

Executive Summary

The Secure All Firearms Effectively (SAFE) Act will require firearm retail establishments in Baltimore County to install appropriate security measures to protect their firearms inventory from burglary. During 2018 and 2019, seven different Baltimore County firearm retail establishments were attacked by burglars ten times. In four of those incidents, burglars got inside and removed guns. Fifty-one guns were stolen in just one of those burglaries.

In June 2019, burglars attacked firearm retail establishments in Howard County and Montgomery County on successive nights, ramming each one with a car and stealing a total of 45 firearms. One of Baltimore County's attempted firearm retail establishment burglaries during 2019 appears to involve a suspect who was charged in those cases.

These stolen guns are sold and traded to criminals, and used to commit more crimes. The Baltimore County Police Department has been unable to persuade all operators of firearm retail establishments located in the County to improve their security measures to an adequate level.

Maryland law specifically authorizes local jurisdictions to regulate the purchase, sale, transfer, ownership, possession, and transportation of (1) a handgun, rifle, or shotgun; and (2) ammunition for and components of a handgun, rifle, or shotgun, within 100 yards of or in a park, church, school, public building, and other place of public assembly. Criminal Law Section 4-209, Md. Ann. Code. Eighteen of Baltimore County's 19 firearm retail establishments are located within this designation, and can be regulated by the County.

This bill creates a new County license that will be required prior to storing firearms inventory in a firearm retail establishment, if the store is located in the designated areas where the County is authorized to regulate. Police Department approval of a security plan is required to obtain a license. A gun show located in the designated areas will be required to have a security plan approved by the Police Department. Specific physical security measures, video surveillance, and a monitored alarm system are required for a qualifying firearm retail establishment or gun show security plan. As an alternative to the specific physical security measures listed in the bill for firearm retail establishments, the Chief of Police will be authorized to approve a combination of other physical security elements that provide adequate security.

This bill also requires County-licensed dealers transporting firearms for sale, within the County, to have in their possession an inventory list with the make and serial number for each firearm; dealers must also have a copy of the list available at their business premises; and the list must be provided to law enforcement on request.

The bill provides for a correction notice to be issued, with time specified for correction of a violation, prior to issuing a citation. The bill gives the Chief of Police authority to enforce the license requirement, including authorization to post one or more officers or security guards at the expense of the owner of the premises if a violation has occurred that brings the security of firearms into question.

The bill provides for a six-month grace period after enactment, for existing firearms dealers to come into compliance with the new license requirements.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2019, Legislative Day _____

Bill No. _____

Mr. Tom Quirk, Chairman
By Request of County Executive

By the County Council, - _____, 2019

A BILL
ENTITLED

AN ACT concerning

Secure All Firearms Effectively (SAFE) Act

FOR the purpose requiring firearms dealers to comply with certain inventory security requirements under certain circumstances; providing certain alarm system requirements; requiring a certain dealer to obtain a certain license; authorizing a fee for the license; providing for the term of the license; providing for an application for a license; providing for certain inspections; providing for approval or rejection of the license under certain circumstances; prohibiting transfer of a license; requiring certain inventory security measures under certain circumstances; requiring certain records to accompany certain firearms under certain circumstances; providing for certain enforcement authority; authorizing the adoption of certain regulations; providing for the severability of this Act; providing for a grandfathering of certain dealers under certain circumstances; altering a certain definition; defining certain terms; and generally relating to firearms dealer inventory security.

By repealing and reenacting, with amendments

Section 21-1-101
Title 1. In General
Article 21. Permits, Licenses and Business Regulation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

Baltimore County Code, 2015

By adding

Sections 21-23-101 through 21-23-116
Title 23. Secure All Firearms Effectively (SAFE) Act
Article 21. Permits, Licenses and Business Regulation
Baltimore County Code, 2015

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF
2 BALTIMORE COUNTY, MARYLAND, That the Laws of Baltimore County shall read
3 as follows:

4
5 Article 21. Permits, Licenses and Business Regulation.

