

SENATE BILL 812

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2000 Regular Session  
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By: **Senator Collins (Baltimore County Administration) and Senator  
McFadden (Baltimore City Administration)**

Introduced and read first time: February 15, 2000

Assigned to: Rules

Re-referred to: Economic and Environmental Affairs, February 18, 2000

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 21, 2000

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Secondhand Precious Metal Object Dealers and Pawnbrokers - Records -**  
3 **Digital Images**

4 FOR the purpose of requiring certain secondhand precious metal object dealers and  
5 pawnbrokers in certain counties to take certain photographs of certain  
6 individuals and certain items involved in certain business transactions;  
7 requiring ~~the~~ records of certain secondhand precious metal object dealers and  
8 pawnbrokers in certain counties to include certain photographs; requiring  
9 certain secondhand precious metal object dealers and pawnbrokers in certain  
10 counties to submit to certain law enforcement units certain photographs and  
11 information as digital images in a certain format, with certain exceptions, until  
12 a certain date; requiring the records to be transmitted to certain law  
13 enforcement units in a certain manner and at a certain time; requiring certain  
14 police departments to provide certain computer software; and generally relating  
15 to the records of secondhand precious metal object dealers and pawnbrokers.

16 BY repealing and reenacting, with amendments,  
17 Article - Business Regulation  
18 Section 12-301, 12-302, and 12-304  
19 Annotated Code of Maryland  
20 (1998 Replacement Volume and 1999 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
22 MARYLAND, That the Laws of Maryland read as follows:

1

**Article - Business Regulation**

2 12-301.

3 (a) Each dealer shall make a written record, on a form provided by the  
4 Secretary, of each business transaction that involves the acquisition of a secondhand  
5 precious metal object when the transaction is made.

6 (b) Each pawnbroker shall make a written record, on a form provided by the  
7 Secretary, of each business transaction that involves:

8 (1) lending money on pledge of personal property, other than a security  
9 or printed evidence of indebtedness; or

10 (2) buying personal property on condition of selling it back at a  
11 stipulated price; or

12 (3) buying the following items for the purpose of resale:

13 (i) binoculars;

14 (ii) cameras;

15 (iii) firearms;

16 (iv) furs;

17 (v) household appliances;

18 (vi) musical instruments;

19 (vii) office machines or equipment;

20 (viii) radios, televisions, videodisc machines, videocassette  
21 recorders, and stereo equipment;

22 (ix) personal computers, tapes, and disc recorders;

23 (x) watches;

24 (xi) bicycles; and

25 (xii) tangible personal property pledged as collateral.

26 (c) Each pawnbroker shall make a written record, on a form provided by the  
27 Secretary, of each transaction that involves the acquisition of an item described in  
28 subsection (b)(3) of this section for the purpose of resale.

29 (d) A separate record entry shall be made for each item involved in a  
30 transaction. However, items in a matching set may be recorded as a set if acquired in  
31 a single transaction.

1 (e) The dealer shall tag each item individually with a number that  
2 corresponds to the transaction under which it was acquired. However, items acquired  
3 in a matching set may be tagged as a set.

4 (f) For the purposes of this subtitle, there is a presumption that an object is a  
5 precious metal object if:

6 (1) it reasonably appears to be a precious metal object; and

7 (2) it was received by a dealer in the course of business or is found in the  
8 place of business or storage facility of a dealer.

9 (G) (1) THIS SUBSECTION APPLIES ONLY TO DEALERS AND PAWNBROKERS  
10 THAT:

11 (I) HAVE MORE THAN 120 BUSINESS TRANSACTIONS EACH YEAR;  
12 AND

13 (II) ARE LOCATED IN BALTIMORE CITY, ANNE ARUNDEL COUNTY,  
14 AND OR BALTIMORE COUNTY.

15 (2) FOR EACH BUSINESS TRANSACTION THAT A DEALER OR  
16 PAWNBROKER IS REQUIRED TO RECORD IN WRITING UNDER THIS SECTION, THE  
17 DEALER OR PAWNBROKER SHALL TAKE A DIGITAL COLOR PHOTOGRAPH OF:

18 (I) EACH INDIVIDUAL INVOLVED IN THE BUSINESS TRANSACTION;  
19 AND

20 (II) EACH ITEM INVOLVED IN THE BUSINESS TRANSACTION.

