



**Committee:** PS  
**Committee Review:** At a future date  
**Staff:** Christine Wellons, Legislative Attorney  
**Purpose:** To introduce agenda item – no vote expected  
**Keywords:** #NoGhostGunsMoCo, #SafetyMattersInMoCo

AGENDA ITEM #11A  
January 19, 2021  
**Introduction**

## SUBJECT

Bill 4-21, Weapons – Protection of Minors and Public Places - Restrictions Against Ghost Guns and Undetectable Guns

Lead Sponsor: Council Vice President Alborno

Co-Sponsors: Council President Hucker, Councilmembers Katz, Jawando, Navarro, Friedson, Rice, Riemer and Glass

## EXPECTED ATTENDEES

None

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A; Bill introduction

## DESCRIPTION/ISSUE

Bill 4-21, Weapons – Protection of Minors and Public Places - Restrictions Against Ghost Guns and Undetectable Guns, would:

- define terms related to firearm laws;
- restrict the manufacture, possession, use, sale, and transfer of ghost guns, undetectable guns, and certain other firearms with respect to minors;
- restrict the manufacture, possession, use, sale, and transfer of ghost guns, undetectable guns, and certain other firearms within 100 yards of places of public assembly; and
- generally amend the law regarding firearms and other weapons.

## SUMMARY OF KEY DISCUSSION POINTS

- N/A

### This report contains:

Staff Report

Bill 4-21

Legislative Request Report

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**M E M O R A N D U M**

January 14, 2021

TO: County Council

FROM: Christine Wellons, Legislative Attorney

SUBJECT: Bill 4-21, Weapons – Protection of Minors and Public Places - Restrictions Against Ghost Guns and Undetectable Guns

PURPOSE: Introduction – no Council votes required

Bill 4-21, Weapons – Protection of Minors and Public Places - Restrictions Against Ghost Guns and Undetectable Guns, sponsored by Lead Sponsor Council Vice President Albornoz and Co-Sponsors, Council President Hucker and Councilmembers Katz, Jawando, Navarro, Friedson, Rice, Riemer and Glass, is scheduled to be introduced on January 19, 2021.<sup>1</sup> A public hearing is tentatively scheduled for February 9, 2021 at 1:30 p.m.

Bill 4-21 would:

- define terms related to firearm laws;
- restrict the manufacture, possession, use, sale, and transfer of ghost guns, undetectable guns, and certain other firearms with respect to minors;
- restrict the manufacture, possession, use, sale, and transfer of ghost guns, undetectable guns, and certain other firearms within 100 yards of places of public assembly; and
- generally amend the law regarding firearms and other weapons.

**BACKGROUND**

“Ghost guns,” or “do-it-yourself guns,” are unserialized firearms built by unlicensed individuals. These guns evade many firearms regulations. Kits to build ghost guns are readily sold on the internet, without the requirement of federal background checks. Other ghost guns are built at home using blueprints and 3D printers.

When ghost guns are used in crimes, they are untraceable due to lack of serial numbers. During 2020, Montgomery County Police Department (MCPD) officers recovered over 40 ghost guns.

Several states, including Rhode Island and Washington State, as well as the District of Columbia, have passed laws to regulate ghost guns. The Maryland General Assembly has

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<sup>1</sup>#NoGhostGunsMoCo, #SafetyMattersInMoCo

introduced, but not yet passed, legislation to regulated unfinished frames and receivers. At the federal level, Congressional bills to regulate ghost guns have not yet been successful.

## **SPECIFICS OF THE BILL**

The purpose of Bill 4-21 is to begin to address the issue of ghost guns at the County level, consistent with limitations placed upon localities by Maryland state preemption of local firearms regulations. Under Maryland law, the County generally is preempted to regulate in the area of firearms. However, state law carves out certain specific areas in which the County may regulate. In particular, the County may regulate the manufacture, sale, use, or transfer of firearms: (1) with respect to minors; or (2) within 100 yards of a place of public assembly.

