

Bill No. 2-01
Concerning: Weapons – Gun Shows
Revised: May 16, 2001 Draft No. 9
Introduced: January 23, 2001
Enacted: May 16, 2001
Executive: May 29, 2001
Effective: August 28, 2001
Sunset Date: See Sec. 2
Ch. 11, Laws of Mont. Co. 2001

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Ewing and Councilmember Silverman.

AN ACT to:

- (1) generally prohibit the sale, transfer, possession, or transportation of certain weapons at or within 100 yards of certain exhibition facilities;
- (2) prohibit County funding for any organization that allows the sale, transfer, possession, or transportation of certain firearms at certain exhibition facilities;
- (3) make technical and stylistic changes to County law regarding weapons; and
- (4) generally amend County law regarding weapons at or near certain exhibition facilities.

By amending and adding to
Montgomery County Code
Chapter 57, Weapons

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

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

Section 1. Chapter 57 of the County Code is amended as follows:

57-1. Definitions.

In this Chapter, the following words and phrases have the following meanings:

* * *

Gun show: Any organized gathering where a gun is displayed for sale.

* * *

Place of public assembly: A "place of public assembly" is a government-owned park identified by the Maryland-National Capital Park and Planning Commission; place of worship; elementary or secondary school; public library; [or] government-owned or -operated recreational facility: or multipurpose exhibition facility. such as a fairgrounds or conference center. **A place of public assembly** includes all property associated with the place, such as a parking lot or grounds of a building.

* * *

[57-2A.]

57-3. Change in urban area boundary.

* * *

[57-3.]

57-4. Discharge of guns in the urban area.

A person, other than a peace officer or employee of the Maryland Department of Natural Resources performing official duties, must not discharge a gun within the urban area. Except as provided in Sections [57-5] 57-7 and [57-7A] 57-11, a person may discharge a gun:

* * *

[57-4.]

57-5. Discharge of guns outside the urban area.

* * *

28 (b) Except as provided in Sections [57-5] 57-7 and [57-7A] 57-11, a person
29 may discharge a gun:

30 * * *

31 [57-4A.]

32 57-6. Discharge of bows.

33 * * *

34 [57-5.]

35 57-7. Access to guns by minors.

36 * * *

37 [57-5A.]

38 57-8. Child [Safety Handgun Devices and Handguns] safety handgun
39 devices and handguns.

40 * * *

41 [57-6.]

42 57-9. Unlawful ownership or possession of firearms.

43 * * *

44 [57-7.]

45 57-10. Keeping guns on person or in vehicles.

46 * * *

47 [57-7A.]

48 57-11. Firearms in or near places of public assembly.

49 (a) A person must not sell, transfer, possess, or transport a handgun, rifle, or
50 shotgun, or ammunition for these firearms, in or within 100 yards of a
51 place of public assembly.

52 (b) This section does not:

53 (1) prohibit the teaching of firearms safety or other educational or
54 sporting use in the areas described in subsection (a);

- 55 (2) apply to a law enforcement officer, or a security guard licensed to
- 56 carry the firearm;
- 57 (3) apply to the possession of a firearm or ammunition in the
- 58 person's own home;
- 59 (4) apply to the possession of one firearm, and ammunition for the
- 60 firearm, at a business by either the owner or one authorized
- 61 employee of the business;
- 62 (5) apply to the possession of a handgun by a person who has
- 63 received a permit to carry the handgun under State law; or
- 64 (6) apply to separate ammunition or an unloaded firearm:
- 65 (A) transported in an enclosed case or in a locked firearms rack
- 66 on a motor vehicle; or
- 67 (B) being surrendered in connection with a gun turn-in or
- 68 similar program approved by a law enforcement agency.

