Solution: Amend Title 13 of the Criminal Procedure Code to include the forfeiture of assets for prostitution violations.

PROPOSAL THREE: BB GUNS/AIR PISTOLS- REPLICA FIREARMS

Issue: The availability of replica firearms in the form of BB Guns/Air pistols in retail stores such as Wal-Mart, Sports Authority, and Dicks Sporting goods make them a favorite tool for use in armed robberies and other crimes.

Current Law: Chapter 51
Firearms

§ 51-1. General regulations concerning air guns

A. Definitions. In this section, "air gun" means a small-caliber weapon, either a handgun or a shoulder weapon, from which pellets, bullets or darts are discharged by the expanding force of compressed air or gas [carbon dioxide (CO₂)]. The term includes air guns called "air rifles," "BB guns," "gas guns," "spring-operated guns" and "air pistols."

B. Operation restricted. No person shall discharge any air gun within five hundred (500) feet of any home or residence other than his own; any school or school grounds, whether private or public; any church or church grounds; any place of public assembly; or any public park or playground within the county

C. Applicability of provisions. This section shall not prohibit the owner or tenant of
any land from discharging any air gun on his land for the purpose of the protection of his own property or the life of himself or his family or killing predatory animals which prey upon, damage or destroy his property, livestock or crops. This section shall not apply to the discharge of any air gun on any target, trap or skeet range or shooting area which has been inspected and approved, in writing, by the County Commissioners or their duly authorized agent. This section shall not apply to the discharge of any air gun by any person in a private basement or cellar target range.

D. Violations and penalties. Any person who is convicted of a violation of any provision of this section is guilty of a misdemeanor and is subject to a fine of not more than five hundred dollars ($500.).

Solution: (1) Amend the County Code § 51-1 General regulations concerning air guns to included wearing and carrying of BB guns/air pistols concealed on a person or in a vehicle.

PROPOSAL FOUR: SCRAP METAL PROCESSORS

Issue: Theft and sale of metals. To provide law enforcement with information regarding the sale/purchase of scrap metal.

Current Law: Access to Records

(a) Each junk dealer or scrap metal processor who is a resident of the State shall keep a written record in English that:

   (1) for each purchase of junk or scrap metal:
       (i) is made at the time of the purchase; and
       (ii) includes:
           1. a description of the junk or scrap metal purchased;
           2. the name and address of the seller;
No problem Lisa - anytime.

Susan

-----Original Message-----
From: Lisa Bailey <BaileyL@charlescounty.org>
Sent: Thursday, June 26, 2008 8:19 AM
To: Middleton, Thomas Senator
Subject: Re: FW: BB Guns and Air Pistols

Thank you Susan and Senator Middleton. I don't think any further research is warranted at this time. I'll forward this info to Mr. Fink for the Commissioners and let you know if he requires anything further (the 2003 GAO report). Again, thank Jackie for me. Lisa ;)

>>> "Middleton, Thomas Senator"
>>> <Thomas.McLain.Middleton@senate.state.md.us> 6/25/2008 4:46 PM >>>
Hi Lisa,

See below....

From: Curro, Jacqueline
Sent: Wednesday, June 25, 2008 10:44 AM
To: Middleton, Thomas Senator
Subject: RE: BB Guns and Air Pistols

Susan, 

HB 45 was withdrawn by the sponsor (Delegate Anderson) and did not have a hearing so the file contains no other documents. 
The file for HB 269 contains letters of support from the Attorney General, Prince George’s County Government, and Maryland Law Enforcement Officers, Inc; and two documents opposing it and other gun legislation (they opposed banning toys) from individual citizens although eight signed the list to testify against it. Our scanner isn’t working, so I can't send them to you electronically. Are you here in Annapolis or in the district office?

The Police Executive Research Forum (PERF), in cooperation with the federal Bureau of Justice Statistics, prepared a report in 1990, Toy Guns: involvement in Crime & Encounters with Police. Since it is so old I’m not going to track down a copy. The GAO did some follow up and commentary in 2003, which I will send to you.

