

CITY OF BALTIMORE
ORDINANCE 23 • 254
Council Bill 22-0255

Introduced by: Councilmembers Burnett, Bullock, Ramos, McCray, Middleton, Porter, Torrence, Cohen, Dorsey

Introduced and read first time: July 25, 2022

Assigned to: Public Safety and Government Operations Committee

Committee Report: Favorable, with amendments

Council action: Adopted

Read second time: May 15, 2023

AN ORDINANCE CONCERNING

Arson Offender Registration

FOR the purpose of requiring an individual who has been convicted of a specified crime to regularly register certain information with the Police Commissioner for Baltimore City; specifying location, timing, content, and form of the registration; defining certain terms; and generally relating to arson offender registration.

BY adding

Article 19 - Police Ordinances

Section(s) 61-1 through ~~61-11~~ 61-9 to be under the new subtitle designation,
"Subtitle 61. Arson Offender Registration"

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 61. ARSON OFFENDER REGISTRATION

§ 61-1. DEFINITIONS.

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

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.

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1 (B) *ARSON OR MALICIOUS BURNING OFFENDER.*

2 (1) *IN GENERAL.*

3 “ARSON OR MALICIOUS BURNING OFFENDER” OR “OFFENDER” MEANS ANY INDIVIDUAL
4 WHO IS CONVICTED OF AN ARSON OR MALICIOUS BURNING OFFENSE IN ANY DEGREE ~~IN~~
5 ~~THE CIRCUIT COURT FOR BALTIMORE CITY OR THE DISTRICT COURT OF MARYLAND~~
6 ~~FOR BALTIMORE CITY.~~

7 (2) *EXCLUSIONS.*

8 “ARSON OR MALICIOUS BURNING OFFENDER” DOES NOT INCLUDE AN INDIVIDUAL:

- 9 (I) WHOSE CONVICTION FOR AN ARSON OR MALICIOUS BURNING OFFENSE HAS
10 BEEN REVERSED ON APPEAL OR OTHERWISE SET ASIDE PURSUANT TO LAW; OR
11 (II) WHO HAS BEEN PARDONED BY THE GOVERNOR.

12 (C) *ARSON OR MALICIOUS BURNING OFFENSE.*

13 “ARSON OR MALICIOUS BURNING OFFENSE” MEANS A VIOLATION OF ANY OF THE
14 FOLLOWING SECTIONS OF THE STATE CRIMINAL LAW ARTICLE:

- 15 (1) § 6-102 {“ARSON IN THE FIRST DEGREE”};
16 (2) § 6-103 {“ARSON IN THE SECOND DEGREE”};
17 (3) § 6-104 {“MALICIOUS BURNING OF PERSONAL PROPERTY IN THE FIRST DEGREE”};
18 (4) § 6-105 {“MALICIOUS BURNING OF PERSONAL PROPERTY IN THE SECOND
19 DEGREE”};
20 (5) § 6-106 {“BURNING WITH INTENT TO DEFRAUD”};
21 (6) § 6-107 {“THREAT OF ARSON”}; OR
22 (7) § 5-622 {“BURNING TRASH CONTAINER”}.

23 (D) *COMMISSIONER.*

24 “COMMISSIONER” MEANS THE POLICE COMMISSIONER OF BALTIMORE CITY OR THE
25 COMMISSIONER’S DESIGNEE.
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(E) *CONVICTED.*

“CONVICTED” MEANS AN INDIVIDUAL HAS:

- (1) BEEN FOUND GUILTY OF AN ARSON OR MALICIOUS BURNING OFFENSE BY A JURY OR JUDICIAL OFFICER;
- (2) ACCEPTED A PLEA OF GUILTY OR NOLO CONTENDERE FOR AN ARSON OR MALICIOUS BURNING OFFENSE; OR
- (3) BEEN GRANTED PROBATION BEFORE JUDGMENT AFTER A FINDING OF GUILT FOR AN ARSON OR MALICIOUS BURNING OFFENSE, IF THE COURT ORDERS COMPLIANCE WITH THIS SUBTITLE AS A CONDITION OF PROBATION.

(F) *CORRECTIONAL FACILITY.*

“CORRECTIONAL FACILITY” MEANS A FACILITY THAT IS OPERATED FOR THE PURPOSE OF DETAINING OR CONFINING ADULTS WHO ARE CHARGED WITH OR FOUND GUILTY OF A CRIME.

§ 61-2. RULES AND REGULATIONS.

(A) *COMMISSIONER MAY ADOPT.*

SUBJECT TO TITLE 4 (“ADMINISTRATIVE PROCEDURE ACT REGULATIONS”) OF THE CITY GENERAL PROVISIONS ARTICLE, THE THE COMMISSIONER MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE.