21 (3) UNTIL SEPTEMBER 30, 2001, A DEALER OR PAWNBROKER MAY MEET  
22 THE REQUIREMENTS OF THIS SUBSECTION BY TAKING AN INSTANT PHOTOGRAPH OF  
23 THE INDIVIDUAL AND ITEM INVOLVED IN THE BUSINESS TRANSACTION.

24 12-302.

25 (a) In addition to any other information required by the Secretary, the records  
26 of a dealer shall include:

27 (1) the date, place, and time of each transaction that involves the  
28 acquisition of a precious metal object;

29 (2) the name and address of the principal, if the transaction is by an  
30 agent;

31 (3) a description of the precious metal object, including:

32 (i) its approximate metallic composition;

33 (ii) any jewels, stones, or glass parts;

1 (iii) any mark, number, word, or other identification on the precious  
2 metal object;

3 (iv) its weight, if payment is based on weight;

4 (v) a statement whether it appears to have been altered by any  
5 means, including:

6 1. obscuring a serial number or identifying feature;

7 2. melting; or

8 3. recutting a gem; and

9 (vi) the amount paid or other consideration;

10 (4) for each individual from whom the dealer acquires a precious metal  
11 object:

12 (i) the name, date of birth, and driver's license number of the  
13 individual; or

14 (ii) identification information about the individual that:

15 1. positively identifies the individual from at least 2 forms of  
16 identification, which may include an age of majority card, military identification, or  
17 passport; and

18 2. provides a physical description of the individual, including  
19 the sex, race, any distinguishing features, and approximate age, height, and weight of  
20 the individual;

21 (5) a statement indicating whether or not the person making the  
22 transaction is personally known to the dealer; and

23 (6) the signature of the person from whom the precious metal object or  
24 personal property is acquired and the dealer or employee who accepted the precious  
25 metal object.

26 (b) In addition to any other information required by the Secretary, the records  
27 of a pawnbroker shall include, for each item pawned:

28 (1) the type of item;

29 (2) its manufacturer, model number, year of manufacture if known, and  
30 serial number if known; and

31 (3) its color and size.

32 (C) (1) THIS SUBSECTION APPLIES ONLY TO DEALERS AND PAWNBROKERS  
33 THAT:

1 (I) HAVE MORE THAN 120 BUSINESS TRANSACTIONS EACH YEAR;

2 AND

3 (II) ARE LOCATED IN BALTIMORE CITY, ANNE ARUNDEL COUNTY,

4 AND OR BALTIMORE COUNTY.

5 (2) IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION, THE  
6 RECORDS OF A DEALER SHALL INCLUDE A DIGITAL COLOR PHOTOGRAPH OF:

7 (I) EACH PRECIOUS METAL OBJECT THAT THE DEALER ACQUIRES  
8 IN A BUSINESS TRANSACTION; AND

9 (II) EACH INDIVIDUAL FROM WHOM THE DEALER ACQUIRES A  
10 PRECIOUS METAL OBJECT IN A BUSINESS TRANSACTION.

11 (3) IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION, THE  
12 RECORDS OF A PAWNBROKER SHALL INCLUDE A DIGITAL COLOR PHOTOGRAPH OF:

13 (I) EACH ITEM PAWNED; AND

14 (II) EACH INDIVIDUAL WHO PAWNS AN ITEM.

15 (4) UNTIL SEPTEMBER 30, 2001, THE PHOTOGRAPHS REQUIRED UNDER  
16 THIS SUBSECTION MAY BE IN THE FORM OF INSTANT PHOTOGRAPHS.

17 12-304.

18 (a) (1) A dealer shall submit a copy of each record to the primary law  
19 enforcement unit in accordance with subsection (b) of this section.

20 (2) If the dealer transacts business in accordance with § 12-206(b) of this  
21 title, the dealer also shall submit a copy of the records to the local law enforcement  
22 unit in accordance with subsection (b) of this section.

23 (3) On the request of a dealer, the Secretary shall provide to the dealer a  
24 list of local law enforcement units.

25 (b) (1) [The] EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS  
26 SUBSECTION, THE dealer shall submit the records by delivering or mailing a copy of  
27 the records by the end of the next business day after the day on which the item was  
28 acquired.