All in all, it's about 25 - 30 pages. Let me know how you would prefer to receive them.

Also, Delegate Anderson might be able to shed some light on the opposition.

Jackie

From: Middleton, Thomas Senator
Sent: Tuesday, June 24, 2008 5:20 PM
To: Curro, Jacqueline
Subject: RE: BB Guns and Air Pistols
Hi Jackie,

Thank you again.... Do you have any information from the bill files by any chance that would indicate positions speaking to the opposition or shed any light as to why the bills were not passed.

Thank you so much,
Susan

From: Curro, Jacqueline
Sent: Monday, June 23, 2008 12:32 PM
To: Middleton, Thomas Senator
Subject: RE: BB Guns and Air Pistols

Susan,
Maryland courts have ruled that CO2 pellet guns and BB guns are not handguns, and so are not restricted. [37 Md App 557 (1977) and 56 Md App 547 (1985)] Searching back to 1996, I have found only two bills that mention BB guns: HB 45 and HB 269, 2004, would have prohibited sale or possession of look alike or imitation firearms. HB 45 was withdrawn and HB 269 remained in committee.
Please let me know if you want me to extend my search to earlier years.
Jackie

Jacqueline F. Curro
Senior Legislative Librarian
Library and Information Services
Maryland Department of Legislative Services 90 State Circle Annapolis, MD 21401 410-946-5400

From: Middleton, Thomas Senator
Sent: Monday, June 23, 2008 9:20 AM
To: Curro, Jacqueline
Subject: RE: BB Guns and Air Pistols

Thank you Jackie...

From: Curro, Jacqueline
Sent: Monday, June 23, 2008 9:19 AM
To: Middleton, Thomas Senator
Subject: BB Guns and Air Pistols

Susan,
Your request has been forwarded to me. I'll check on this and get back to you.
Jackie

Jacqueline F. Curro
Senior Legislative Librarian
Library and Information Services
Maryland Department of Legislative Services 90 State Circle Annapolis, MD 21401 410-946-5400
HOUSE BILL 269

File Code: Public Safety

Sponsored By:
Delegates Anderson, McIntosh, and Doory

Entitled:
Public Safety - Imitation Firearms - Prohibition

Synopsis:
Prohibiting the sale, offer of sale, possession, use, attempt to use, or transfer of an imitation firearm; defining terms; establishing criminal penalties; establishing exceptions; authorizing the Attorney General to file a civil action to enjoin violation of the Act; and authorizing a circuit court to enjoin a violation of the Act.

History by Legislative Date

House Action
1/26
First Reading Judiciary
2/25
Hearing 3/16 at 1:00 p.m.

Senate Action
No Action

Sponsored by:
Delegate Curt Anderson, District 43
Delegate Ann Marie Doory, District 43
Delegate Maggie McIntosh, District 43

Bill indexed under the following Subjects:

http://mlis.state.md.us/2004rs/billfile/hb0269.htm
ATTORNEY GENERAL
CIRCUIT COURTS
CIVIL ACTIONS -see also- SMALL CLAIMS
CRIMES AND PUNISHMENTS -see also- PENALTIES; SENTENCES; etc.
GUNS
PENALTIES
TOYS
WEAPONS -see also- GUNS

Bill affects the following Statutes:

Public Safety
(5-601, 5-602, 5-603)

Documents:

Bill Text: First Reading (RTF / PDF), Third Reading, Enrolled

Fiscal Note: Available (WORD / PDF)

Amendments: None offered
A BILL ENTITLED

AN ACT concerning

Public Safety - Imitation Firearms - Prohibition

FOR the purpose of prohibiting the sale, offer of sale, possession, use, attempt to use, or transfer of an imitation firearm; defining certain terms; establishing certain criminal penalties; authorizing the Attorney General to file a civil action to enjoin violation of this Act; authorizing a circuit court to enjoin a violation of this Act; establishing certain exceptions; and generally relating to imitation firearms.

