

Bill No. 43-05
Concerning: Weapons -- Restrictions --
Deer Management
Revised: 12/4/07 Draft No. 7
Introduced: December 13, 2005
Enacted: December 4, 2007
Executive: December 17, 2007
Effective: March 17, 2008
Sunset Date: None
Ch. 21, Laws of Mont. Co. 2007

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Knapp

AN ACT to:

- (1) modify the circumstances under which a person may discharge a gun ~~[[within and]]~~ in or outside the urban area;
- (2) modify the circumstances under which a person may discharge a bow;
- (3) repeal language authorizing a person to carry or discharge a ~~[[firearm]]~~ gun under certain circumstances involving predatory animals;
- (4) make technical, clarifying, and stylistic changes to the law governing the discharge of a weapon; and
- (5) generally amend the law governing weapons restrictions.

By amending

Montgomery County Code
Chapter 57, Weapons
Sections 57-1, 57-4, 57-5, 57-6, and 57-14

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 Sec. 1. Sections 57-1, 57-4, 57-5, 57-6, and 57-14 are amended as follows:

2 57-1. Definitions.

3 * * *

4 Record plat means a subdivision plat recorded in the County's land records.

5 * * *

6 Tax assessment record means the information maintained by the State Department of
7 Assessments and Taxation in its Real Property Database on each parcel of real property
8 located in the County, including the tax map for each parcel.

9 * * *

10 57-4. Discharge of guns in the urban area.

11 (a) Prohibition. [A] Except as provided in subsection (b), a person, other than a peace
12 officer or employee of the Maryland Department of Natural Resources performing
13 official duties, must not discharge a **gun** within the **urban area**.

14 (b) Exceptions. Except as provided in Sections 57-7 and 57-11, a **person** may discharge
15 a **gun**:

16 [(a)] (1) on any indoor or outdoor target, trap, skeet, or shooting range that the
17 [[Range Approval]] Firearms Safety Committee has inspected and approved
18 in writing;

19 [(b)] (2) in a private basement or cellar target range;

20 [(c)] (3) when necessary to protect life or property;

21 [(d)] (4) to kill a dangerous animal;

22 [(e)] (5) for discharge of blank cartridges in musical and theatrical performances,
23 parades, or sporting events;

24 [(f)] (6) for salutes by firing squads at military funerals; [or]

25 [(g)] (7) if approved by the Chief of Police, under a deer damage control permit
26 issued by the Maryland Department of Natural Resources [and approved by
27 the Chief of Police under Executive Regulation promulgated under **method**
28 **(2)**]; [[or

29 (8) subject to the same restrictions imposed by Section 57-5(a) on the discharge
30 of a gun outside the urban area:

- 31 (A) for the purpose of deer hunting on private property that is at least 50
 32 acres in size; or
- 33 (B) on property owned by the Maryland-National Park and Planning
 34 Commission as a part of a deer management program conducted or
 35 sanctioned by the Commission.]]
- 36 (8) for the purpose of deer hunting on private property that is at least 50 acres in
 37 size if:
- 38 (A) the person discharges the gun from an elevated position;
- 39 (B) the person does not load the gun until the person is located in the
 40 elevated position;
- 41 (C) the person unloads the gun before descending from the elevated
 42 position;
- 43 (D) the projectile has a downward trajectory;
- 44 (E) the property owner complies with any public notice requirements in
 45 applicable regulations; and
- 46 (F) the property owner gives written notice to the Chief of Police at least
 47 15 days before any gun is discharged on the property which:
- 48 1. identifies the day or days on which deer hunting will occur;
- 49 2. identifies the time that deer hunting will begin and end each
 50 day;
- 51 3. lists the name of each individual who will participate in deer
 52 hunting; and
- 53 4. includes a copy of the record plat or tax assessment record
 54 for the property, or
- 55 (9) on property owned by the Maryland-National Capital Park and Planning
 56 Commission as a part of a deer management program conducted or
 57 sanctioned by the Commission that complies with safety requirements
 58 approved by the Chief of Police.
- 59 (c) 50-acre threshold.

50 (1) Subject to the requirements of paragraph (2), up to 5 owners of contiguous
 61 parcels of property may aggregate their property to meet the 50-acre
 62 threshold in subsection (b)(8).

63 (2) If property owners aggregate their parcels to achieve the 50-acre threshold in
 64 subsection (b)(8), a person may discharge a gun for the purpose of deer
 65 hunting on the aggregated property if the person obtains written permission
 66 from each property owner, which must include a copy of the record plat or
 67 tax assessment record for each parcel in the aggregated property.

68 (d) A person who discharges a gun under the authority granted in subsection (b)(7),
 69 (b)(8), or (b)(9) is subject to the restrictions imposed by Section 57-5(a) on the
 70 discharge of a gun outside the urban area.

