

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2012 Legislative Session

Bill No. CB-14-2012

Chapter No. 15

Proposed and Presented by Council Member Toles

Introduced by Council Members Toles, Campos, Davis, Franklin, Harrison, Lehman,
Olson, Patterson and Turner

Date of Introduction May 1, 2012

BILL

1 AN ACT concerning

2 Registration of Gun Offenders

3 For the purpose of requiring gun offenders convicted of a gun offense in the County to register
4 with the Chief of Police.

5 BY adding:

6 SUBTITLE 14. MORALS AND CONDUCT.
7 Sections 14-188, 14-189, 14-190,
8 The Prince George's County Code
9 (2011 Edition).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
11 Maryland, that Sections 14-188, 14-189 and 14-190 of the Prince George's County Code be and
12 the same are hereby added:

13 SUBTITLE 14. MORALS AND CONDUCT.

14 **DIVISION 18. GUN OFFENDER REGISTRATION.**

15 **Sec. 14-188. Definitions.**

16 (a) For purposes of this Division, the following words and phrases shall mean:

17 (1) **Convicted** means:

18 (A) having been found guilty of a gun offense by a jury or judicial officer;

19 (B) the acceptance of a plea of guilty or nolo contendere for a gun offense;

20 (C) having been granted a probation before judgment after a finding of guilt for
21 a gun offense, if the court orders compliance with this Subtitle as a condition of probation; or

1 (D) having been found not criminally responsible for a gun offense.

2 (2) **Correctional facility** means a facility that is operated for the purpose of detaining
3 or confining adults who are charged with or found guilty of a crime.

4 (3) **Gun offender** means any person who is convicted of a gun offense in the Circuit
5 Court for Prince George’s County or the District Court of Maryland for Prince George’s County.
6 Gun offender shall not include a person whose conviction for a gun offense has been reversed on
7 appeal or otherwise set aside pursuant to law or who has been pardoned by the Governor.

8 (4) **Gun offense** means:

9 (A) a violation of the Annotated Code of Maryland, Criminal Law Article,
10 Sections 3-204 (Reckless endangerment – discharge of a firearm), 4-104 (Child’s access to
11 firearms), 4-203 (Wearing, carrying, or transporting handgun), 4-204 (Use of handgun or antique
12 firearm in commission of crime), 4-303 (Assault pistols – Prohibited), 4-404 (Use of machine
13 gun in crime of violence), 4-405 (Use of machine gun for aggressive purpose), 5-621 (Crimes
14 involving controlled dangerous substances and paraphernalia – Use of weapon as separate
15 crime), or 5-622 (Firearm crimes);

16 (B) a violation of the Annotated Code of Maryland, Public Safety Article,
17 Sections 5-133(b) (Possession of regulated firearm prohibited), 5-133(c) (Restrictions on
18 possession of regulated firearms – Penalty for possession by person convicted of crime of
19 violence), 5-133(d) (Possession by person under age of 21 years prohibited), 5-138 (Sale,
20 transfer, or disposal of stolen regulated firearm prohibited), 5-140 (Transporting regulated
21 firearm for unlawful sale or trafficking), 5-142 (Removal or alteration of identification mark or
22 number on firearm), 5-143 (Knowing participation in violation of subtitle), 5-203 (Possession of
23 short-barreled rifle or short-barreled shotgun), 5-205 (Possession by person with mental
24 disorder), or 5-406 (Manufacture or sale of handguns); or

25 (C) a violation of Section 14-142 (Discharge of Firearms) of this Subtitle.

26 (5) **Chief of Police** means the Chief of Police for the Prince George’s County Police
27 Department or his designee.

28 **Section 14-189. Registration.**

29 (a) A gun offender shall register with the Chief of Police within 48 hours of:

30 (1) the date that the sentence is imposed, if the gun offender receives a sentence that
31 does not include imprisonment;

1 (2) the date of the gun offender's release from a correctional facility, if the gun
 2 offender receives a sentence that includes imprisonment;

3 (3) the date that the probation before judgment is granted, if the gun offender is
 4 granted probation before judgment;

5 (4) the date of the gun offender's release, if the gun offender is found not criminally
 6 responsible and is released; or

7 (5) the date of the gun offender's discharge or conditional release from commitment
 8 to the Maryland Department of Health and Mental Hygiene, if the gun offender is found not
 9 criminally responsible and committed.

10 (b) The gun offender shall register by personally appearing at an office designated by the
 11 Chief of Police to sign and date a statement under oath, verified by whatever documentation may
 12 be required by the Chief of Police, which provides the following information:

13 (1) the gun offender's name;

14 (2) a description of the crime for which the gun offender was convicted;

15 (3) the date that the gun offender was convicted;

16 (4) any other name by which the gun offender has been legally known;

17 (5) a list of all aliases that the gun offender has used;

18 (6) identifying factors of the gun offender, including a physical description;

19 (7) the gun offender's residence or all known addresses where the gun offender
 20 resides to include telephone numbers and email addresses; and

21 (8) the gun offender's place of employment.

22 (c) During the period in which a gun offender is required to register under this Section, the
 23 gun offender shall comply with the following:

24 (1) within twenty (20) calendar days after each six (6) month anniversary of a gun
 25 offender's initial registration, the gun offender shall personally appear at the office designated by
 26 the Chief of Police to verify and update, as appropriate, the contents of the registration. If the
 27 gun offender is confined to any correctional facility, hospital, or institution throughout the
 28 twenty (20) day period, the gun offender shall personally appear at an office designated by the
 29 Chief of Police, within 48 hours of release, to verify and update, as appropriate, the contents of
 30 the registration.

31 (2) within ten (10) calendar days after establishing or changing a residence or

1 employment, a gun offender shall personally appear at an office designated by the Chief of
2 Police or subject to arrangements designated in the rules and regulations to update the contents
3 of the registration.

4 (3) The Chief of Police shall photograph the gun offender and require the gun
5 offender to provide such documentation as the Chief considers acceptable to verify the
6 information provided in Subsection (b).

7 (d) Notwithstanding termination of parole or probation, the gun offender shall verify the
8 contents of the registration form for a period of three (3) years from the date of the gun
9 offender's initial registration. Notwithstanding termination of parole or probation, if the gun
10 offender violated Section 4-204 (Use of handgun or antique firearm in commission of crime) of
11 the Annotated Code of Maryland, Criminal Law Article, the gun offender shall verify the
12 contents of the registration form for a period of five (5) years from the date of the gun offender's
13 initial registration.

14 (e) The Chief of Police may make the information collected under this Section available to
15 any federal, state, or local law enforcement agency.

16 (f) The Chief of Police shall promulgate rules and regulations, subject to County Council
17 approval by resolution, which shall govern the implementation and administration of
18 this Section.

19 **Sec. 14-190. Penalties.**

20 Any person who violates any provision of this Division or of the rules and regulations
21 established pursuant to this Division, including knowingly failing to register, verify, update
22 information in the manner and within the time periods provided for in this Division, or providing
23 false information in the registration form or verification, shall be deemed guilty of a
24 misdemeanor and, upon conviction, shall be subject to a fine not exceeding One Thousand
25 Dollars (\$1,000) or imprisonment not exceeding twelve (12) months, or both such fine and
26 imprisonment. Each day that a violation continues is a separate offense.

27 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
28 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
29 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
30 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
31 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this

1 Act, since the same would have been enacted without the incorporation in this Act of any such
2 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

3 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
4 calendar days after it becomes law.

Adopted this 5th day of June, 2012.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Andrea C. Harrison
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.