BY adding to

Article - Public Safety

Section 5-601 through 5-603, inclusive, to be under the new subtitle "Subtitle 6. Imitation Firearms"

Annotated Code of Maryland (2003 Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Public Safety

SUBTITLE 6. ImitATION FIREARMS.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "AIR GUN" MEANS A BB GUN, PELLET GUN, OR SIMILAR DEVICE WHICH LAUNCHES A PROJECTILE UPON THE RELEASE OF COMPRESSED GAS.

(C) "ANTIQUE FIREARM" HAS THE MEANING STATED IN § 4-201 OF THE CRIMINAL LAW ARTICLE.

(D) "FIREARM" HAS THE MEANING STATED IN § 5-101 OF THIS TITLE.
"HANDGUN" HAS THE MEANING STATED IN § 4-201 OF THE CRIMINAL LAW ARTICLE.

"IMITATION FIREARM" MEANS AN AIR GUN, TOY, DEVICE, OR OBJECT WHICH SUBSTANTIALLY DUPLICATES OR CAN REASONABLY BE PERCEIVED TO BE A FIREARM, HANDGUN, OR AIR GUN.

"IMITATION FIREARM" DOES NOT INCLUDE AN AIR GUN, TOY, DEVICE, OR OBJECT THAT:

(i) HAS AN ENTIRE EXTERIOR SURFACE AREA COLOR OF BRIGHT RED, BRIGHT ORANGE, BRIGHT YELLOW, BRIGHT GREEN, BRIGHT BLUE, BRIGHT PINK, OR BRIGHT PURPLE, EITHER SINGLY OR AS THE PREDOMINANT COLOR IN COMBINATION WITH OTHER COLORS IN ANY PATTERN;

(ii) HAS A BARREL THAT IS CLOSED FOR A DISTANCE OF NOT LESS THAN ONE-HALF INCH FROM THE FRONT END OF THE BARREL WITH THE SAME MATERIAL OF WHICH THE TOY, DEVICE, OR OBJECT IS MADE;

(iii) HAS LEGIBLY STAMPED ON THE EXTERIOR THE NAME OF THE MANUFACTURER OR SOME TRADE NAME, MARK, OR BRAND BY WHICH THE MANUFACTURER CAN BE READILY IDENTIFIED; OR

(iv) IS A NONFIRING COLLECTOR REPLICA OF AN ANTIQUE FIREARM.

5-602.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON MAY NOT SELL, OFFER TO SELL, POSSESS, USE, ATTEMPT TO USE, OR TRANSFER AN IMITATION FIREARM.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING $1,000 OR BOTH PER VIOLATION OF THIS SECTION.

THIS SUBTITLE SHALL NOT APPLY TO THE POSSESSION, USE, OR DISPLAY OF AN IMITATION FIREARM AS PART OF A:

(1) TELEVISION PROGRAM;

(2) THEATRICAL PRODUCTION; OR

(3) MOTION PICTURE.

5-603.

THE ATTORNEY GENERAL OF THE STATE OF MARYLAND MAY FILE A CIVIL ACTION TO ENFORCE § 5-602 OF THIS SUBTITLE ON BEHALF OF THE STATE OF MARYLAND IN THE CIRCUIT COURT FOR A COUNTY IN WHICH A PERSON IS ALLEGED TO BE IN VIOLATION OF § 5-602 OF THIS SUBTITLE.
(B) IN AN ACTION FILED UNDER THIS SECTION, A CIRCUIT COURT MAY ISSUE A TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, AND PERMANENT INJUNCTION TO ENJOIN A VIOLATION OF § 5-602 OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2004.
HOUSE BILL 45

File Code: Public Safety

Sponsored By:
  Delegate Anderson

Entitled:
  Public Safety - Imitation Firearms - Prohibition

Synopsis:
Prohibiting the sale, offer of sale, possession, use, attempt to use, or transfer of an imitation firearm; providing that a violation of the Act is a misdemeanor subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both; and providing specified exceptions to the Act.

