

Bill No. 4-21  
Concerning: Weapons - Protection of  
Minors and Public Places -  
Restrictions Against Ghost Guns and  
Undetectable Guns  
Revised: 04/06/2021 Draft No. 5  
Introduced: January 19, 2021  
Enacted: April 6, 2021  
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>
<b>[Single boldface brackets]</b>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<b>[[Double boldface brackets]]</b>	<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                    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 fairgrounds or a 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]] purchase, sell, transfer,~~  
 104 possess, or transfer a ghost gun, including ~~[[making]] a gun created~~  
 105 through a 3D printing process, in the presence of a minor.

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

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

111    **57-11. -Firearms in or near places of public assembly.**

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

114                            (1)    sell, transfer, ~~[[manufacture, assemble,]]~~ possess, or transport a  
 115                            ghost gun, undetectable gun, handgun, rifle, or shotgun, or  
 116                            ammunition or major component for these firearms[, in or within  
 117                            100 yards of a place of public assembly]; or

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

120            - (b)    This section does not:

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

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

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

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

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

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

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

139 \* \* \*

140 **57-15. Penalty.**

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

144 **57-16. Reporting requirement.**

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

Approved:


4/7/2021

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Tom Hucker, President, County Council Date

Approved:

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Marc Elrich, County Executive Date

*This is a correct copy of Council action.*

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Selena Mendy Singleton, Esq., Clerk of the Council Date