

**AMENDMENTS TO COUNCIL BILL 16-0761
(First Reader Copy)**

By: The Judiciary and Legislative Investigations Committee
{To be offered on the Council Floor}

Amendment No. 1

On page 2, before line 3, insert:

“(A) IN GENERAL.”;

and, on that same page, after line 6, insert:

“(B) EXCLUSION.

“REPLICA GUN” DOES NOT INCLUDE ANY TOY, IMITATION, FACSIMILE OR REPLICA FIREARM THAT IS IN COMPLIANCE WITH U.S. CODE TITLE 15, CHAPTER 76, § 5001 {“PENALTIES FOR ENTERING INTO COMMERCE OF IMITATION FIREARMS”} AND ITS IMPLEMENTING REGULATIONS IN 15 C.F.R. § 272.3 {“MARKING OF TOY, LOOK-ALIKE AND IMITATION FIREARMS: APPROVED MARKINGS”}.”.

Amendment No. 2

On page 1, in line 5, after “guns;”, insert “exempting certain replica guns used for specific purposes from the general prohibition of replica guns;”; and, on page 2, in line 8, strike “No” and substitute “EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, NO”; and, on that same page, in line 9, strike “{**Reserved**}” and substitute “EXEMPTIONS.”

(A) IN GENERAL.

§ 39-2 {“REPLICA GUN POSSESSION PROHIBITED”} OF THIS SUBTITLE DOES NOT APPLY TO A REPLICA GUN IF THE REPLICA GUN IS:

(1) ACTIVELY BEING TRANSPORTED IN INTRASTATE, INTERSTATE, OR FOREIGN COMMERCE;

(2) OR IS USED PRIMARILY FOR:

- (I) THE PRODUCTION OF A TELEVISION PROGRAM, A THEATRICAL OR MOTION PICTURE PRESENTATION, OR A HISTORICAL REENACTMENT, PROVIDED THE USE COMPLIES WITH ALL APPLICABLE LAWS, RULES , OR REGULATIONS CONCERNING THE USE;
- (II) A FIREARM TRAINING CLASS TAUGHT BY A CERTIFIED QUALIFIED FIREARM INSTRUCTOR PURSUANT TO MARYLAND LAW;
- (III) COMPETITIONS, OR IN TRAINING FOR COMPETITIONS, THAT TEST THE SHOOTING SKILLS OF COMPETITORS;
- (IV) DISPLAY OR USE ON REAL PROPERTY OWNED BY THE OWNER OF A REPLICA GUN, PROVIDED THE DISPLAY OR USE COMPLIES WITH ALL APPLICABLE LAWS, RULES, OR REGULATIONS CONCERNING THE DISPLAY OR USE; OR
- (V) PAINTBALL, PROVIDED THE USE COMPLIES WITH CITY CODE ARTICLE 19, § 59-26 {"GAS- OR AIR-PELLET GUNS"}.

(B) REQUIRED STORAGE WHEN NOT IN USE.

A REPLICA GUN MUST BE STORED IN A LOCKED CASE OR AFFIXED TO A WALL AT ALL TIMES WHEN NOT IN USE FOR AN EXEMPT USE UNDER PARAGRAPH (A)(2) OF THIS SECTION IN ORDER TO QUALIFY FOR THE EXEMPTION.”.

Amendment No. 3

On page 3, in line 3, strike “THE POLICE DEPARTMENT SHALL NOTIFY ”; and, in that same line, after “SOLICITOR”, insert “MUST BE NOTIFIED”; and, on that same page, in lines 6, 9, and 13, in each instance strike “SHALL” and substitute “MUST”; and, on that same page, in lines 10 and 11, strike “CITY’S INTENT TO INSTITUTE FORFEITURE PROCEEDINGS” and substitute “OWNERS RIGHT TO SEEK THE RETURN OF THE REPLICA GUN UNDER § 39-7 {"JUDICIAL REVIEW"} OF THIS SUBTITLE”.

Amendment No. 4

On page 3, strike lines 15 through 29 in their entireties and substitute:

§ 39-7. JUDICIAL REVIEW.

(A) IN GENERAL.

THE OWNER OF A REPLICA GUN SEIZED UNDER THIS SUBTITLE MAY PETITION THE DISTRICT COURT FOR BALTIMORE CITY FOR THE RETURN OF THE REPLICA GUN.

(B) TIME ALLOWED FOR PETITION.

A PETITION UNDER THIS SECTION MUST BE FILED WITHIN 30 DAYS OF THE NOTIFICATION REQUIRED BY § 39-6(B)(2).”.

Amendment No. 5

On page 4, strike lines 1 through 23 in their entireties; and, on that same page, in line 24, strike “**ORDER OF FORFEITURE**” and substitute “**FORFEITURE**”; and, on that same page, in line 25, strike “*IN GENERAL*” and substitute “*COURT DISPOSAL OF REPLIC A GUN*”; and, on that same page, in line 27, strike “SHALL” and substitute “MAY”; and, in that same line, after “CITY”, insert “OR PROVIDE OTHER MEANS TO DISPOSE OF THE REPLIC A GUN.”

(B) REPLIC A GUNS DEEMED FORFEITED WITHOUT PETITION.

A REPLIC A GUN THAT HAS BEEN SEIZED BY THE CITY IS DEEMED FORFEITED TO THE CITY IF THE REPLIC A GUN OWNER HAS NOT TIMELY FILED IN THE DISTRICT COURT FOR THE RETURN OF THE REPLIC A GUN UNDER § 39-7 {“JUDICIAL REVIEW”} OF THIS SUBTITLE.”;

and, in line 28, strike “(B) *DISPOSITION*” and substitute “(C) *CITY DISPOSAL*”; and, in line 29, strike “ORDERED”.