

Bill No. 28-04
Concerning: Weapons-Technical
Amendments
Revised: _____ Draft No. 1
Introduced: July 27, 2004
Enacted: September 28, 2004
Executive: October 12, 2004
Effective: January 11, 2005
Sunset Date: None
Ch. 22, Laws of Mont. Co. 2004

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN ACT to:

- (1) revise outdated State Code references in Chapter 57; and
- (2) generally amend the law governing weapons.

By amending

Montgomery County Code
Chapter 57, Weapons
Section 57-9

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Section 1.** Section 57-9 is amended as follows:

2 **57-9. Unlawful ownership or possession of firearms.**

3 [It shall be unlawful for any person to] A person must not possess,
4 exercise control over, use, carry, transport, or keep a rifle, [or]
5 shotgun, or [discharge a] pistol[, or to have a rifle or shotgun in his
6 possession, custody or control within the county], if the person:

7 (a) [He] is an unlawful user of, [or] addicted to, or is under treatment for
8 an addiction to, marijuana or any depressant or stimulant drug or
9 narcotic drug (as defined in [article 27, section 277 of the Annotated
10 Code of Maryland, 1957, as amended] Maryland Criminal Law Code
11 Annotated, sections 1-101, 5-101, 5-401, 5-404, and 5-604 [or is under
12 treatment for such addiction]; or

13 (b) [He] has been convicted in any court of a crime of violence, [or of]
14 trafficking in narcotics, [or of] a criminal violation of any of the
15 provisions of [article 27, sections 441 to 448, subtitle "pistols,"
16 Annotated Code of Maryland, 1957, as amended] Maryland Public
17 Safety Code Annotated, sections 5-101 to 5-138, 5-142, or any federal
18 firearms control law; or

19 (c) [He] is a fugitive from justice; or

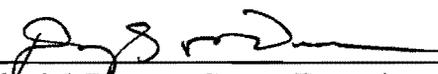
20 (d) [He] has been confined to any hospital or institution for treatment of a
21 mental disorder or for mental illness unless a licensed physician has
22 by affidavit stated that [he] the physician is familiar with the person's
23 history of mental illness and that in [his] the physician's opinion the
24 person is not disabled by such illness in a manner which should
25 prevent [his] the person from possessing a rifle or a shotgun; or

(e) [He] has been confined to any hospital or institution for treatment of alcoholism unless a licensed physician has by affidavit stated that [he] the physician is familiar with the person's history of alcoholism and that, in [his] the physician's opinion, the person is no longer suffering from a disability in such a manner which should prevent [his] the person from possessing a rifle or shotgun.

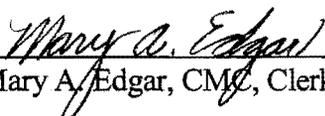
Approved:


Steven A. Silverman, President, County Council 9/29/04
Date

Approved:


Douglas M. Duncan, County Executive 10/2/04
Date

This is a correct copy of Council action.


Mary A. Edgar, CMC, Clerk of the Council 10/15/04
Date