

MEMORANDUM

November 9, 2018

TO: County Council

FROM: Jeffry L. Zyontz, Senior Legislative Analyst

SUBJECT: Expedited Bill 38-18, Weapons – Urban Area – Boundary

PURPOSE: Introduction – no Council votes required

Expedited Bill 38-18, Weapons – Urban Area - Boundary, sponsored by Lead Sponsor Council President at the request of the County Executive, is scheduled to be introduced on November 13, 2018.¹ A public hearing is tentatively scheduled for December 4 at 1:30 p.m.

Expedited Bill 38-18 would change the boundaries of the urban area which has remained static for over 20 years. The boundary change would include 9 dwellings and vacant property west of Kruhm Road in the urban area. The discharge of firearms is prohibited in the urban area.²

The Police Department responded to calls for service related to the reporting of shooting(s) in progress or the sound of shots in the area of Kruhm Road, 21 times during calendar year 2018. These calls occurred both during the day and night. Several neighbors told Police that the shooting took place from 16030 Kruhm Rd. and regularly awakes them from their sleep which is impacting their ability to feel safe.

The Police Department initiated 3 police reports related to safety concerns of neighbors. During those investigations, it was determined that the resident of 16030 Kruhm Rd. resides outside the urban area, possessed several licenses issued by the State of Maryland that allow him, with certain restrictions to shoot firearms on his property. The license holder was not violating any County or State law.

¹ Key search terms: #Urban area, firearm discharge, and weapon discharge.

² Sec. 57-4. Discharge of guns in the urban area.

(a) Prohibition. Except as provided in subsection (b), 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.

Although State law preempts the County from some aspects of the control of firearms, it does allow the County to regulate the discharge of weapons.³ Chapter 57 includes the County's regulation of weapon. A provision in that Chapter only allows a change to where weapons may be discharge (outside of the Urban area) under the following circumstances:

Section 57-3. Change in urban area boundary.

On February 1 each year, the County Executive, after consulting with the Firearm Safety Committee, must recommend to the County Council any appropriate change in the boundary of the urban area based on new development or reported incidents of weapons discharge near developed areas.

The Firearm Safety Committee did not recommend the proposed boundary change on February 1, 2018. The Executive proposes to overcome Section 57-3 by including the following uncodified provision:

The Council declares that this legislation will take effect notwithstanding anything in Montgomery County Code Section 57-3.

This packet contains:	<u>Circle #</u>
Bill 38-18	1
Legislative Request Report	4
County Executive Memorandum	5

F:\LAW\BILLS\1838 Weapons-Urban Area-Amendments\Intro Memo 2.Docx

³ Criminal Law – Title 4 Weapon Crimes - Section 4-209 - Regulation of weapons and ammunition.
* * *

(d) Discharge of firearms.-

(1) Except as provided in paragraph (2) of this subsection, [A county...may not prohibit the teaching of or training in firearms safety, or other educational or sporting use of the items listed in subsection (a) of this section.] in accordance with law, a county, municipal corporation, or special taxing district may regulate the discharge of handguns, rifles, and shotguns.

(2) A county, municipal corporation, or special taxing district may not prohibit the discharge of firearms at established ranges.

Expedited Bill No. 38-18
Concerning: Weapons – Urban Area -
Boundary
Revised: 11-6-2018 Draft No. 2
Introduced: November 13, 2018
Expires: May 13, 2020
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President at the request of the County Executive

AN EXPEDITED ACT to:

- (1) change the boundaries of the urban area; and
- (2) generally amend the County law on weapons.

By amending

Montgomery County Code
Chapter 57, Weapons
Sections 57-1

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:

28 side of the Potomac Electric Power Company right-of-way to Batson Road; then
29 following along the southern boundary of the Washington Suburban Sanitary
30 Commission property to Kruhm Road; then southeast along Kruhm Road to the
31 Potomac Electric Power Company right-of-way; then southeast along the east side
32 of the Potomac Electric Power Company right-of-way to Route 198; then east along
33 Route 198 to the Prince George's County/Montgomery County boundary line; then
34 southwest along the Montgomery County/Prince George's County boundary line to
35 the Montgomery County/District of Columbia boundary line; then along the
36 Montgomery County/District of Columbia boundary line to the beginning point.

37 **Sec. 2. Expedited Effective Date.**

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

41 **Sec. 3. Transition.**

42 The Council declares that this legislation will take effect notwithstanding
43 anything in Montgomery County Code Section 57-3.

44 *Approved:*

45 _____
Hans D. Riemer, President, County Council

Date

46 *Approved:*

47 _____
Isiah Leggett, County Executive

Date

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

49 _____
Megan Davey Limarzi, Esq., Clerk of the Council

Date

LEGISLATIVE REQUEST REPORT

Expedited Bill 38-18

Weapons – Urban Area - Boundary

DESCRIPTION: This Bill revises the boundaries of the urban area under § 57-1 and makes other clarifying and stylistic changes.

PROBLEM: Reports of increased firearm discharge necessitate changing the boundaries of the urban area, which has remained static for over 20 years. 1997 Montgomery Cty. Laws ch. 3.

GOALS AND OBJECTIVES: Redefine the boundaries of the urban area under § 57-1.

COORDINATION: Police Department.

FISCAL IMPACT: Office of Management and Budget.

ECONOMIC IMPACT: Office of Finance.

EVALUATION: Subject to the general oversight of the County Executive and the County Council. The Office of the County Attorney will evaluate for form and legality.

EXPERIENCE ELSEWHERE: Unknown

SOURCE OF INFORMATION: Commander William Montgomery, MCPD

APPLICATION WITHIN MUNICIPALITIES: Applies in those municipalities that have adopted that have adopted Chapter 57.

PENALTIES: As provided in Chapter 57, Montgomery County Code.

F:\LAW\BILLS\1838 Weapons-Urban Area-Amendments\LRR.Docx




OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

November 5, 2018

TO: Hans Riemer, President, Montgomery County Council

FROM: Isiah Leggett, County Executive 

RE: Bill XX-18E, Weapons - Urban Area - Amendments

The purpose of this memorandum is to transmit a proposed expedited bill to amend the boundaries of the urban area by amending Section 57-1 of the County Code. Chapter 57 limits the discharge of firearms within the urban area. The boundaries of the urban area have not changed in over 20 years (1997 Montgomery Cty. Laws ch. 3). Reports of increased firearm discharge necessitate a change to those boundaries at this time.

Thank you for your expedited consideration.

IL:el

Attachment

cc: Timothy L. Firestine, Chief Administrative Officer
Jennifer A. Hughes, Director, Office of Management and Budget
Alexandre A. Espinosa, Director, Department of Finance
J. Thomas Manger, Chief of Police
Bonnie Kirkland, Assistant Chief Administrative Officer