



BALTIMORE POLICE DEPARTMENT

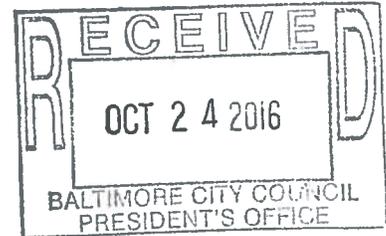


Stephanie Rawlings-Blake
Mayor

Kevin Davis
Police Commissioner

October 25, 2016

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



Attention: Natawna Austin, Executive Secretary

**Re: City Council Bill No. 16-0761
Police Ordinances – Replica Gun Ban**

Dear Council President Young and Members of the City Council:

The Baltimore Police Department (BPD or the Department) has reviewed Council Bill 16-0761. This bill would prohibit the possession of replica guns in Baltimore City, make replica guns subject to seizure and forfeiture, and impose penalties for violating this statute. The BPD is **favorable** on this legislation.

There are a plethora of replica guns on the market that are intentionally designed to look as real as possible. The picture below demonstrates just how real the replica guns on the market look. The gun on top left is a replica BB gun. The gun on the bottom right is a real 9mm handgun. When confronted with a BB gun like the one pictured here, no reasonable police officer or member of the public could be expected to know that the gun is a replica. Council Bill 16-0761 defines a replica gun as a gun which because of its color, size, shape, or other characteristics can *reasonably be perceived to be a real firearm*. The Department believes that replica guns like the ones pictured here should be banned in the City.



Unfortunately, possession of replica guns like the one pictured can have several negative consequences. When replica guns are mistaken by police officers as real guns, the outcome can be tragic. The case of 12-year Tamir Rice gained national attention after he was shot and killed by Cleveland police in November 2014 while carrying a replica gun. In April 2016, there was a police-involved shooting in Baltimore involving a 14-year old boy carrying a BB gun that looked identical to a real gun. Furthermore, BPD detectives can attest that replica guns are frequently being used in street robberies. The widespread availability of real-looking and inexpensive replica guns translates to an easily-accessible street robbery tool.

As drafted, Council Bill 16-0761 states that “no person may own, carry, or possess a replica gun in the City of Baltimore.” BPD believes that the sale of replica guns should be banned in addition to the possession.

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Therefore, the Department recommends that the bill be amended to read, "no person OR BUSINESS may SELL, own, carry, or possess a replica gun in the City of Baltimore." This amendment would bring the new statute in line with the existing ordinance prohibiting sale to minors which reads, "No person may sell, give away, lend, rent, or otherwise transfer to any minor or permit any minor to possess any air rifle, air gun, or BB gun." (Police Ordinances – Article 19, §59-3) Such an amendment could be used as an enforcement tool against businesses selling replica guns in Baltimore City, and could be used as a mechanism to request that online retailers cease shipping replica guns to Baltimore City addresses. Furthermore, the Department submits that if possession of replica guns is banned in Baltimore, it logically follows that they cannot be sold either.

Thank you for the opportunity to comment. The Department looks forward to working with the City Council on this matter.

Sincerely,



Andrew G. Vetter
Chief of Staff