In this vein, the bill first would maximize the impact of the County’s firearms regulations by expanding the definition of “place of public assembly”. The definition of “place of public assembly would be expanded to include any “place where the public may assemble, whether the place is publicly or privately owned, including a [government owned] park [identified by the Maryland-National Capital Park and Planning Commission]; place of worship; [elementary or secondary] school; [public] library; [government-owned or -operated] recreational facility; or multipurpose exhibition facility, such as a fairgrounds or conference center.”

With respect to ghost guns or DIY guns, the bill would define ghost guns to include firearms, including unfinished frames or receivers, that are unserialized in accordance with federal regulations. The bill would define undetectable guns to include those that cannot be detected through metal detectors, or that are made with 3D printers. These ghost guns, including unfinished frames or receivers and undetectable guns would be restricted with regard to minors and places of public assembly.

Specifically, the bill would prohibit a person from transferring a ghost gun or undetectable gun to a minor. Further, it would prohibit a person from manufacturing a gun, including through a 3D printing process, in the presence of a minor. Persons also would be prohibited from storing ghost guns, undetectable guns, or gun components in places that the person should know are accessible to minors.

Concerning places of public assembly, the bill would prohibit the sale, transfer, manufacture, or possession of ghost guns or undetectable guns within 100 yards of a place of public assembly. The bill also would prohibit – within 100 yards of a place of public assembly – the sale, transfer, possession, or use of a computer code to create a firearm through a 3D printing process.

<u>This packet contains:</u>	<u>Circle #</u>
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Bill No. 4-21  
Concerning: Weapons – Protection of  
Minors and Public Places -  
Restrictions Against Ghost Guns and  
Undetectable Guns  
Revised: 1/14/2021 Draft No. 4  
Introduced: January 19, 2021  
Expires: July 19, 2022  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Council Vice-President Alborno  
Co-Sponsors: Council President Hucker, Councilmembers Katz, Jawando, Navarro, Friedson, Rice,  
Riemer and Glass

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**AN ACT** to:

- (1) define terms related to firearm laws;
- (2) restrict the manufacture, possession, use, sale, and transfer of ghost guns, undetectable guns, and certain other firearms with respect to minors;
- (3) restrict the manufacture, possession, use, sale, and transfer of ghost guns, undetectable guns, and certain other firearms within 100 yards of places of public assembly; and
- (4) generally amend the law regarding firearms and other weapons.

By amending

Montgomery County Code  
Chapter 57, Weapons  
Sections 57-1, 57-7, and 57-11

By adding

Montgomery County Code  
Chapter 57, Weapons  
Section 57-16

<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:*

1           **Sec. 1. Sections 57-1, 57-7, and 57-11 are amended, and Section 57-16 is**  
2 **added, as follows:**

3 **57-1. Definitions.**

4           In this Chapter, the following words and phrases have the following meanings:

5                   3D printing process: a process of making a three-dimensional, solid  
6 object using a computer code or program, including any process in  
7 which material is joined or solidified under computer control to create a  
8 three-dimensional object.

9   \*       \*       \*

10           *Gun or firearm:* Any rifle, shotgun, revolver, pistol, ghost gun,  
11 undetactable gun, air gun, air rifle or any similar mechanism by  
12 whatever name known which is designed to expel a projectile through a  
13 gun barrel by the action of any explosive, gas, compressed air, spring or  
14 elastic.

15           (1) The term “antique firearm” means (a) any firearm (including any  
16 firearm with a matchlock, flintlock, percussion cap, or similar  
17 type of ignition system) manufactured in or before 1898; and (b)  
18 any replica of any firearm described in subparagraph (a) if such  
19 replica (i) is not designed or redesigned or using rimfire or  
20 conventional centerfire fixed ammunition, or (ii) uses rimfire or  
21 conventional centerfire fixed ammunition which is no longer  
22 manufactured in the United States and which is not readily  
23 available in the ordinary channels of commercial trade.

