


**MEMORANDUM**

November 30, 2018

TO: County Council

FROM: Jeffrey L. Zyontz,  Senior Legislative Analyst

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

PURPOSE: Public Hearing – 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, was introduced on November 13, 2018.<sup>1</sup> A Public Safety Committee worksession is tentatively scheduled for January 17 at 2 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.<sup>2</sup>

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.

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<sup>1</sup> Key search terms: #GunSafety, Urban area, firearm discharge, and weapon discharge.

<sup>2</sup> 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.<sup>3</sup> 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
Fiscal and Economic Impact statement	6

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<sup>3</sup> 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

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

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**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

<b>Boldface</b>	<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.

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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





OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett  
County Executive

Jennifer A. Hughes  
Director

MEMORANDUM

November 15, 2018

TO: Hans Riemer, President, County Council  
FROM: Jennifer A. Hughes, Director, Office of Management and Budget  
SUBJECT: FIS for Bill 38-18E -- Weapons -- Urban Areas - Amendments

Please find attached the fiscal impact statements for the above-referenced legislation.

JAH:df

c: Bonnie Kirkland, Assistant Chief Administrative Officer  
Lisa Austin, Offices of the County Executive  
Joy Nurmi, Special Assistant to the County Executive  
Patrick Lacefield, Director, Public Information Office  
Alexandre A. Espinosa, Director, Department of Finance  
David Platt, Department of Finance  
Jacqueline Carter, Department of Finance  
Rich Harris, Office of Management and Budget  
Helen Vallone, Office of Management and Budget  
Darlene Fairfax, Office of Management and Budget

Office of the Director

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www.montgomerycountymd.gov





**Fiscal Impact Statement**  
**Bill 38-18E – Weapons – Urban Areas – Amendments**

1. Legislative Summary

This bill proposes to change the definition of “urban area” in Section 57-1 of the Montgomery County Code, which concerns the discharge of firearms within the County.

There are tighter restrictions for discharging firearms in the land deemed an “urban area” under the statute, which is a contiguous region starting at Seneca Creek State Park on the County’s boarder with the Potomac River and heading north to Black Hill Regional Park before turning east past Laytonsville and then southwest roughly paralleling the County’s northwest boarder before it ends at the Prince George’s County line in Burtonsville. The bill proposes to add a small portion of Burtonsville to the “urban area” region.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

This legislation will likely have a minimal impact on County revenues. By adding land to the area in which weapons laws are enforced, it is possible that some number of additional citations and fines could be levied on individuals committing violations in the newly-added area. The violation is a Class A Civil Violation, which carries a fine of \$500 for the first offence and \$750 for repeat offenses.

MCPD responded to 21 firearms-related calls for service in the area subject to Bill 38-18E in 2018 through November 1<sup>st</sup>, and initiated three police reports related to safety concerns. Using these figures as a guide, total fines collected could range from \$1,500 to \$15,500, depending on the number of first-time violations there are.

There could also be a minimal impact on County expenditures as well. County employees responding to the violations would be on-duty Police officers. However, to the extent the officer responds to a violation near the end of his or her shift, the individual may earn overtime pay while they complete the call, and these potential costs are estimated to total less than \$2,500.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

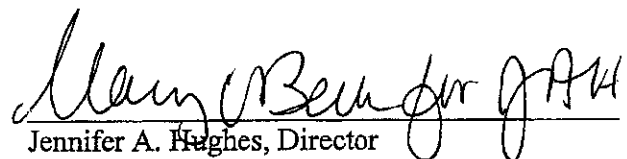
If it proves to have an impact on revenues and expenditures, the 6-year impact of Bill 38-18E would be negligible. Assuming individuals alter their behavior based on Bill 38-18E, revenues could range between \$0 and \$7,500 per year. Therefore, the 6-year estimate would be from \$0 to \$45,000. Assuming the same change in behavior, overtime expenses could range between \$0 and \$1,500 per year, for a 6-year range of \$0-\$9,000.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Bill 38-18E does not have an impact on pension or insurance costs.

5. An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.  
Not applicable.
6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.  
The bill does not authorize future spending.
7. An estimate of the staff time needed to implement the bill.  
No staff time is needed to implement the bill.
8. An explanation of how the addition of new staff responsibilities would affect other duties.  
The amount of land added by the change to the definition of "urban area" in Section 57-1 is small and is not estimated to materially add to staff responsibilities.
9. An estimate of costs when an additional appropriation is needed.  
It is anticipated that Bill 38-18E will not require additional appropriation.
10. A description of any variable that could affect revenue and cost estimates.  
The main variable that could affect revenue and costs would be the number of calls for weapons violations that occur in the area that Bill 38-18E adds to the definition of "urban area" in Section 57-1 of the County Code.
11. Ranges of revenue or expenditures that are uncertain or difficult to project.  
See #2 and #3.
12. If a bill is likely to have no fiscal impact, why that is the case.  
Not applicable.
13. Other fiscal impacts or comments.  
None.
14. The following contributed to and concurred with this analysis:  
Capt. William Montgomery, 3<sup>rd</sup> District Commander, Montgomery County Police Department

Richard H. Harris, Office of Management and Budget

  
Jennifer A. Hughes, Director  
Office of Management and Budget

11/15/18  
Date

**Economic Impact Statement**  
**Bill XX-18E, Weapons – Urban Area – Amendments**

**Background:**

This legislation would revise the boundaries of the urban area under Section 57-1 of Chapter 57 of the Montgomery County Code. The purpose for extending the boundaries is in response to an increase in the discharge of weapons thereby reducing the noise from such discharge in urban areas not covered under current law and the “protection of public interest”.

**1. The sources of information, assumptions, and methodologies used.**

There are no sources of information, assumptions, and methodologies used by the Department of Finance in the preparation of the economic impact statement.

**2. A description of any variable that could affect the economic impact estimates.**

There are no variables that could affect the economic impact estimates.


**3. The Bill’s positive or negative effect, if any on employment, spending, savings, investment, incomes, and property values in the County.**

Bill XX-18E has no positive or negative economic impact. The purpose of extending the boundaries is in response to reducing the noise from the discharge of weapons and protection of public interest in those areas amended by Bill XX-18E.

**4. If a Bill is likely to have no economic impact, why is that the case?**

Bill XX-18E would have no economic impact. Please see paragraph 3.

**5. The following contributed to or concurred with this analysis: David Platt and Rob Hagedoorn, Finance.**

  
\_\_\_\_\_  
Alexandre Espinosa, Director  
Department of Finance

11/5/2018  
\_\_\_\_\_  
Date