CITY OF BALTIMORE ORDINANCE _____ Council Bill 17-0111

Introduced by: The Council President, President Young, Councilmembers Costello, Middleton, Reisinger, Stokes
At the request of: The Administration (Police Department)
Introduced and read first time: July 17, 2017
Assigned to: Judiciary and Legislative Investigations Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: August 14, 2017

AN ORDINANCE CONCERNING

1	Weapons – Prohibiting the Illegal Possession of Handguns Near Places of Public Assembly
2 3 4 5	FOR the purpose of prohibiting the wearing, carrying, or knowingly transporting of handguns near certain places of public assembly; creating certain exceptions; defining a certain term; establishing a certain mandatory penalty certain penalties, including certain mandatory penalties; setting a special effective date; and generally relating to handguns.
6	By adding
7	Article 19 - Police Ordinances
8	Section(s) 59-5
9	Baltimore City Code
10	(Edition 2000)
11 12	SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE , That the Laws of Baltimore City read as follows:
13	Baltimore City Code
14	Article 19. Police Ordinances
15	Subtitle 59. Weapons
16	§ 59-5. HANDGUNS — ILLEGAL POSSESSION PROHIBITED.
17	(A) "HANDGUN" DEFINED.
18 19	In this section "handgun" means a firearm, as defined in State Public Safety Article \S 5-101(h), the barrel of which is 14 inches or under in length.

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.

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1	(B) CARRYING PROHIBITED.
2	A PERSON MAY NOT:
3 4	(1) WEAR, CARRY, OR KNOWINGLY TRANSPORT A HANDGUN, WHETHER CONCEALED OR OPEN, ON OR ABOUT THE PERSON WITHIN $100\mathrm{YARDS}$ OF, OR IN, A:
5	(I) PARK;
6	(II) CHURCH;
7	(III) SCHOOL;
8	(IV) PUBLIC BUILDING; OR
9	(V) OTHER PLACE OF PUBLIC ASSEMBLY.
10 11	(2) WEAR, CARRY, OR KNOWINGLY TRANSPORT A HANDGUN, WHETHER CONCEALED OR OPEN, IN A VEHICLE TRAVELING ON A ROAD WITHIN 100 YARDS OF A:
12	(I) PARK;
13	(II) CHURCH;
14	(III) SCHOOL;
15	(IV) PUBLIC BUILDING; OR
16	(V) OTHER PLACE OF PUBLIC ASSEMBLY.
17 18 19	(3) WEAR, CARRY, OR KNOWINGLY TRANSPORT A HANDGUN IN CONNECTION WITH THE COMMISSION OF A CRIME AGAINST A PERSON OR PROPERTY, WITHIN 100 YARDS OF, OR IN, A:
20	(I) PARK;
21	(II) CHURCH;
22	(III) SCHOOL;
23	(IV) PUBLIC BUILDING; OR
24	(V) OTHER PLACE OF PUBLIC ASSEMBLY.
25	(C) PERMISSIBLE INFERENCE.
26 27	THE FINDER OF FACT MAY INFER THAT A PERSON WHO TRANSPORTS A HANDGUN IN VIOLATION OF THIS SECTION TRANSPORTS THE HANDGUN KNOWINGLY

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1	(D) EXCEPTIONS.
2	THIS SECTION DOES NOT PROHIBIT THE WEARING, CARRYING, OR TRANSPORTING OF A
3	HANDGUN BY A PERSON COVERED BY AN EXCEPTION IN STATE CRIMINAL LAW ARTICLE
4	§ 4-203(B).
5	(E) PENALTIES.
6	(1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON
7	CONVICTION IS SUBJECT TO THE FOLLOWING MANDATORY PENALTIES FOR EACH
8	OFFENSE:
9	(I) IMPRISONMENT FOR 1 YEAR; AND
10	(II) A FINE OF \$1,000.
1	(I) IF THE HANDGUN WAS WORN, CARRIED, OR TRANSPORTED IN CONNECTION
12	WITH THE COMMISSION OF A CRIME AGAINST A PERSON OR PROPERTY,
13	MANDATORY IMPRISONMENT FOR 1 YEAR AND A MANDATORY FINE OF \$1,000;
14	(II) IF THE PERSON HAS A PREVIOUS CONVICTION FOR A VIOLATION OF THIS SECTION
15	OR STATE CRIMINAL LAW ARTICLE § 4-203 {"WEARING, CARRYING, OR
16	TRANSPORTING HANDGUN"}, MANDATORY IMPRISONMENT FOR 1 YEAR AND A
17	MANDATORY FINE OF \$1,000; OR
18	(III) IF NEITHER ITEM (I) NOR ITEM (II) OF THIS PARAGRAPH APPLY, A FINE OF NOT
19	MORE THAN \$1,000 OR IMPRISONMENT FOR NOT LONGER THAN 12 MONTHS OR
20	BOTH FINE AND IMPRISONMENT, IN THE DISCRETION OF THE COURT.
21 22	(2) THE COURT MAY NOT IMPOSE LESS THAN, OR SUSPEND ANY PART OF, THE ANY MANDATORY SENTENCE PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION.
23	(3) A PERSON WHO VIOLATES THIS SECTION IS NOT ELIGIBLE FOR A PROBATION BEFORE
24	JUDGMENT.
25	(4) A PERSON WHO VIOLATES THIS SECTION IS NOT ELIGIBLE FOR PAROLE.
26	(5) EACH VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE.
27	(F) SEVERABILITY.
28	ALL PROVISIONS OF THIS SECTION ARE SEVERABLE. IF A COURT DETERMINES THAT A
<u> 29</u>	WORD, PHRASE, CLAUSE, SENTENCE, PARAGRAPH, SUBSECTION, OR OTHER PROVISION IS
30	INVALID OR THAT THE APPLICATION OF ANY PART OF THE PROVISION TO ANY PERSON OR
31	CIRCUMSTANCES IS INVALID, THE REMAINING PROVISIONS AND THE APPLICATION OF THOSE
32	PROVISIONS TO OTHER PERSONS OR CIRCUMSTANCES ARE NOT AFFECTED BY THAT
33	DECISION

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SECTION 3. AND BE IT I enacted.	FURTHER ORDAINED, T	That this Ordinance takes effect on the da
Certified as duly passed this	s day of	, 20
		President, Baltimore City Coun
		Trestacht, Baltimore City Count
Certified as duly delivered to	o Her Honor, the Mayo	
Certified as duly delivered to this day of		