69 **(c) This section does not prohibit a gun show at a multipurpose exhibition**
 70 **facility if:**

- 71 **(1) the facility's intended and actual primary use is firearms sports**
- 72 **(hunting or target, trap, or skeet shooting) or education (firearms**
- 73 **training); or**
- 74 **(2) no person who owns or operates the facility or promotes or**
- 75 **sponsors the gun show received financial or in-kind support**
- 76 **from the County (as defined in Section 57-13(a)) during the**
- 77 **preceding 5 years, or after December 1, 2001, whichever is**
- 78 **shorter; and**
- 79 **(A) no other public activity is allowed at the place of public**
- 80 **assembly during the gun show; and**
- 81 **(B) if a minor may attend the gun show;**

82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106

(i) the promoter or sponsor of the **gun show** provides to the Chief of Police, at least 30 days before the **show**:

(a) photographic identification, fingerprints, and any other information the Police Chief requires to conduct a background check of each individual who is or works for any promoter or sponsor of the **show** and will attend the **show**; and

(b) evidence that the applicant will provide adequate professional security personnel and any other safety measure required by the Police Chief, and will comply with this Charter; and

(ii) the Police Chief does not prohibit the **gun show** before the **gun show** is scheduled to begin because:

(a) the promoter or sponsor has not met the requirements of clause (i); or

(b) the Police Chief has determined that an individual described in clause (i)(a) is not a responsible individual.

[[c]]

(d)

* * *

57-12. Sale of fixed ammunition.

* * *

107 **57-13.** **Use of public funds.**

108 **(a)** The County must not give **financial or in-kind support** to any
 109 organization that allows the display and sale of guns at a facility owned
 110 or controlled by the organization. **Financial or in-kind support** means
 111 any thing of value that is not generally available to similar organizations
 112 in the County, such as a grant, special tax treatment, bond authority, free
 113 or discounted services, or a capital improvement constructed by the
 114 County.

115 **(b)** An organization referred to in subsection (a) that receives direct
 116 financial ~~[[or in-kind]]~~ support from the County ~~[[after January 1,~~
 117 2001,]] must repay the support if the organization allows the display and
 118 sale of guns at the organization's facility ~~[[within 10 years]]~~ after
 119 receiving the County support. The repayment must include the actual,
 120 original value of the support, plus reasonable interest calculated by a
 121 method specified by the Director of Finance.

122 **[57-8.]**

123 **57-14.** **Exemptions from ~~[[provisions of chapter]]~~ Chapter.**

124 * * *

125 Nothing in this Chapter applies to the purchase, ownership, or possession of a
 126 bona fide antique ~~[[guns which are]]~~ gun that is incapable of use as a gun. Except as
 127 provided in Sections ~~[57-5]~~ 57-7 and ~~[57-7A]~~ 57-11, nothing in this Chapter prohibits
 128 the owner or tenant of any land from carrying or discharging a firearm on that land
 129 for the purpose of killing predatory animals which prey on, damage or destroy
 130 property, livestock, or crops.

131 * * *

132 **[57-9.]**

133 **57-15.** **Penalty.**

134 Any violation of this Chapter or a condition of an approval certificate issued
135 under this Chapter is a Class A violation to which the maximum penalties for a
136 [class] Class A violation apply. Any violation of Section [57-5A] 57-8 is a Class A
137 civil violation.

138 * * *

139 **Sec. 2.** **Effective dates.**

140 **(a)** Section 57-13 of the County Code, as amended by Section 1 of this Act,
141 applies to:

142 **(1)** support that an organization receives from the County after
143 December 1, 2001; and

144 **(2)** the display of a gun for sale at the facility after December 1,
145 2001.

146 **(b)** Section 57-13 expires on December 1, 2011.

147 *Approved:*

148 

149 Blair G. Ewing, President, County Council

May 21, 2001
Date

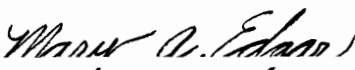
150 *Approved:*

151 

Douglas M. Duncan, County Executive

May 29, 2001
Date

152 *This is a correct copy of Council action.*

153 

Mary A. Edgar, CMC, Clerk of the Council

May 30, 2001
Date