(B) *SCOPE.*

THESE RULES AND REGULATIONS MAY GOVERN:

- (1) THE FORM, CONTENT, AND PROCESSING OF THE ACKNOWLEDGMENT REQUIRED BY THIS SUBTITLE;
- (2) THE FORM AND CONTENT OF THE REGISTRATION REQUIRED UNDER THIS SUBTITLE;
- (3) THE DOCUMENTATION REQUIRED TO VERIFY THE CONTENT OF THE REGISTRATION REQUIRED UNDER THIS SUBTITLE; AND
- (4) THE MAINTENANCE, USE, AND AVAILABILITY OF THE INFORMATION THAT IS COLLECTED BY THE COMMISSIONER UNDER THIS SUBTITLE.

§ 61-3. REGISTRATION – IN GENERAL.

(A) *REGISTRATION REQUIRED.*

AN ARSON OR MALICIOUS BURNING OFFENDER MUST REGISTER WITH THE COMMISSIONER IF THE OFFENDER IS CHARGED WITH A SUBSEQUENT ARSON OR MALICIOUS BURNING OFFENSE.

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1 **(B) ACKNOWLEDGMENT OF DUTY TO REGISTER.**

2 WHEN REQUESTED TO DO SO BY A JUDICIAL OFFICER OR LAW ENFORCEMENT OFFICER, AN
3 OFFENDER MUST ACKNOWLEDGE, IN WRITING, THE OFFENDER'S DUTY TO REGISTER UNDER
4 THIS SUBTITLE.

5 **§ 61-4. REGISTRATION – TIMING AND LOCATION.**

6 **(A) TIMING.**

7 AN OFFENDER MUST REGISTER WITH THE COMMISSION WITHIN 48 HOURS OF:

- 8 (1) THE DATE THE OFFENDER'S SENTENCE IS IMPOSED, IF THE OFFENDER RECEIVES A
9 SENTENCE THAT DOES NOT INCLUDE IMPRISONMENT; OR
- 10 (2) THE DATE OF THE OFFENDER'S RELEASE FROM A CORRECTIONAL FACILITY, IF THE
11 OFFENDER RECEIVES A SENTENCE THAT INCLUDES IMPRISONMENT.

12 **(B) LOCATION.**

13 TO REGISTER WITH THE COMMISSIONER, AN OFFENDER MUST PERSONALLY APPEAR AT AN
14 OFFICE DESIGNATED BY THE COMMISSIONER.

15 **§ 61-5. REGISTRATION - CONTENT AND FORM.**

16 **(A) IN GENERAL.**

17 THE REGISTRATION MUST BE IN THE FORM AND CONTAIN THE INFORMATION THAT THE
18 COMMISSIONER REQUIRES AND THAT IS REQUIRED IN SUBSECTION (B) OF THIS SECTION.

19 **(B) REQUIRED INFORMATION.**

20 THE REGISTRATION MUST INCLUDE THE FOLLOWING INFORMATION:

- 21 (1) THE OFFENDER'S NAME;
- 22 (2) THE CRIME FOR WHICH THE OFFENDER WAS CONVICTED;
- 23 (3) THE DATE ON WHICH THE OFFENDER WAS CONVICTED;
- 24 (4) ANY OTHER NAME BY WHICH THE OFFENDER HAS BEEN LEGALLY KNOWN;
- 25 (5) A LIST OF ALL ALIASES THAT THE OFFENDER HAS USED;
- 26 (6) IDENTIFYING FACTORS OF THE OFFENDER, INCLUDING A PHYSICAL DESCRIPTION;
- 27 (7) THE OFFENDER'S RESIDENCE; AND
- 28 (8) ANY OTHER INFORMATION REQUIRED BY THE RULES AND REGULATIONS ADOPTED
29 BY THE COMMISSIONER UNDER THIS SUBTITLE.

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1 (C) *SIGNATURE AND DATE.*

2 THE REGISTRATION MUST BE SIGNED AND DATED BY THE OFFENDER AND THE
3 COMMISSIONER OR THE COMMISSIONER'S DESIGNEE.

4 (D) *PHOTOGRAPH.*

5 AT THE TIME THAT THE OFFENDER APPEARS AT THE OFFICE TO REGISTER, THE
6 COMMISSIONER MAY PHOTOGRAPH THE OFFENDER.

7 (E) *DOCUMENTATION REQUIRED.*

8 THE COMMISSIONER MAY REQUIRE THE OFFENDER TO PROVIDE DOCUMENTATION THAT
9 VERIFIES THE CONTENTS OF THE REGISTRATION.

10 § 61-6. **VERIFICATION BY RESIDENT OFFENDERS.**

11 (A) *SCOPE.*

12 THIS SECTION APPLIES ONLY TO OFFENDERS WHO ARE RESIDENTS OF BALTIMORE CITY.

13 (B) *PERIODIC VERIFICATION.*

14 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EVERY 6 MONTHS AND
15 20 DAYS FOLLOWING THE INITIAL REGISTRATION, AN OFFENDER MUST PERSONALLY
16 APPEAR AT THE DESIGNATED OFFICE TO VERIFY AND UPDATE THE INFORMATION ON
17 THE REGISTRATION.