6
7 Title 1. In General.

8
9 § 21-1-101.

10 (a) In this article the following words have the meanings indicated.

11 (b) "Chief of Police" means the county Chief of Police or the Chief's designee.

12 (c) "Department" means the Department of Permits, Approvals and Inspections.

13 (d) "Director" means the Director of the Department of Permits, Approvals and
14 Inspections OR THE DIRECTOR'S DESIGNEE.

15
16 TITLE 23. SECURE ALL FIREARMS EFFECTIVELY (SAFE) ACT.

17
18 § 21-23-101.

19
20 (A) IN THIS TITLE THE FOLLOWING TERMS HAVE THE MEANINGS
21 INDICATED.

22 (B)(1) "DEALER" MEANS A PERSON WHO IS ENGAGED IN THE
23 BUSINESS OF SELLING, RENTING, OR TRANSFERRING FIREARMS AT
24 WHOLESALE OR RETAIL IN SPACE OPEN OR ADVERTISED TO THE PUBLIC.

25 (2) "DEALER" INCLUDES THE DEALER'S AGENT.

26 (C) "FIREARM" MEANS:

27 (1) A WEAPON THAT EXPELS, IS DESIGNED TO EXPEL, OR MAY
28 READILY BE CONVERTED TO EXPEL A PROJECTILE BY THE ACTION OF AN
29 EXPLOSIVE; OR

30 (2) THE FRAME OR RECEIVER OF SUCH A WEAPON.

31 (D) "GUN SHOW" MEANS ANY ORGANIZED GATHERING OPEN TO THE
32 PUBLIC AT WHICH ANY FIREARM IS DISPLAYED.

33 (E)(1) "PERSON" MEANS ANY INDIVIDUAL, CORPORATION,
34 PARTNERSHIP, JOINT VENTURE, FIRM, ASSOCIATION, OR OTHER ENTITY.

1 (2) "PERSON" DOES NOT INCLUDE A GOVERNMENTAL ENTITY OR
2 AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.

3 (F) "PLACE OF PUBLIC ASSEMBLY" MEANS A LOCATION USED FOR A
4 GATHERING OF 50 OR MORE PERSONS FOR DELIBERATION, WORSHIP,
5 ENTERTAINMENT, EATING, DRINKING, AMUSEMENT, SHOPPING, A WAITING
6 TRANSPORTATION OR SIMILAR USES.

7
8 § 21-23-102.

9
10 THIS TITLE APPLIES TO DEALERS SELLING, RENTING, OR TRANSFERRING
11 AT WHOLESALE OR RETAIL FIREARMS WITHIN 100 YARDS OF OR IN A
12 PARK, HOUSE OF WORSHIP, SCHOOL, PUBLIC BUILDING OR OTHER PLACE
13 OF PUBLIC ASSEMBLY.

14
15 § 21-23-103.

16
17 A PERSON MAY NOT DO BUSINESS AS A DEALER WITHOUT HAVING FIRST
18 OBTAINED A LICENSE TO DO SO FROM THE DIRECTOR.

19
20 § 21-23-104.

21 (A) THE DIRECTOR MAY CHARGE A LICENSE APPLICATION FEE AND
22 A FEE FOR EACH LICENSE REQUIRED BY THIS TITLE.

23 (B) A LICENSE SHALL BE ISSUED FOR ONE YEAR AND THE LICENSE
24 FEE MAY BE DUE ON APPLICATION FOR A NEW OR RENEWED LICENSE.

25 (C)(1) THE COUNTY MAY NOT REFUND A LICENSE APPLICATION FEE.

26 (2) THE COUNTY MAY REFUND A FIRST ONE-YEAR LICENSE FEE
27 SUBMITTED WITH THE INITIAL APPLICATION IF THE INITIAL LICENSE IS
28 NOT GRANTED.

