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

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 multi-purpose 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.

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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:

* * *

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

* * *
Except as provided in Sections [57-5] 57-7 and [57-7A] 57-11, a person may discharge a gun:

Discharge of bows.

Access to guns by minors.

Child [Safety Handgun Devices and Handguns] safety handgun devices and handguns.

Unlawful ownership or possession of firearms.

Keeping guns on person or in vehicles.

Firearms in or near places of public assembly.

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

This section does not:

(1) prohibit the teaching of firearms safety or other educational or sporting use in the areas described in subsection (a);
(2) apply to a law enforcement officer, or a security guard licensed to carry the firearm;

(3) apply to the possession of a firearm or ammunition in the person's own home;

(4) apply to the possession of one firearm, and ammunition for the firearm, at a business by either the owner or one authorized employee of the business;

(5) apply to the possession of a handgun by a person who has received a permit to carry the handgun under State law; or

(6) apply to separate ammunition or an unloaded firearm:
   (A) transported in an enclosed case or in a locked firearms rack on a motor vehicle; or
   (B) being surrendered in connection with a gun turn-in or similar program approved by a law enforcement agency.

This section does not prohibit a gun show at a multipurpose exhibition facility if:

(1) the facility's intended and actual primary use is firearms sports (hunting or target, trap, or skeet shooting) or education (firearms training); or

(2) no person who owns or operates the facility or promotes or sponsors the gun show received financial or in-kind support from the County (as defined in Section 57-13(a)) during the preceding 5 years, or after December 1, 2001, whichever is shorter; and

(A) no other public activity is allowed at the place of public assembly during the gun show; and

(B) if a minor may attend the gun show:
(i) the promoter or sponsor of the sun 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 sun show before the sun 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) 

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57-12. Sale of fixed ammunition.

* * *

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

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

[57-8.]

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

* * *

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

* * *

[57-9.]

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

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**Sec. 2.** Effective dates.

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

1. support that an organization receives from the County after December 1, 2001; and
2. the display of a run for sale at the facility after December 1, 2001.

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

Approved:

Blair G. Ewing, President, County Council

Approved:

Douglas M. Duncan, County Executive

This is a correct copy of Council action.

Mary A. Edgar, Clerk of the Council