18 (2) IF AN OFFENDER IS CONFINED TO ANY CORRECTIONAL FACILITY, HOSPITAL, OR SIMILAR
19 INSTITUTION THROUGHOUT THE FINAL 20 DAYS OF THE PERIOD DESCRIBED IN
20 PARAGRAPH (1) OF THIS SUBSECTION, WITHIN 48 HOURS OF RELEASE FROM THE
21 FACILITY, HOSPITAL, OR SIMILAR INSTITUTION, THE OFFENDER MUST PERSONALLY
22 APPEAR AT THE DESIGNATED OFFICE TO VERIFY AND UPDATE THE INFORMATION ON
23 THE REGISTRATION.

24 (C) *UPDATING REGISTERED RESIDENCE.*

25 AN OFFENDER MUST PERSONALLY APPEAR AT THE DESIGNATED OFFICE TO UPDATE THE
26 OFFENDER'S RESIDENCE ADDRESS AND OTHER CONTENTS OF THE REGISTRATION:

- 27 (1) WITHIN 10 CALENDAR DAYS OF ESTABLISHING A RESIDENCE IN BALTIMORE CITY;
28 (2) WITHIN 10 CALENDAR DAYS AFTER MOVING FROM 1 RESIDENCE IN BALTIMORE
29 CITY TO ANOTHER RESIDENCE IN BALTIMORE CITY; AND
30 (3) BEFORE MOVING FROM A RESIDENCE IN BALTIMORE CITY AND ASSUMING A NEW
31 RESIDENCE OUTSIDE OF BALTIMORE CITY.

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1 (D) *PHOTOGRAPH PERMITTED.*

2 AT THE TIME THE OFFENDER APPEARS AT THE DESIGNATED OFFICE TO VERIFY THE
3 REGISTRATION INFORMATION, THE COMMISSIONER MAY PHOTOGRAPH THE OFFENDER.

4 (E) *DOCUMENTATION REQUIRED.*

5 THE COMMISSIONER MAY REQUIRE THE OFFENDER TO PROVIDE DOCUMENTATION THAT
6 VERIFIES THE CONTENTS OF THE REGISTRATION.

7 **§ 61-7. TERM OF VERIFICATION REQUIREMENT.**

8 THE OFFENDER MUST VERIFY THE CONTENTS OF THE REGISTRATION REQUIRED BY THIS
9 SUBTITLE FOR A PERIOD OF 3 YEARS FROM THE DATE OF THE OFFENDER'S INITIAL
10 REGISTRATION.

11 **§ 61-8. SHARING REGISTRATION INFORMATION.**

12 THE COMMISSIONER MAY MAKE THE INFORMATION COLLECTED UNDER THIS SUBTITLE
13 AVAILABLE TO:

- 14 (1) ANY FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCY; AND
15 (2) ANY CITY AGENCY.

16 **§ 61-9. COOPERATION WITH OTHER AGENCIES.**

17 THE COMMISSIONER MAY COOPERATE WITH OTHER FEDERAL, STATE, AND CITY AGENCIES
18 AND THE JUDICIARY TO FACILITATE IMPLEMENTATION OF THIS SUBTITLE.

19 **§ 61-8. § 61-10. PROHIBITED CONDUCT.**

20 NO OFFENDER MAY:

- 21 (1) KNOWINGLY FAIL TO ACKNOWLEDGE IN WRITING THE OFFENDER'S DUTY TO REGISTER
22 UNDER THIS SUBTITLE;
- 23 (2) FAIL TO REGISTER AS REQUIRED BY THIS SUBTITLE OR THE RULES AND REGULATIONS
24 ADOPTED UNDER IT;
- 25 (3) FAIL TO VERIFY INFORMATION AS REQUIRED BY THIS SUBTITLE OR THE RULES AND
26 REGULATIONS ADOPTED UNDER IT; OR
- 27 (4) PROVIDE FALSE INFORMATION IN THE REGISTRATION OR VERIFICATION REQUIRED BY
28 THIS SUBTITLE OR THE RULES AND REGULATIONS ADOPTED UNDER IT.

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1 **§ 61-9. § 61-11. PENALTIES.**

2 (A) *IN GENERAL.*

3 ANY OFFENDER WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A
4 MISDEMEANOR AND, ON CONVICTION, FOR EACH OFFENSE, IS SUBJECT TO A FINE OF NOT
5 MORE THAN \$500.

6 (B) *EACH DAY A SEPARATE OFFENSE.*

7 EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

8 **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect ~~on the 30th day~~
9 6 months after the date it is enacted.

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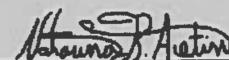
Certified as duly passed this 12 day of June, 2023



President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 12 day of June, 2023



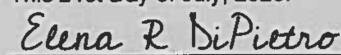
Chief Clerk

Approved this 21st day of August, 2023



Mayor, Baltimore City

Approved for form and Legal Sufficiency
This 21st Day of July, 2023.



Chief Solicitor