29 (D) THE COUNTY ADMINISTRATIVE OFFICER MAY ESTABLISH A FEE
30 SCHEDULE FOR A LICENSE APPLICATION AND A LICENSE, INCLUDING THE
31 RENEWAL FEE.

32 (E) IF A PERSON REQUIRED TO BE LICENSED UNDER THIS TITLE
33 CEASES TO DO BUSINESS AS A DEALER, THE LICENSE SHALL BE
34 RETURNED TO THE DEPARTMENT ON CESSATION OF TRANSACTIONS
35 INVOLVING THE TRANSFER OF FIREARMS.

36
37 § 21-23-105.

38 (A) AN APPLICATION FOR A LICENSE SHALL BE SUBMITTED TO THE
39 DEPARTMENT ON A FORM REQUIRED BY THE DIRECTOR.

40 (B) AN APPLICATION SHALL INCLUDE A STATEMENT ATTESTING TO
41 THE TRUTH OF THE INFORMATION PROVIDED UNDER PENALTIES OF
42 PERJURY, WHICH SHALL BE SIGNED BY:

43 (1) EACH INDIVIDUAL LISTED ON THE APPLICATION; OR

1 (2) IF THE APPLICANT IS A CORPORATION, ASSOCIATION,
2 PARTNERSHIP, SOLE PROPRIETORSHIP, OR OTHER BUSINESS ENTITY, EACH
3 AUTHORIZED OFFICER, DIRECTOR, OR GENERAL PARTNER OF THE
4 APPLICANT.

5 (C) AN APPLICATION SHALL BE ACCOMPANIED BY PAYMENT OF THE
6 APPLICATION FEE AND THE LICENSE FEE FOR THE FIRST ONE-YEAR TERM.

7 (D) A MINOR MAY NOT RECEIVE A LICENSE UNDER THIS TITLE.

8 (E) DURING THE TERM OF THE LICENSE, IF THERE IS A CHANGE IN
9 THE INFORMATION THAT A PERSON PROVIDED IN AN APPLICATION FOR A
10 LICENSE OR LICENSE RENEWAL, THE PERSON SHALL:

11 (1) REPORT THE CHANGE TO THE DEPARTMENT WITHIN 30
12 DAYS AFTER THE CHANGE OCCURS; AND

13 (2) CERTIFY, UNDER PENALTIES OF PERJURY, THAT THE NEW
14 INFORMATION IS CORRECT.

15 (F) AN APPLICATION SHALL INCLUDE AN AUTHORIZATION FOR
16 GOVERNMENTAL INSPECTION, INCLUDING INSPECTION BY THE CHIEF OF
17 POLICE, OF THE PREMISES OR ANY OFF-SITE STORAGE LOCATION AT ANY
18 TIME FOR THE PURPOSE OF ENSURING COMPLIANCE WITH THIS TITLE.

19
20 § 21-23-106.

21 THE DIRECTOR MAY APPROVE AN APPLICATION UNLESS:

22 (1) THE INFORMATION PROVIDED BY THE APPLICANT IS INCORRECT
23 OR INCOMPLETE; OR

24 (2) THE PREMISES LISTED IN THE APPLICATION DOES NOT COMPLY
25 WITH THE COUNTY'S HEALTH, ZONING, FIRE, OR BUILDING CODE
26 REQUIREMENTS.

27
28 § 21-23-107.

29 (A) A LICENSE TO DO BUSINESS AS A DEALER MAY NOT BE
30 TRANSFERRED FROM ONE PERSON TO ANOTHER.

31 (B) A PERSON WHO HOLDS A LICENSE UNDER THIS TITLE SHALL
32 NOTIFY THE DIRECTOR IN WRITING BEFORE MOVING THE
33 ESTABLISHMENT OR ANY OFF-SITE STORAGE LOCATION FROM ONE
34 LOCATION TO ANOTHER LOCATION.

35
36 § 21-23-108.

37 (A) THIS SECTION DOES NOT APPLY TO A GUN SHOW.

