



**Catherine Pugh**  
Mayor

# BALTIMORE POLICE DEPARTMENT



**Kevin Davis**  
Police Commissioner

April 28, 2017

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. 17-0056  
Electronic Control Devices – Authorizing Possession in Most  
Circumstances**

Dear Council President Young and Members of the City Council:

The Baltimore Police Department (the Department) has reviewed Council Bill 17-0056. This bill is for the purpose of allowing a person to possess and use an electronic control device as a form of non-lethal self-defense and for placing reasonable restrictions on the possession of such devices by persons who may pose a public safety risk.

The Department supports this bill.

The bill was requested in reaction to recent Federal Court opinions in which it was consistently held that the Second Amendment to the United States Constitution applies to electronic control devices. This bill repeals and replaces Section 59-28 of Article 19 of the City Code to accomplish the dual goals of protecting a person's right to lawfully possess such a device for personal protection and prohibiting possession in certain circumstances in the interest of public safety.

The bill as drafted narrows the scope of the City ordinance so that it still outlaws the possession of electronic control devices on school property, in government/public buildings, and restricts the sale to and possession of electronic control devices by people who may be deemed under state law to be mentally unstable and who could otherwise pose a serious public safety risk. Further, the bill prohibits possession of electronic control devices by people who are under the authority of an active protective order. These local restrictions will operate in tandem with those already existing in state law.

The bill strikes a necessary balance between constitutional possession of electronic control devices by private individuals and prohibiting the possession of such devices by those who pose an increased public safety risk.

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

Sincerely,



James A. Gillis

Director of Government Affairs