Expedited Bill No. 21-22

Concerning: Weapons – Firearms In or Near Places of Public Assembly
Revised: 11/10/2022 Draft No. 2
Introduced: July 12, 2022
Enacted: November 15, 2022
Executive: November 28, 2022
Effective: November 28, 2022

Sunset Date: None

Ch. <u>36</u>, Laws of Mont. Co. <u>2022</u>

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President Albornoz
Co-Sponsors: Councilmembers Hucker, Friedson, Jawando, Riemer, and Katz; Council VicePresident Glass; and Councilmember Rice

## AN EXPEDITED ACT to:

- (1) prohibit the possession of firearms in or near places of public assembly, with certain exemptions;
- (2) remove an exemption that allows individuals with certain handgun permits to possess handguns within 100 yards of a place of public assembly; and
- (3) generally amend the law regarding restrictions against firearms in the County.

## By amending

Montgomery County Code Chapter 57, Weapons [[Section]] <u>Sections 57-1, 57-7, and 57-11</u>

**Boldface** *Heading or defined term.* 

<u>Underlining</u>
Single boldface brackets]
Added to existing law by original bill.
Deleted from existing law by original bill.

Double underlining Added by amendment.

[[Double boldface brackets]] Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

1	Sec. 1. [[	Section]	<u>Sections 57-1, 57-7, and</u> 57-11 [[is]] <u>are</u> amended as
2	follows:		
3	57-1. Definition	ıs.	
4			* * *
5	Gu	n or fired	urm: Any rifle, shotgun, revolver, pistol, ghost gun,
6	unc	detectable	e gun, air gun, air rifle or any similar mechanism by whatever
7	nar	ne know	n which is designed to expel a projectile through a gun barrel
8	by	the action	n of any explosive, gas, compressed air, spring or elastic.
9			* * *
10	(2)	"Gho	st gun" means a firearm, including an unfinished frame or
11		receiv	ver, that <u>:</u>
12		<u>(A)</u>	lacks a unique serial number engraved or cased in metal
13			alloy on the frame or receiver by a licensed manufacturer,
14			maker or importer [[under]] in accordance with federal law
15			[or] <u>; and</u>
16		<u>(B)</u>	lacks markings and is not registered with the Secretary of
17			the State Police in accordance with [[27 C.F.R. § 479.102]]
18			Section 5-703(b)(2)(ii) of the Public Safety Article of the
19			Maryland Code.
20		[[It]]	"Ghost gun" does not include a firearm that has been
21		rende	ered permanently inoperable, or a firearm that is not required
22		to ha	ve a serial number in accordance with the Federal Gun
23		Cont	rol Act of 1968.
24			* * *
25	(8)	"Und	etectable gun" means:
26			* * *

27	<u>(9)</u>	<u>"Unfi</u>	nished frame or receiver" means a forged, cast, printed,
28		extruc	ded, or machined body or similar article that has reached a
29		stage	in manufacture where it may readily be completed,
30		assem	abled, or converted to be used as the frame or receiver of a
31		functi	onal firearm.
32			
33			* * *
34	Place	e of public assembly: A "place of public assembly" is:	
35	<u>(1)</u>	a [[pl	ace where the public may assemble, whether the place is]]
36		public	cly or privately owned:[[, including a]]
37		<u>(A)</u>	park;
38		<u>(B)</u>	place of worship;
39		<u>(C)</u>	school;
40		<u>(D)</u>	library;
41		<u>(E)</u>	recreational facility;
42		<u>(F)</u>	hospital;
43		<u>(G)</u>	community health center, including any health care facility
44			or community-based program licensed by the Maryland
45			Department of Health;
46		<u>(H)</u>	long-term facility, including any licensed nursing home,
47			group home, or care home; [[or]]
48		<u>(I)</u>	multipurpose exhibition facility, such as a fairgrounds or
49			conference center; or
50		<u>(J)</u>	childcare facility;
51	<u>(2)</u>	gover	nment building, including any place owned by or under the
52		contro	ol of the County;

53		(3) polling place;					
54		(4) courthouse;					
55		(5) <u>legislative assembly; or</u>					
56		(6) a gathering of individuals to collectively express their					
57		constitutional right to protest or assemble.					
58		A "place of public assembly" includes all property associated with the					
59		place, such as a parking lot or grounds of a building.					
50		* * *					
51	57-7. Acces	ss to guns by minors.					
52		* * *					
53	(d)	A person must not purchase, sell, transfer, possess, or [[transfer]]					
54	(3)	transport a ghost gun, including a gun created through a 3D printing					
55		process, in the presence of a minor.					
56		* * *					
57	57-11. Fire	earms in or near places of public assembly.					
58	(a)	In or within 100 yards of a place of public assembly, a person must not:					
59	(4)	(1) sell, transfer, possess, or transport a ghost gun, undetectable gun,					
70		handgun, rifle, or shotgun, or ammunition or major component for					
71		these firearms; or					
72		(2) sell, transfer, possess, or transport a firearm created through a 3D					
73							
	(b)	printing process.  This section does not:					
74	(b)	This section does not:					
75		(1) prohibit the teaching of firearms safety or other educational or					
76		sporting use in the areas described in subsection (a);					
77		(2) apply to a law enforcement officer, or a security guard licensed to					
78		carry the firearm;					

79	(3)	apply to the possession of a firearm or ammunition, other than a	
80		ghost gun or an undetectable gun, in the person's own home;	
81	(4)	apply to the possession of one firearm, and ammunition for the	
82		firearm, at a business by either the owner who has a permit to carry	
83		the firearm, or one authorized employee of the business who has a	
84		permit to carry the firearm; or	
85	(5)	[apply to the possession of a handgun by a person who has received	
86		a permit to carry the handgun under State law; or]	
87	[(6)]	apply to separate ammunition or an unloaded firearm:	
88		(A) transported in an enclosed case or in a locked firearms rack	
89		on a motor vehicle, unless the firearm is a ghost gun or an	
90		undetectable gun; or	
91		(B) being surrendered in connection with a gun turn-in or	
92		similar program approved by a law enforcement agency.	
93		* * *	
94	Sec. 2. Exp	edited Effective Date. The Council declares that this legislation is	
95	necessary for the immediate protection of the public interest. This Act takes effect on		
96	the date on which it becomes law.		
97	Sec. 3. Severability. If any provision of this Act, or any provision of Chapter		
98	57, is found to be invalid by the final judgment of a court of competent jurisdiction,		
99	the remaining prov	visions must be deemed severable and must continue in full force	
100	and effect.		
101	Sec. 4. This	Act and Chapter 57 must be construed in a manner that is consistent	
102	with regulations of the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives,		
103	including 87 FR 24652 (effective August 24, 2022), as amended.		

Approved:	
La Clery	11/17/2022
Gabriel Albornoz, President, County Council	Date
Approved:	
Man ER	11/28/2022
Marc Elrich, County Executive	Date
This is a correct copy of Council action.	
ande Rums	11/28/2022
Judy Rupp, Clerk of the Council	Date