PAINTBALL GUN”* MEAN ANY GUN OR OTHER DEVICE, INCLUDING A GAS- OR AIR-
7 PELLET GUN AS DEFINED IN § 59-26 OF THIS SUBTITLE, THAT IS USED OR DESIGNED OR
8 INTENDED TO BE USED TO DISCHARGE A PAINTBALL OR OTHER OBJECT DESIGNED OR
9 INTENDED TO MARK A TARGET WITH PIGMENTATION.

10 (3) *“PERSON”.*

11 *“PERSON”* MEANS ANY INDIVIDUAL, PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION,
12 LIMITED LIABILITY COMPANY, OR OTHER ENTITY OF ANY KIND.

13 (B) *DISCHARGE, POSSESSION, ETC., PROHIBITED.*

14 NO PERSON MAY DISCHARGE, POSSESS, SELL, BUY, GIVE AWAY, OR OTHERWISE TRANSFER
15 ANY PAINTBALL GUN IN BALTIMORE CITY.

16 (C) *PENALTIES.*

17 ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A
18 MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR
19 TO IMPRISONMENT FOR NOT MORE THAN 12 MONTHS OR TO BOTH FINE AND IMPRISONMENT
20 FOR EACH OFFENSE.

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

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