24           (2) “Ghost gun” means a firearm, including an unfinished frame or  
25 receiver, that lacks a unique serial number engraved or cased in  
26 metal alloy on the frame or receiver by a licensed manufacturer,  
27 maker or importer under federal law or markings in accordance

28                   with 27 C.F.R. § 479.102. It does not include a firearm that has  
 29                   been rendered permanently inoperable, or a firearm that is not  
 30                   required to have a serial number in accordance with the Federal  
 31                   Gun Control Act of 1968.

32           (3)       “Handgun” means any pistol, revolver or other firearm capable of  
 33                   being concealed on the person, including a short-barreled shotgun  
 34                   and a short-barreled rifle as these terms are defined below.  
 35                   “Handgun” does not include a shotgun, rifle, or antique firearm.

36           [(3)] (4)       “Rifle” means a weapon designed or redesigned, made or  
 37                   remade, and intended to be fired from the shoulder and designed  
 38                   or redesigned and made or remade to use the energy of the  
 39                   explosive in a fixed metallic cartridge to fire only a single  
 40                   projectile through a rifled bore for each single pull of the trigger.

41           [(4)] (5)       The term “short-barreled rifle” means a rifle having one  
 42                   (1) or more barrels less than sixteen (16) inches in length and any  
 43                   weapon made from a rifle (whether by alternation, modification  
 44                   or otherwise) if such weapon, as modified, has an overall length  
 45                   of less than twenty-six (26) inches.

46           [(5)] (6)       The term “short-barreled shotgun” means a shotgun having  
 47                   one (1) or more barrels less than eighteen (18) inches in length  
 48                   and any weapon made from a shotgun (whether by alteration,  
 49                   modification or otherwise) if such weapon as modified has an  
 50                   overall length of less than twenty-six (26) inches.

51           [(6)] (7)       “Shotgun” means a weapon designed or redesigned, made  
 52                   or remade, and intended to be fired from the shoulder and  
 53                   designed or redesigned and made or remade to use the energy of  
 54                   the explosive in a fixed shotgun shell to fire through a smooth

55 bore either a number of ball shot or a single projectile for each  
56 single pull of the trigger.

57 (8) “Undetectable gun” means:

58 (A) a firearm that, after the removal of all its parts other than a  
59 major component, is not detectable by walk-through metal  
60 detectors commonly used at airports or other public  
61 buildings;

62 (B) a major component that, if subjected to inspection by the  
63 types of detection devices commonly used at airports or  
64 other public buildings for security screening, would not  
65 generate an image that accurately depicts the shape of the  
66 component; or

67 (C) a firearm manufactured wholly of plastic, fiberglass, or  
68 through a 3D printing process.

69 \* \* \*

70 Major component means, with respect to a firearm:

71 (1) the slide or cylinder or the frame or receiver; and

72 (2) in the case of a rifle or shotgun, the barrel.

73 *Minor:* An individual younger than 18 years old.

74 \* \* \*

75 *Place of public assembly:* A “place of public assembly” is a place where  
76 the public may assemble, whether the place is publicly or privately  
77 owned, including a [government owned] park [identified by the  
78 Maryland-National Capital Park and Planning Commission]; place of  
79 worship; [elementary or secondary] school; [public] library;  
80 [government-owned or -operated] recreational facility; hospital;  
81 community health center; long-term facility; or multipurpose exhibition

82 facility, such as a fairgrounds or conference center. A place of public  
 83 assembly includes all property associated with the place, such as a  
 84 parking lot or grounds of a building.

85 \* \* \*

86 **57-7. Access to guns by minors.**

87 (a) A person must not give, sell, rent, lend, or otherwise transfer any rifle or  
 88 shotgun or any ammunition or major component for these guns in the  
 89 County to a minor. This subsection does not apply when the transferor  
 90 is at least 18 years old and is the parent, guardian, or instructor of the  
 91 minor, or in connection with a regularly conducted or supervised  
 92 program of marksmanship or marksmanship training.

93 (b) An owner, employee, or agent of a gun shop must not allow a minor to,  
 94 and a minor must not, enter the gun shop unless the minor is  
 95 accompanied by a parent or other legal guardian at all times when the  
 96 minor is in the gun shop.

