


MEMORANDUM

September 8, 2017

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Introduction:** Expedited Bill 30-17, Weapons – Discharge of Bows - Amendments

Expedited Bill 30-17, Weapons – Discharge of Bows - Amendments, sponsored by Lead Sponsor Council President Berliner, Councilmembers Leventhal, Katz, Rice, Elrich, Council Vice President Riemer, and Councilmembers Navarro, Hucker, and Floreen, is scheduled to be introduced on September 12, 2017. A public hearing is tentatively scheduled for September 19 at 1:30 p.m.

Bill 30-17 would reduce the safety zone for archery hunters in the County.

Background

Chapter 443 of the 2017 Laws of Maryland (HB 313), enacted by the General Assembly in the last legislative session, reduced the safety zone in the County prohibiting bow hunting within 100 yards of a building designed for human occupancy without the owner's consent to within 50 yards of a building. See ©4-5. The State law also added a requirement that a bow hunter discharging a bow within 50 to 100 yards of a building do so using a tree stand.

County Code §57-6 prohibits bow hunting within 100 yards of a building designed for human occupancy. Bill 30-17 would make the County law consistent with the amended State law by referencing this State law.

This packet contains:	<u>Circle #</u>
Expedited Bill 30-17	1
Legislative Request Report	3
State Law HB 313	4

Expedited Bill No. 30-17
Concerning: Weapons – Discharge of
Bows - Amendments
Revised: August 25, 2017 Draft No. 1
Introduced: September 12, 2017
Expires: March 12, 2019
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President Berliner, Councilmembers Leventhal, Katz, Rice, Elrich, Council
Vice President Riemer, and Councilmembers Navarro, Hucker, and Floreen

AN EXPEDITED ACT to:

- (1) reduce the safety zone for archery hunters in the County; and
- (2) generally amend the laws governing the discharge of bows.

By amending

Montgomery County Code
Chapter 57, Weapons
Section 57-6

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:

Sec. 1. Section 57-6 is amended as follows:

57-6. Discharge of bows.

(a) *Prohibition.* A person must not discharge a bow in the County:

(1) from, onto, or across a public road;

(2) [into or within 100 yards of] in violation of the archery hunting safety zone established in Md. Code, Natural Resources, §10-410, as amended, surrounding a building or camp designed for human occupancy without the owner or occupant's written consent; or

(3) from, onto, or across public or private property without the owner or occupant's written consent;

(b) *Exception.* Subsection (a) does not apply to target archery practiced in compliance with safety guidelines established in regulations adopted under method (2).

Sec. 2. Expedited Effective Date.

The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date on which it becomes law.

Approved:

Roger Berliner, President, County Council

Date

Approved:

Isiah Leggett, County Executive

Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date

LEGISLATIVE REQUEST REPORT

Expedited Bill 30-17

Weapons – Discharge of Bows - Amendments

DESCRIPTION: County Code §57-6 prohibits bow hunting within 100 yards of a building designed for human occupancy. Bill 30-17 would make the County law consistent with the recently amended State law by referencing this State law.

PROBLEM: Chapter 443 of the 2017 Laws of Maryland (HB 313), enacted by the General Assembly in the last legislative session, reduced the safety zone in the County prohibiting bow hunting within 100 yards of a building designed for human occupancy without the owner's consent to within 50 yards of a building. The State law also added a requirement that a bow hunter discharging a bow within 50 to 100 yards of a building do so using a tree stand. County law is now inconsistent with the State law.

GOALS AND OBJECTIVES: To amend County law to be consistent with the recently amended State law.

COORDINATION: Police, County Attorney

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Robert H. Drummer, Senior Legislative Attorney

APPLICATION WITHIN MUNICIPALITIES: To be researched.

PENALTIES: Class A Violation

Chapter 443

(House Bill 313)

AN ACT concerning

Montgomery County – Archery Hunting – Safety Zone

MC 10-17

FOR the purpose of altering the size of the safety zone for archery hunters in Montgomery County within which archery hunting may not take place except under certain circumstances; requiring archery hunters in Montgomery County to use a tree stand when hunting certain animals within a certain distance of certain buildings; and generally relating to archery hunting in Montgomery County.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10-410(g)
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

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

Article – Natural Resources

10-410.

(g) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person, other than the owner or occupant, while hunting for any wild bird or mammal may not shoot or discharge any firearm or other deadly weapon within 150 yards, known as the “safety zone”, of a dwelling house, residence, church, or other building or camp occupied by human beings, or shoot at any wild bird or mammal while it is within this area, without the specific advance permission of the owner or occupant.

(2) A person, while hunting for any wild bird or mammal, may not shoot or discharge any firearm within 300 yards of a public or nonpublic school during school hours or at a time when a school-approved activity is taking place.

(3) (i) For archery hunters in Calvert County, Carroll County, Frederick County, Harford County, **MONTGOMERY COUNTY**, or St. Mary’s County, the safety zone described in paragraph (1) of this subsection extends for 50 yards from a dwelling house, residence, church, or any other building or camp occupied by human beings.

(ii) For archery hunters in Anne Arundel County [or Montgomery County], the safety zone described in paragraph (1) of this subsection extends for 100 yards from a dwelling house, residence, church, or any other building or camp occupied by human beings.

(4) During any open hunting season, a person, other than the owner or occupant, may not hunt or chase willfully any wild bird or mammal within the safety zone without the specific advance permission of the owner or occupant.

(5) In Harford County OR MONTGOMERY COUNTY, an archery hunter shall use a tree stand when hunting any wild bird or mammal within 50 to 100 yards of a dwelling house, residence, church, public or nonpublic school, or other building or camp occupied by human beings.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, May 4, 2017.