38 (B) THE BUSINESS PREMISES OF A DEALER SHALL:

39 (1) BE MONITORED AT ALL TIMES BY:

40 (I) AN ALARM SYSTEM REGISTERED IN ACCORDANCE
41 WITH ARTICLE 13, TITLE 11, SUBTITLE 2 OF THE CODE; AND

42 (II) A VIDEO SYSTEM; AND

1 (2) EXCEPT AS PROVIDED IN SUBSECTION (C)(1) OF THIS
2 SECTION, INCLUDE THE FOLLOWING PHYSICAL SECURITY ELEMENTS:

3 (I) BOLLARDS OR ANOTHER PHYSICAL BARRIER TO
4 PREVENT VEHICLE INTRUSION INTO THE BUILDING;

5 (II) SECURITY GATES OR SECURITY SCREENS OVER
6 WINDOWS, AND:

7 1. SECURITY GATES OR SECURITY SCREENS OVER
8 DOORS; OR

9 2. A SECURE VESTIBULE FOR DOORS; AND

10 (III) EXCEPT AS PROVIDED IN SUBSECTION (C)(2) OF THIS
11 SECTION, ALL FIREARMS SECURED IN A SAFE, A SECURE ROOM, IN A
12 SECURED CAGE, OR BEHIND SECURITY SHUTTERS WHEN THE BUSINESS
13 PREMISES ARE CLOSED.

14 (C)(1) AS AN ALTERNATIVE TO THE REQUIREMENTS OF SUBSECTION
15 (B)(2) OF THIS SECTION, THE CHIEF OF POLICE MAY APPROVE ANOTHER
16 COMBINATION OF PHYSICAL SECURITY ELEMENTS THAT PROVIDE AN
17 ADEQUATE LEVEL OF PROTECTION.

18 (2) AS AN ALTERNATIVE TO THE REQUIREMENTS OF
19 SUBSECTION (B)(2)(III) OF THIS SECTION, THE CHIEF OF POLICE MAY
20 AUTHORIZE THE DEALER TO PROVIDE LIVE SECURITY GUARD
21 COVERAGE.

22 (D)(1) THE CHIEF OF POLICE SHALL REVIEW AND APPROVE ALL
23 PLANS FOR COMPLIANCE WITH THIS SECTION.

24 (2) THE DEALER MAY NOT HAVE FIREARM INVENTORY ON THE
25 PREMISES UNTIL AFTER THE CHIEF OF POLICE HAS CONFIRMED
26 IMPLEMENTATION OF THE APPROVED SECURITY PLAN.

27
28 § 21-23-109.

29 (A)(1) A GUN SHOW SHALL HAVE A SECURITY PLAN APPROVED BY
30 THE CHIEF OF POLICE.

31 (2) EACH DEALER SHALL COMPLY WITH THE SECURITY PLAN.

32 (B) THE SECURITY PLAN SHALL, AT A MINIMUM, INCLUDE FOR ALL
33 TIMES THAT THE PREMISES ARE NOT OPEN TO THE PUBLIC AND HAVE
34 FIREARMS ON-SITE:

35 (1) PROVISIONS FOR:

36 1. A MONITORED ALARM SYSTEM UNDER ARTICLE
37 13, TITLE 11, SUBTITLE 2 OF THE CODE; AND

38 2. A VIDEO SYSTEM; AND

39 (2) LIVE SECURITY GUARD COVERAGE.

40 (C)(1) THE CHIEF OF POLICE SHALL REVIEW AND APPROVE ALL
41 PLANS FOR COMPLIANCE WITH THIS SECTION.

1 (2) A GUN SHOW DEALER MAY NOT HAVE FIREARM
2 INVENTORY ON THE PREMISES UNTIL AFTER THE CHIEF OF POLICE HAS
3 CONFIRMED IMPLEMENTATION OF THE APPROVED SECURITY PLAN.

4
5 § 21-23-110.

