



BALTIMORE POLICE DEPARTMENT



STEPHANIE RAWLINGS-BLAKE
Mayor

September 19, 2012

Acting Police Commissioner

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 12-0117-Gas or Air Pellet Guns-Redefining



The Baltimore Police Department (BPD) has reviewed City Council Bill 12-0117-Gas or Air Pellet Guns-Redefining which request that the Council adopt a definition change to gas or air pellet guns.

The BPD Firearms Section has received an increasing number of "examination requests" for air-pellet or BB-guns. This increase is directly attributed to the current definition of these weapons under Article 19 § 59-26 which requires that the weapon be shown to "discharge a pellet or other object by force of gas or air cylinder or cartridge, by action of an explosive or combustible propellant, or by pump action." Historically, only firearms (handguns or long guns/shotguns) were submitted for examination to the Firearms Section. The State's Attorney's Office also reports that several cases had to be dismissed and others postponed because the weapons had not been examined to include "discharge" as the law requires. All air-pellet or BB-guns are currently subjected to full "firearms examination" pending the proposed changes.

§ 59-26(c) prohibits a person from possessing or discharging this type of weapon in Baltimore subject to several exceptions. These types of "weapon" are often used in connection with a robbery because they look very realistic and do not carry the same penalties as handguns. Currently, the Firearms Section estimates that it takes approximately 1 hour to 1 1/2 hours to complete a full examination and report in order to satisfy the current law's requirements. Because the weapon types are so varied, it has also required the BPD to purchase air cartridges, cartridges, and pellets in order to conduct the testing. The proposed definitional change will still require that an examination of the "weapon" by the Firearms Section be conducted but only is as much as determining that it is "designed to discharge to can readily be converted to discharge a

pellet or other object...” The requested changes will therefore reduce the amount of time dedicated to examining these weapons and allow for the personnel resources to be allocated to other evidentiary requirements.

Thank you for your consideration.

cc: Angela Gibson, Mayor’s Legislative Liaison