29 (2) (I) THIS PARAGRAPH APPLIES ONLY TO DEALERS AND  
30 PAWNBROKERS THAT:

31 1. HAVE MORE THAN 120 BUSINESS TRANSACTIONS EACH  
32 YEAR; AND

33 2. ARE LOCATED IN BALTIMORE CITY, ANNE ARUNDEL  
34 COUNTY, AND OR BALTIMORE COUNTY.

1                   (II)     EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (V) OF  
2 THIS PARAGRAPH, EACH DEALER AND EACH PAWNBROKER SHALL SUBMIT THE  
3 DIGITAL COLOR PHOTOGRAPHS REQUIRED UNDER ~~§§ 12-301 AND 12-302~~ §§  
4 12-301(G)(2)(II) AND 12-302(C)(2)(I) OF THIS SUBTITLE AS DIGITAL IMAGES IN THE  
5 FORMAT REQUIRED BY THE SECRETARY TO THE PRIMARY LAW ENFORCEMENT UNIT  
6 AND, IF APPLICABLE, THE LOCAL LAW ENFORCEMENT UNIT.

7                   (III)    EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (V) OF  
8 THIS PARAGRAPH, THE DIGITAL IMAGES AND OTHER INFORMATION REQUIRED  
9 UNDER ~~§§ 12-301 AND 12-302~~ §§ 12-301(G)(2)(II) AND 12-302(C)(2)(I) OF THIS SUBTITLE  
10 SHALL BE TRANSFERRED VIA MODEM FROM THE COMPUTER OF THE DEALER OR  
11 PAWNBROKER TO THE COMPUTER OF THE PRIMARY LAW ENFORCEMENT UNIT AND,  
12 IF APPLICABLE, THE LOCAL LAW ENFORCEMENT UNIT.

13                  (IV)     EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (V) OF  
14 THIS PARAGRAPH, THE RECORDS REQUIRED UNDER THIS PARAGRAPH SHALL BE  
15 TRANSMITTED COMPLETELY AND ACCURATELY AFTER THE CLOSE OF BUSINESS  
16 EACH DAY IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE PRIMARY LAW  
17 ENFORCEMENT UNIT AND, IF APPLICABLE, THE LOCAL LAW ENFORCEMENT UNIT.

18                  (V)     UNTIL SEPTEMBER 30, 2001, A DEALER OR PAWNBROKER MAY  
19 MEET THE REQUIREMENTS OF THIS PARAGRAPH BY:

20                           1.     ATTACHING THE INSTANT PHOTOGRAPH REQUIRED  
21 UNDER §§ 12-301 AND 12-302 OF THIS SUBTITLE TO THE COPY OF EACH RECORD THAT  
22 THE DEALER OR PAWNBROKER IS REQUIRED TO SUBMIT TO THE PRIMARY LAW  
23 ENFORCEMENT UNIT AND, IF APPLICABLE, THE LOCAL LAW ENFORCEMENT UNIT;  
24 AND

25                           2.     DELIVERING OR MAILING A COPY OF THE RECORDS WITH  
26 THE ATTACHED PHOTOGRAPHS BY THE END OF THE NEXT BUSINESS DAY AFTER THE  
27 DAY ON WHICH THE ITEM WAS ACQUIRED.

28       (c)     Each copy of a record, submitted to the primary law enforcement unit and,  
29 if applicable, local law enforcement unit, shall include:

- 30                   (1)     the license number of the dealer;
- 31                   (2)     the location of each item listed in the record; and
- 32                   (3)     the information required under § 12-302 of this subtitle.

33       (d)     A copy of a record submitted under this section:

- 34                   (1)     shall be kept confidential;
- 35                   (2)     is not a public record; and
- 36                   (3)     is not subject to Title 10, Subtitle 6 of the State Government Article.

1 (e) A law enforcement unit may destroy the copy of a record submitted under  
2 this section after 1 year from the date the law enforcement unit receives the copy.

3 SECTION 2. AND BE IT FURTHER ENACTED, That the Baltimore City Police  
4 Department, the Anne Arundel County Police Department, and the Baltimore County  
5 Police Department shall provide a dealer or pawnbroker with the computer software  
6 necessary to transmit the digital images to the primary law enforcement unit as  
7 required under § 12-304(b) of the Business Regulation Article as enacted by Section 1  
8 of this Act.

9 ~~SECTION 3.~~ SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
10 effect October 1, 2000.