6
7 (A) A DEALER SUBJECT TO THIS TITLE TRANSPORTING FIREARMS
8 FOR SALE, WITHIN THE COUNTY, SHALL AT ALL TIMES HAVE IN THEIR
9 POSSESSION AN INVENTORY LIST FOR EACH FIREARM BEING
10 TRANSPORTED, WHICH SHALL INCLUDE, AT A MINIMUM, THE MAKE AND
11 SERIAL NUMBER OF THE ITEM.

12 (B) A COPY OF THE INVENTORY LIST SHALL AT ALL TIMES:

13 (1) ACCOMPANY THE FIREARM;

14 (2) BE AVAILABLE AT THE DEALER'S BUSINESS PREMISES; AND

15 (3) BE PROVIDED TO LAW ENFORCEMENT ON REQUEST.

16
17 § 21-23-111.

18 (A) THE DIRECTOR MAY ISSUE AN ORDER DENYING, REFUSING TO
19 RENEW, REVOKING, OR SUSPENDING A LICENSE FOR THE FOLLOWING
20 REASONS:

21 (1) THE INFORMATION PROVIDED BY THE LICENSEE OR
22 APPLICANT IN THE APPLICATION IS INCORRECT, INCOMPLETE, OR HAS
23 NOT BEEN UPDATED AS REQUIRED BY THIS TITLE;

24 (2) A LICENSEE HAS FAILED TO COMPLY WITH A CORRECTION
25 NOTICE OR CITATION; OR

26 (3) THE LICENSEE OR APPLICANT HAS VIOLATED ONE OR MORE
27 OF THE PROVISIONS OF THIS TITLE.

28 (B)(1) AN ORDER DENYING, REFUSING TO RENEW, REVOKING, OR
29 SUSPENDING A LICENSE SHALL BE SERVED ON THE LICENSEE OR
30 APPLICANT BY CERTIFIED MAIL, RESTRICTED DELIVERY OR BY PERSONAL
31 SERVICE.

32 (2) THE ORDER SHALL CONTAIN THE REASONS FOR THE
33 DENIAL, REFUSAL TO RENEW, REVOCATION, OR SUSPENSION.

34 (3) IF SERVICE CANNOT BE OBTAINED BY CERTIFIED MAIL,
35 RESTRICTED DELIVERY OR PERSONAL SERVICE, THE NOTICE MAY BE
36 POSTED IN A CONSPICUOUS LOCATION ON THE DEALER'S
37 ESTABLISHMENT.

38 (C)(1) AN APPLICANT FOR A LICENSE UNDER THIS TITLE WHOSE
39 APPLICATION HAS BEEN REFUSED OR A LICENSEE WHOSE LICENSE HAS
40 BEEN SUSPENDED OR REVOKED MAY APPEAL THE DECISION OF THE
41 DIRECTOR TO THE BOARD OF APPEALS WITHIN 10 DAYS AFTER REFUSAL,
42 SUSPENSION, OR REVOCATION OF THE LICENSE.

1 (2) THE BOARD OF APPEALS SHALL CONDUCT A HEARING ON
2 THE APPEAL AND SHALL AFFIRM, REVERSE, OR MODIFY THE DECISION OF
3 THE DIRECTOR.

4
5 § 21-23-112.

6 (A) THE CHIEF OF POLICE MAY INSTITUTE ANY ACTION AT LAW OR
7 EQUITY, INCLUDING INJUNCTION OR MANDAMUS, TO ENFORCE THE
8 PROVISIONS OF THIS TITLE.

9 (B)(1) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, IF THE
10 CHIEF OF POLICE DETERMINES THAT A VIOLATION OF THIS TITLE HAS
11 OCCURRED THAT MAY BRING THE SECURITY OF FIREARMS INTO
12 QUESTION, THE CHIEF MAY POST ONE OR MORE OFFICERS OR SECURITY
13 GUARDS AT THE LOCATION AT THE EXPENSE OF THE OWNER OF THE
14 PREMISES UNTIL EITHER:

15 (I) THE VIOLATION HAS BEEN ABATED TO THE
16 SATISFACTION OF THE CHIEF OF POLICE; OR

17 (II) THE INVENTORY HAS BEEN REMOVED TO A SECURE
18 LOCATION AND THE CHIEF HAS VERIFIED THE MOVE.

