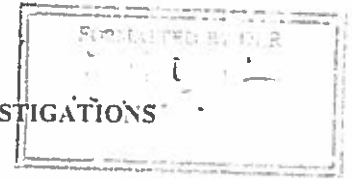


COUNCIL BILL 17-0111

UNOFFICIAL REPRINT TO SHOW CONTEXT
OF AMENDMENTS PROPOSED BY THE JUDICIARY AND LEGISLATIVE INVESTIGATIONS
COMMITTEE



A BILL ENTITLED

AN ORDINANCE concerning

Weapons – Prohibiting the Illegal Possession of Handguns Near Places of Public Assembly

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.

By adding

Article 19 - Police Ordinances
Section(s) 59-5
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 19. Police Ordinances

Subtitle 59. Weapons

§ 59-5. HANDGUNS – ILLEGAL POSSESSION PROHIBITED.

(A) *"HANDGUN" DEFINED.*

IN THIS SECTION "HANDGUN" MEANS A FIREARM, AS DEFINED IN STATE PUBLIC SAFETY ARTICLE § 5-101(H), THE BARREL OF WHICH IS 14 INCHES OR UNDER IN LENGTH.

(B) *CARRYING PROHIBITED.*

A PERSON MAY NOT:

- (1) WEAR, CARRY, OR KNOWINGLY TRANSPORT A HANDGUN , WHETHER CONCEALED OR

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.

OPEN, ON OR ABOUT THE PERSON WITHIN 100 YARDS OF, OR IN, A:

- (I) PARK;
- (II) CHURCH;
- (III) SCHOOL;
- (IV) PUBLIC BUILDING; OR
- (V) OTHER PLACE OF PUBLIC ASSEMBLY .

(2) WEAR, CARRY, OR KNOWINGLY TRANSPORT A HANDGUN , WHETHER CONCEALED OR OPEN, IN A VEHICLE TRAVELING ON A ROAD WITHIN 100 YARDS OF A:

- (I) PARK;
- (II) CHURCH;
- (III) SCHOOL;
- (IV) PUBLIC BUILDING; OR
- (V) OTHER PLACE OF PUBLIC ASSEMBLY .

(3) WEAR, CARRY, OR KNOWINGLY TRANSPORT A HANDGUN IN CONNECTION WITH THE COMMISSION OF A CRIME, WITHIN 100 YARDS OF, OR IN, A:

- (I) PARK;
 - (II) CHURCH;
 - (III) SCHOOL;
 - (IV) PUBLIC BUILDING; OR
 - (V) OTHER PLACE OF PUBLIC ASSEMBLY .
- ↑
AGAINST A PERSON
OR PROPERTY

(C) *PERMISSIBLE INFERENCE* .

THE FINDER OF FACT MAY INFER THAT A PERSON WHO TRANSPORTS A HANDGUN IN VIOLATION OF THIS SECTION TRANSPORTS THE HANDGUN KNOWINGLY .

(D) *EXCEPTIONS*.

THIS SECTION DOES NOT PROHIBIT THE WEARING , CARRYING, OR TRANSPORTING OF A HANDGUN BY A PERSON COVERED BY AN EXCEPTION IN STATE CRIMINAL LAW ARTICLE § 4-203(B).

(E) *PENALTIES*.

(1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO THE FOLLOWING ~~MANDATORY~~ PENALTIES FOR EACH OFFENSE:

~~(I) IMPRISONMENT FOR 1 YEAR; AND~~

~~(II) A FINE OF \$1,000.~~

AGAINST A PERSON
OR PROPERTY

(I) IF THE HANDGUN WAS WORN, CARRIED, OR TRANSPORTED IN CONNECTION WITH THE COMMISSION OF A CRIME, MANDATORY IMPRISONMENT FOR 1 YEAR AND A MANDATORY FINE OF \$1000;

(II) IF THE PERSON HAS A PREVIOUS CONVICTION FOR A VIOLATION OF THIS SECTION OR STATE CRIMINAL LAW ARTICLE § 4-203 {"WEARING, CARRYING, OR TRANSPORTING HANDGUN"}, MANDATORY IMPRISONMENT FOR 1 YEAR AND A MANDATORY FINE OF \$1000; AND

(III) FOR ANY OTHER VIOLATION, A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT FOR NOT LONGER THAN 12 MONTHS OR BOTH FINE AND IMPRISONMENT, IN THE DISCRETION OF THE COURT.

(2) THE COURT MAY NOT IMPOSE LESS THAN , OR SUSPEND ANY PART OF . ~~THE~~ ANY MANDATORY SENTENCE PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION.

(3) A PERSON WHO VIOLATES THIS SECTION IS NOT ELIGIBLE FOR A PROBATION BEFORE JUDGMENT.

(4) A PERSON WHO VIOLATES THIS SECTION IS NOT ELIGIBLE FOR PAROLE .

(5) EACH VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE .

(F) *SEVERABILITY.*

ALL PROVISIONS OF THIS SECTION ARE SEVERABLE . IF A COURT DETERMINES THAT A WORD, PHRASE, CLAUSE, SENTENCE, PARAGRAPH, SUBSECTION, OR OTHER PROVISION IS INVALID OR THAT THE APPLICATION OF ANY PART OF THE PROVISION TO ANY PERSON OR CIRCUMSTANCES IS INVALID , THE REMAINING PROVISIONS AND THE APPLICATION OF THOSE PROVISIONS TO OTHER PERSONS OR CIRCUMSTANCES ARE NOT AFFECTED BY THAT DECISION.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.