97 (c) A person must not give, sell, rent, lend, or otherwise transfer to a minor:  
 98 (1) a ghost gun or major component of a ghost gun;  
 99 (2) an undetectable gun or major component of an undetectable gun;  
 100 or  
 101 (3) a computer code or program to make a gun through a 3D printing  
 102 process.

103 (d) A person must not manufacture or assemble a gun, including making a  
 104 gun through a 3D printing process, in the presence of a minor.

105 (e) A person must not store or leave a ghost gun, an undetectable gun, or a  
 106 major component of a ghost gun or an undetectable gun, in a location  
 107 that the person knows or should know is accessible to a minor.



108            [(c)] (f)        This section must be construed as broadly as possible within the  
109                            limits of State law to protect minors.

110 **57-11. Firearms in or near places of public assembly.**

111            (a)    [A] In or within 100 yards of a place of public assembly, a person must  
112                            not:

113                            (1)    sell, transfer, manufacture, assemble, possess, or transport a ghost  
114    gun, undetectable gun, handgun, rifle, or shotgun, or ammunition  
115    or major component for these firearms[, in or within 100 yards of  
116    a place of public assembly]; or

117                            (2)    sell, transfer, possess, transport, or use a computer code to create,  
118    a firearm through a 3D printing process.

119            (b)    This section does not:

120                            (1)    prohibit the teaching of firearms safety or other educational or  
121    sporting use in the areas described in subsection (a);

122                            (2)    apply to a law enforcement officer, or a security guard licensed to  
123    carry the firearm;

124                            (3)    apply to the possession of a firearm or ammunition, other than a  
125    ghost gun or an undetectable gun, in the person's own home;

126                            (4)    apply to the possession of one firearm, and ammunition for the  
127    firearm, at a business by either the owner who has a permit to  
128    carry the firearm, or one authorized employee of the business  
129    who has a permit to carry the firearm;

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

132                            (6)    apply to separate ammunition or an unloaded firearm:

- 133 (A) transported in an enclosed case or in a locked firearms rack
- 134 on a motor vehicle, unless the firearm is a ghost gun or an
- 135 undetectable gun; or
- 136 (B) being surrendered in connection with a gun turn-in or
- 137 similar program approved by a law enforcement agency.

138 \* \* \*

139 **57-15. Penalty.**

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

143 **57-16. Reporting requirement.**

- 144 (a) The County Police Department must submit a report annually to the
- 145 County Executive and the County Council regarding the availability and
- 146 use of ghost guns and undetectable guns in the County.
- 147 (b) The report must include the number of ghost guns and undetectable
- 148 guns recovered by the Department during the prior year.
- 149 (c) Each report must be available to the public on the Police Department's
- 150 website.

## LEGISLATIVE REQUEST REPORT

Bill 4-21

*Weapons – Protection of Minors and Public Places - Restrictions Against Ghost Guns and Undetectable Guns*

**DESCRIPTION:** Bill 4-21 would:

- define terms related to firearm laws;
- restrict the manufacture, possession, use, sale, and transfer of ghost guns, undetectable guns, and certain other firearms with respect to minors;
- restrict the manufacture, possession, use, sale, and transfer of ghost guns, undetectable guns, and certain other firearms within 100 yards of places of public assembly; and
- generally amend the law regarding firearms and other weapons.

**PROBLEM:** accessibility and use of ghost guns, including unfinished frames and receivers, and undetectable guns in the County

**GOALS AND OBJECTIVES:** prohibit the use and sale of ghost guns to the greatest extent possible consistent with state law

**COORDINATION:** MCPD

**FISCAL IMPACT:** OMB

**ECONOMIC IMPACT:** OLO

**RACIAL EQUITY AND SOCIAL JUSTICE IMPACT:** OLO

**EVALUATION:** To be done.

**EXPERIENCE ELSEWHERE:** Rhode Island, Washington State, District of Columbia

**SOURCE OF INFORMATION:** Christine Wellons, Legislative Attorney

**APPLICATION WITHIN MUNICIPALITIES:** N/A

**PENALTIES:** Class A Violation: fines of up to \$1,000 and up to 6 months in prison

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