



Written by [Bob Adelman](#) on November 17, 2016

## Baltimore City Council Likely to Pass Anti-replica Gun Bill

When Baltimore City Council President Bernard “Jack” Young [explained](#) why he was going to vote for an ordinance banning possession of replica guns, one could smell the whiff of anti-gun paranoia:

It’s something that we should do for the safety of our children. We’re getting stores robbed with replicas. We’ve got people running around with these things and they almost look real.

But then he added that it wasn’t totally about replicas being used in robberies or about police officers mistaking replica guns for real ones:

I don’t think we should be allowing replica guns in the city of Baltimore, especially with the murder rate we have.

What the good council president has conflated is Baltimore’s soaring crime rate and replica guns, as if the the latter is contributing to the former. So he and other like-minded politicians want to appear to be doing something — anything — even though replicas aren’t used in shootings, and only rarely in robberies, and even less often in mistaken-identity shootings by police.

This anti-gun paranoia was evidenced by remarks from City Councilman James Kraft, who said:

These replica guns are not toys. They look exactly like real guns, and unless you are standing there holding them in your hands, you cannot tell the difference.

Kraft tellingly added:

We need to get them off the streets. The fewer guns we have on the streets, real or replica, the safer it is.

The mayor himself, Jake Day, agreed that at least the council was “doing something” about gun violence: “The bottom line is I think we will be doing something.”

The original bill was modified in response to input from gun instructors, theatre actors, and the National Rifle Association. Replicas may, under the proposed law, be used for gun training purposes, by actors on stage or in television filming, and in competitions.

But the replica gun bill is not a Second Amendment issue, except obliquely. Nevertheless, Mark Pennak, president of the pro-gun Maryland Shall Issue group, castigated the council for even considering the bill. He mainly complained about the language that the council used to try to cover everything that might possibly ever be conceived as looking like a replica gun: It bans “any toy, imitation, facsimile or replica pistol, revolver, shotgun, rifle, air rifle, b-b gun, pellet gun, machine gun, or other simulated weapon, which because of its color, size, shape, or other characteristics, can reasonably be perceived to be a real firearm.”

This, wrote Pennak, goes too far: the proposed ban “reaches right into the sanctity of the home for all toys that were legally purchased and owned up until now.”





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He added: "The bill is hopelessly vague and subjective. Citizens simply have no way of knowing if the replica can be reasonably perceived to be a real firearm. There are no definitions and no safe harbor provisions. It appears to sanction effectively arbitrary seizures by law enforcement personnel and those seizures are subject to review only through elaborate and expensive proceedings that can only be navigated by a lawyer. The risk of a wrongful seizure is great."

One thing is certain over this tempest in a teapot: Baltimore has a soaring crime rate. NeighborhoodScout.com says that the chance of being a victim of a violent crime in Baltimore is 1 in 72. In Maryland proper it's 1 chance out of 224, while nationally it's 1 in 263.

Even if it fails to do anything about Baltimore's soaring violent crime rate, the bill, if it passes as expected in December, would at least allow the councilmembers to feel good about themselves.

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