19 (2) THE OWNER MAY APPEAL THE AMOUNT OF AN INVOICE
20 PROVIDED UNDER THIS SUBSECTION TO THE COUNTY ADMINISTRATIVE
21 OFFICER.

22 (3) ANY UNPAID FEES SHALL BE CONSIDERED A LIEN ON THE
23 PROPERTY IN ACCORDANCE WITH § 3-6-401 OF THE CODE.

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25
26 § 21-23-113.

27 (A) IF A VIOLATION OF THIS TITLE IS FOUND, THE DIRECTOR MAY
28 PROVIDE TO THE DEALER A CORRECTION NOTICE THAT DESCRIBES THE
29 VIOLATION, SPECIFIES THE ACTION NECESSARY TO CORRECT THE
30 VIOLATION, AND SETS FORTH THE TIME TO CORRECT THE VIOLATION.

31 (B)(1) THE DIRECTOR SHALL SERVE A CORRECTION NOTICE BY
32 CERTIFIED MAIL, RESTRICTED DELIVERY OR BY PERSONAL SERVICE OR
33 BY REGULAR MAIL.

34 (2) IF SERVICE CANNOT BE OBTAINED BY CERTIFIED MAIL,
35 RESTRICTED DELIVERY OR PERSONAL SERVICE OR BY REGULAR MAIL,
36 THE CORRECTION NOTICE MAY BE POSTED IN A CONSPICUOUS LOCATION
37 ON THE DEALER'S ESTABLISHMENT.

38 (C)(1) IF DEALER FAILS TO COMPLY WITH THE CORRECTION NOTICE,
39 THE DIRECTOR MAY ISSUE A CITATION AND CODE ENFORCEMENT
40 PROCEEDINGS SHALL CONTINUE AS PROVIDED IN ARTICLE 3, TITLE 6 OF
41 THE CODE.

42 (2) SECTION 3-6-205(B) OF THE CODE DOES NOT APPLY TO AN
43 ENFORCEMENT ACTION FOR A VIOLATION OF THIS TITLE.

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§ 21-23-114.
THE CHIEF OF POLICE AND THE DIRECTOR MAY EACH ADOPT
REGULATIONS TO CARRY OUT THE PURPOSES OF THIS TITLE.

§ 21-23-115.
IF ANY SECTION, SUBSECTION, SENTENCE, CLAUSE, PHRASE, OR PORTION
OF THIS TITLE IS, FOR ANY REASON, HELD INVALID OR
UNCONSTITUTIONAL BY A COURT OF COMPETENT JURISDICTION, THE
PORTION IS DEEMED A SEPARATE, DISTINCT, AND INDEPENDENT
PROVISION. THE HOLDING DOES NOT AFFECT THE VALIDITY OF THE
REMAINING PORTION OF THIS TITLE. IT IS THE INTENT OF THE COUNTY
THAT THIS TITLE WOULD HAVE BEEN ENACTED NOTWITHSTANDING THE
INVALIDITY OF ANY SECTION, SUBSECTION, SENTENCE, CLAUSE, PHRASE,
OR PORTION OF THE TITLE.

§ 21-23-116.

THIS TITLE MAY BE CITED AS THE “SECURE ALL FIREARMS EFFECTIVELY
(SAFE) ACT.”

SECTION 2. AND BE IT FURTHER ENACTED, That any firearms dealer in
existence on or before the effective date of this Act that would otherwise be subject to the
requirements of §§ 21-23-101 through 21-23-108 and 21-23-110 through 21-23-116 of
the Baltimore County Code, 2015 shall comply with the requirements of those sections
not more than 180 days after the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, that this Act shall take effect
45 days from the date of enactment.