History by Legislative Date

House Action
07/7  Pre-filed
1/14  First Reading Judiciary
2/16  Withdrawn

Senate Action
No Action

Bill indexed under the following Subjects:

CRIMES AND PUNISHMENTS - see also - PENALTIES; SENTENCES; etc.
GUNS
PENALTIES
TOYS
WEAPONS - see also - GUNS
Bill affects the following Statutes:

Public Safety
(5-601, 5-602)

Documents:

Bill Text: First Reading (RTF / PDF), Third Reading, Enrolled
Fiscal Note: Not available at this time
Amendments: None offered
A BILL ENTITLED

AN ACT concerning Public Safety - Imitation Firearms - Prohibition

FOR the purpose of prohibiting the sale, offer of sale, possession, use, attempt to use, or transfer of an imitation firearm; defining certain terms; establishing certain penalties; establishing certain exceptions; and generally relating to imitation firearms.

BY adding to Article - Public Safety Section 5-601 and 5-602 to be under the new subtitle "Subtitle 6. Imitation Firearms" Annotated Code of Maryland (2003 Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Public Safety

SUBTITLE 6. ImitATION FIREARMS.

5-601.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "AIR GUN" MEANS A BB GUN, PELLET GUN, OR SIMILAR DEVICE WHICH LAUNCHES A PROJECTILE UPON THE RELEASE OF COMPRESSED GAS.

(C) "ANTIQUE FIREARM" HAS THE MEANING STATED IN § 4-201 OF THE CRIMINAL LAW ARTICLE.

(D) "FIREARM" HAS THE MEANING STATED IN § 5-101 OF THIS TITLE.
"IMITATION FIREARM" MEANS A TOY, DEVICE, OR OBJECT WHICH
SUBSTANTIALLY Duplicates OR CAN REASONABLY BE PERCEIVED TO BE AN
ACTUAL FIREARM OR AIR GUN.

"IMITATION FIREARM" DOES NOT INCLUDE A TOY, DEVICE, OR
OBJECT THAT:

(I) HAS AN ENTIRE EXTERIOR SURFACE AREA COLOR OF WHITE,
BRIGHT RED, BRIGHT ORANGE, BRIGHT YELLOW, BRIGHT GREEN, BRIGHT BLUE,
BRIGHT PINK, OR BRIGHT PURPLE, EITHER SINGLY OR AS THE PREDOMINANT COLOR
IN COMBINATION WITH OTHER COLORS IN ANY PATTERN;

(II) IS CONSTRUCTED ENTIRELY OF TRANSPARENT OR
TRANSLUCENT MATERIALS WHICH PERMIT CLEAR OBSERVATION OF THE CONTENTS
OF THE TOY, DEVICE, OR OBJECT;

(III) HAS A BARREL THAT IS CLOSED FOR A DISTANCE OF NOT LESS
THAN ONE-HALF INCH FROM THE FRONT END OF THE BARREL WITH THE SAME
MATERIAL OF WHICH THE TOY, DEVICE, OR OBJECT IS MADE;

(IV) HAS LEGIBLY STAMPED ON THE EXTERIOR THE NAME OF THE
MANUFACTURER OR SOME TRADE NAME, MARK, OR BRAND BY WHICH THE
MANUFACTURER CAN BE READILY IDENTIFIED;

(V) IS A NONFIRING REPLICA OF AN ANTIQUE FIREARM; OR

(VI) IS NO MORE THAN 38 MILLIMETERS IN HEIGHT BY 70
MILLIMETERS IN LENGTH, EXCLUDING THE LENGTH OF THE GUN STOCK.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON
MAY NOT SELL, OFFER TO SELL, POSSESS, USE, ATTEMPT TO USE, OR TRANSFER AN
IMITATION FIREARM.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A
FINE NOT EXCEEDING $1,000 OR BOTH.

THIS SUBTITLE SHALL NOT APPLY TO THE POSSESSION, USE, OR DISPLAY
OF AN ImitATION FIREARM:

(1) SOLELY FOR THE PURPOSE OF SALE OUTSIDE THE STATE; OR

(2) AS PART OF A:

(I) TELEVISION PROGRAM;

(II) THEATRICAL PRODUCTION; OR

(III) MOTION PICTURE.
SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2004.