71 [[c)] (e) Regulations. The County Executive must adopt regulations under method (2)
 72 [[that establish]] which:

73 (1) establish procedures and criteria [[to be used by]] that the Chief of Police
 74 must use to [[determine]] decide whether it is safe to discharge a gun under
 75 the circumstances specified in subsection (b)(7); and

76 (2) to implement subsection (b)(8):

77 (A) require signs to be posted along the perimeter of each applicable
 78 property at least 15 days before any gun is discharged on the
 79 property;

80 (B) specify the size, wording, and location of each sign; and

81 (C) identify a method to determine the number of signs that must be
 82 posted.

83 **57-5. Discharge of guns outside the urban area.**

84 (a) Prohibition. [Outside] Except as provided in [[subsection (b)]] subsection (c)(1)
 85 through (c)(6), outside the urban area, a person, other than a peace officer or
 86 employee of the Maryland Department of Natural Resources performing official
 87 duties, must not:

88 (1) discharge a gun:

89 (A) [onto, across, or within 100 yards of] [[from, onto, or across]] onto,
 90 across, or within 50 yards of a public road;

- 91 (B) onto or across property located within 50 yards of a public road;
 92 (C) into or within the safety zone ([200] 150 yards of a building or camp
 93 designed for human occupancy) without the owner or occupant's
 94 written consent; or
 95 (C) [on,] from, onto, or across public or private [land] property without
 96 the owner or occupant's written consent;
 97 (2) discharge a full metal jacketed bullet of any caliber from a **gun**; or
 98 (3) except as provided in subsection (b), discharge any **fixed ammunition** of a
 99 caliber higher than .25 caliber from a rifle or **pistol**.
 100 (b) Exception - High Caliber Ammunition. [Other **fixed ammunition** may be discharged
 101 from a rifle or **pistol** (in an area otherwise permitted by law) only] [[If otherwise
 102 authorized by law, a]] A **person** may discharge **fixed ammunition** of a caliber
 103 higher than .25 from a rifle or **pistol** at:
 104 (A) legal game or varmints on the ground; or
 105 (B) a target on or near the ground that will not deflect a bullet.
 106 [[b)]] (c) Other Exceptions. Except as provided in Sections 57-7 and 57-11, a **person** may
 107 discharge a **gun**:
 108 (1) on any indoor or outdoor target, trap, skeet, or shooting range that the
 109 [[Range Approval]] Firearms Safety Committee has inspected and approved
 110 in writing;
 111 (2) in a private basement or cellar target range;
 112 (3) when necessary to protect life or property;
 113 (4) to kill a dangerous animal;
 114 (5) for discharge of blank cartridges in musical and theatrical performances,
 115 parades, or sporting events;
 116 (6) for salutes by firing squads at military funerals; or
 117 (7) under a deer damage control permit issued by the Maryland Department of
 118 Natural Resources [and approved by the Chief of Police under Executive
 119 Regulation promulgated under **method (2)**].
 120 **57-6. Discharge of bows.**
 121 (a) Prohibition. A **person** must not discharge a bow in the County:

- 122 (1) [onto, across, or within 100 yards of] from, onto, or across a public road;
- 123 (2) into or within 150 yards of a building or camp designed for human
- 124 occupancy without the owner or occupant's written consent; or
- 125 (3) [on,] from, onto, or across public or private [land] ~~[[private]]~~ property
- 126 without the owner or occupant's written consent;
- 127 (b) Exception. [Paragraph] Subsection (a) does not apply to target archery practiced
- 128 [under] in compliance with safety guidelines established ~~[[by]]~~ [Executive
- 129 Regulation under] in regulations adopted under method (2) [[regulations]].

130 **57-14. Exemptions from Chapter.**

131 Nothing in this Chapter applies to the purchase, ownership, or possession of a bona

132 fide antique **gun** that is incapable of use as a **gun**. [Except as provided in Sections 57-7 and

133 57-11, nothing in this Chapter prohibits the owner or tenant of any land from carrying or

134 discharging a **firearm** on that land for the purpose of killing predatory animals which prey

135 on, damage or destroy property, livestock, or crops.] Except as provided in Sections 57-7

136 and 57-11, nothing in this Chapter prohibits the owner or tenant of any land from carrying or

137 discharging a **gun** on that land for the purpose of killing predatory animals which prey on

138 livestock.

139 *Approved:*

140 Michael J. Knapp 11 DEC 07

141 Michael J. Knapp, President, County Council Date

142 *Approved:*

143 Isiah Leggett Dec 17, 2007

Isiah Leggett, County Executive Date

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

145 Linda M. Lauer Dec. 17, 2007

Linda M. Lauer, Clerk of the Council Date