

County Council Of Howard County, Maryland

2015 Legislative Session

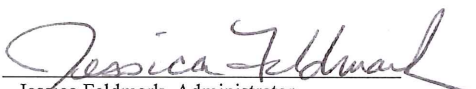
Legislative Day No. 4

Resolution No. 41 -2015

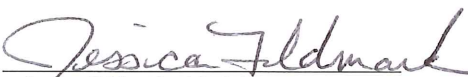
Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION designating the Department of Police as the "primary law enforcement unit" for Howard County for the purpose of receiving records from secondhand precious metal dealers and pawnbrokers and from buyers who use automated purchasing machines in accordance State Law.


Introduced and read first time April 6, 2015.

By order 
Jessica Feldmark, Administrator

Read for a second time at a public hearing on April 20, 2015.

By order 
Jessica Feldmark, Administrator

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on May 4, 2015.

Certified By 
Jessica Feldmark, Administrator

Approved by the County Executive 5/7/2015, 2015


Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **WHEREAS**, Section 12.301 of the Business Regulations Article of the Annotated
2 Code of Maryland (the “State Law”), requires secondhand precious metal objects dealers
3 and pawnbrokers to keep an accurate record of transactions; and
4

5 **WHEREAS**, Section 12.304 of the State Law further requires secondhand
6 precious metal objects dealers and pawnbrokers to submit, electronically, a copy of each
7 record to the “primary law enforcement unit” of the county in which the license of the
8 secondhand precious metal objects dealer or pawnbroker is held; and
9

10 **WHEREAS**, Section 20-401 of the State Law, requires automated purchasing
11 **machines to keep certain records of transactions; and**
12

13 **WHEREAS**, Section 20-402 of the State Law further requires buyers who use
14 **automated purchasing machines to submit, electronically, a copy of each record to the**
15 **“primary law enforcement unit” of the county in which the automated purchasing**
16 **machine is located; and**
17

18 **WHEREAS**, Section 12.101 of the State Law defines “primary law enforcement
19 unit” as a “police department...as designated by a resolution of the county or municipal
20 governing body”; and
21

22 **WHEREAS**, by passage of Council Resolution No. 100-2010, the Police
23 Department was designated as the primary law enforcement unit to receive records from
24 junk dealers or scrap metal processors in accordance with Section 17.1011 of the State
25 Law; and
26

27 **WHEREAS**, similar to Council Resolution No. 100-2010, the Department of
28 Police should be designated as the primary law enforcement agency to receive records
29 from secondhand precious metal objects dealers and pawnbrokers and from buyers who
30 use automated purchasing machines.
31

1 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard
2 County, Maryland this 4th day of May, 2015 that the Howard County
3 Department of Police is hereby designated as the “primary law enforcement unit” for
4 Howard County for the purpose of receiving records from secondhand precious metal
5 objects dealers and pawnbrokers in accordance with Section ~~12-101~~ 12-101 and Section
6 12-304 of the Business Regulations Article and from buyers who use automated
7 purchasing machines in accordance with Sections 20-401 and 20-402, all of the
8 Annotated Code of Maryland.

Amendment 1 to Council Resolution No. 41-2015

BY: The Chairperson at the
request of the County Executive

Legislative Day No.
Date: May 4, 2015

Amendment No. 1

(This amendment adds reference to automated purchasing machine reports. State law also requires that the Department of Police be designated to receive records of sales made on automated purchasing machines.)

1 In the title, after “pawnbrokers”, insert “and from buyers who use automated purchasing
2 machines”.

3

4 On page 1, in line 9, insert:

5 “ WHEREAS, Section 20-401 of the State Law, requires automated purchasing machines
6 to keep certain records of transactions; and

7

8 WHEREAS, Section 20-402 of the State Law further requires buyers who use automated
9 purchasing machines to submit, electronically, a copy of each record to the “primary law
10 enforcement unit” of the county in which the automated purchasing machine is located; and”.

11

12 On page 1, in line 21, after “pawnbrokers”, insert “and from buyers who use automated
13 purchasing machines”.

14

15 On page 1, in line 27, strike “12.101” and substitute “12-101”.

16

17 On page 1, in line 28, before the second “of” insert “and from buyers who use automated
18 purchasing machines in accordance with Sections 20-401 and 20-402, all”.

KEN ULMAN
County Executive



WILLIAM J. MCMAHON
Chief of Police

HOWARD COUNTY DEPARTMENT OF POLICE
3410 Courthouse Drive, Ellicott City, Maryland 21043

Subject: Testimony in Support of Scrap Metal Resolution
To: Lonnie Robbins, Chief Administrative Officer, Department of Administration
Through: Gary L. Gardner, Chief of Police
From: Captain Daniel Coon
Date: March 16, 2015

The Department of Police supports Council Resolution No. -2015. This resolution designates the Howard County Department of Police as the primary law enforcement agency in the County responsible for receiving and maintaining records of secondhand precious metal object dealers and pawnbrokers as mandated by Maryland Business Regulation Code Ann. § 12-101 (2014).

Senate Bill 99, passed by the Maryland General Assembly as emergency legislation effective on July 1, 2010, amends Maryland Business Regulation Code Ann. § 17-1003 to require a county's governing body to "designate by resolution the primary law enforcement unit to receive records in accordance with or municipal governing body to receive records in accordance with § 17-1011(b) of this subtitle." In addition to this requirement, law enforcement agencies are now required to have a secondary resolution executed that incorporates Maryland Title 12, which consists of:

BUSINESS REGULATION
TITLE 12. SECONDHAND PRECIOUS METAL OBJECT DEALERS AND PAWNBROKERS
SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS

Md. BUSINESS REGULATION Code Ann. § 12-101 (2014)

(j) Primary law enforcement unit. -- "Primary law enforcement unit" means the Department of State Police, a police department, or sheriff, as designated by resolution of the county or municipal governing body in the county in which the license is held.

The resolution is required to comply with the mandate of the Maryland General Assembly.



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Introduced and read first time _____, 2015.

By order _____
Jessica Feldmark, Administrator

Read for a second time at a public hearing on _____, 2015.

By order _____
Jessica Feldmark, Administrator

This Resolution was read the third time and was Adopted____, Adopted with amendments____, Failed____, Withdrawn____, by the County Council on _____, 2015.

Certified By _____
Jessica Feldmark, Administrator

Approved by the County Executive _____, 2015

Allan H. Kittleman, County Executive

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7 record to the “primary law enforcement unit” of the county in which the license of the
8 secondhand precious metal objects dealer or pawnbroker is held; and
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10 **WHEREAS**, Section 12.101 of the State Law defines “primary law enforcement
11 unit” as a “police department...as designated by a resolution of the county or municipal
12 governing body”; and
13

14 **WHEREAS**, by passage of Council Resolution No. 100-2010, the Police
15 Department was designated as the primary law enforcement unit to receive records from
16 junk dealers or scrap metal processors in accordance with Section 17.1011 of the State
17 Law; and
18

19 **WHEREAS**, similar to Council Resolution No. 100-2010, the Department of
20 Police should be designated as the primary law enforcement agency to receive records
21 from secondhand precious metal objects dealers and pawnbrokers.
22

23 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard
24 County, Maryland this ____ day of _____, 2015 that the Howard County
25 Department of Police is hereby designated as the “primary law enforcement unit” for
26 Howard County for the purpose of receiving records from secondhand precious metal
27 objects dealers and pawnbrokers in accordance with Section 12.101 and Section 12-304
28 of the Business Regulations Article of the Annotated Code of Maryland.