

Introduced 1/05/2009
Public Hearing 1/21/2009
Council Action 02/02/2009
Executive Action 2/16/09
Effective Date 4/9/09

County Council Of Howard County, Maryland

2009 Legislative Session

Legislative Day No. 1

Bill No. 1 -2009

Introduced by: The Chairperson at the request of the County Executive
Co-sponsored by: Calvin Ball, Greg Fox, Mary Kay Sigaty, and Jennifer Terrasa

AN ACT prohibiting the discharge of a gun within a certain distance from certain structures under certain conditions; prohibiting the discharge of a gun in the direction of certain structures; providing for certain exceptions; making certain technical corrections; defining certain terms; and generally related to firearm control provisions in the Howard County Code.

Introduced and read first time January 5, 2009. Ordered posted and hearing scheduled.

By order Sheila M. Tolliver (sm)
Sheila M. Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on January 21, 2009.

By order Sheila M. Tolliver
Sheila M. Tolliver, Administrator

This Bill was read the third time on Feb 2, 2009 and Passed ✓, Passed with amendments ✓, Failed _____.

By order Sheila M. Tolliver
Sheila M. Tolliver, Administrator

Scaled with the County Seal and presented to the County Executive for approval this 3rd day of February 2009 at 2:30 a.m. (p.m.)

By order Sheila M. Tolliver
Sheila M. Tolliver, Administrator

Approved/Vetoed by the County Executive February, 2009

Ken Ulan
Ken Ulan, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

Section 1. Be It Enacted by the County Council of Howard County, Maryland, that 8.400 "Definitions", Section 8.401 "Discharge of guns- Prohibited" and Section 8.403 "Exemptions from provisions of this subtitle" of Subtitle 4 "Firearms Controls" of Title 8 "Crimes and Misdemeanors" of the Howard County Code are amended to read as follows:

Title 8. Crimes and Misdemeanors.

Subtitle 4. Firearms Controls.

Section 8.400. Definitions.

Terms in this subtitle have the meanings indicated.

(a) *Blank ammunition*: Any ammunition composed of a casing and a primer contained as one unit, but not containing a projectile or projectiles. Blank ammunition also includes black powder, nonprimed antique.

(b) *Department of police*: The department of police for Howard County.

(c) *Electronic weapon*: Any instrument, "stun-gun," "TASER," or any similar device by whatever name which is designed as a weapon, capable of, or designed to be capable of, temporarily incapacitating another by the discharge of electrical current through projectile or nonprojectile means.

(D) (1) "FACILITY" MEANS A BUILDING, STRUCTURE, OR CAMP DESIGNED FOR OCCUPANCY OR USE BY HUMAN BEINGS.

(2) "FACILITY" INCLUDES A DWELLING, HOUSE, AND RESIDENCE.

~~(d)~~ *Fixed ammunition*: Any ammunition composed of a projectile or projectiles, a casing and a primer, all of which shall be contained as one unit.

~~(e)~~ *Gun*: Any firearm, rifle, shotgun, revolver, pistol, air gun, air rifle or any similar mechanism by whatever name known which is designed to expel a projectile through a barrel by the action of any explosive, gas, compressed air, spring, or elastic.

~~(f)~~ *Metropolitan district*: The Howard County Metropolitan District as created and modified by the county council pursuant to Howard County Code title 18, "Public Works," subtitle 1, "Public Utilities," and identified on official plats available for public inspection during reasonable office hours in the Department of Public Works.

1 (gH) *public safety officer*. An individual who:

2 (1) Is a sworn member of the Department of Police; or

3 (2) Is a sworn member of a law enforcement agency of a department, county,
4 or municipal corporation of the State of Maryland, or similar agencies of
5 other states or the United States, and who has authority within the
6 individual's jurisdiction to possess and use an electronic weapon.

7 (HI) **SAFETY ZONE**: MEANS THE AREA WITHIN A DISTANCE DESIGNATED BY SECTION 8.403
8 OF THIS SUBTITLE FROM ANY ~~DWELLING, HOUSE, RESIDENCE, OR OTHER BUILDING OR CAMP~~
9 ~~DESIGNED FOR OCCUPANCY BY HUMAN BEINGS~~ FACILITY WHERE THE DISCHARGE OF
10 FIREARMS IS PROHIBITED BY SECTION 8.403 OF THIS SUBTITLE.

11
12 **Section 8.401. Discharge of guns--Prohibited.**

13 (a) ~~[[It shall be unlawful for any person to]]~~ A PERSON SHALL NOT discharge any gun
14 ~~within the metropolitan district, whether the gun is loaded with fixed or blank~~
15 ~~ammunition or projectiles of any kind.~~

16 (b) ~~[[In that area of the county not within the boundaries of the metropolitan district it~~
17 ~~shall be unlawful to]]~~ A PERSON SHALL NOT discharge any gun OUTSIDE THE
18 METROPOLITAN DISTRICT, whether the gun is loaded with fixed or blank ammunition or
19 projectiles of any kind, except at varmints on the ground~~[[, or at legal game as permitted~~
20 ~~by the department of natural resources of the State of Maryland]]~~.

21 ~~[[~~(c) It shall be unlawful for any person to discharge a gun from, onto, across or within
22 one hundred (100) yards of the right-of-way of any public highway in the county and
23 shall be unlawful at any time for any person other than the owner and/or occupant to
24 shoot or discharge any gun within one hundred fifty (150) yards of any dwelling, house,
25 residence or other building or camp designed for occupancy by human beings, the area
26 within that distance being hereby defined as a safety zone, or to shoot on, from, onto or
27 across any safety zone or any public or private land for any purpose, without the express
28 prior written consent of the owner thereof.]]

29 (C) A PERSON SHALL NOT DISCHARGE A GUN FROM, ONTO, ACROSS, OR WITHIN 100 YARDS
30 OF A PUBLIC ROAD.

(D) A PERSON SHALL NOT, WITHOUT THE PRIOR WRITTEN CONSENT OF THE PROPERTY OWNER, DISCHARGE A GUN ON, FROM, ONTO, OR ACROSS ANY PUBLIC OR PRIVATE LAND.

[[d)] (E) This section shall not apply to:

- (1) The discharge of guns at any target, trap or skeet range or shooting area which has been inspected and received the written approval of the department of inspections, licenses and permits pursuant to section 8.405, "Authority To Inspect and Approve Ranges or Shooting Areas," of this subtitle; or to
- (2) The discharge of guns by any person in a private basement or cellar target range; or to
- (3) The discharge of guns where necessary to protect life or [[property]] PROPERTY, INCLUDING CROPS OR LIVESTOCK, or to kill any dangerous threatening animal; or to
- (4) Any duly authorized law enforcement officer acting in the proper performance of his/her official duties; or to
- (5) The discharge of blank ammunition in theatrical performances, historical reenactments or sporting events; or to
- (6) The firing of salutes by firing squads at military funerals; or to
- (7) The discharge of guns by any person engaged in bona fide wildlife research activities.

Section 8.403 [[Exemptions from provisions of the subtitle.]] SPECIAL PROVISIONS FOR HUNTING.

[[Nothing in this subtitle shall be deemed to prohibit the owner or tenant of any land from carrying or discharging a gun on their land for the purpose of killing animals which are preying upon, damaging or destroying their property, livestock or crops. This subtitle shall not prohibit the carrying or discharging of any gun by licensed hunters, lawfully hunting in season on their owned or leased property, not within the metropolitan district or if on the property of another, not within the metropolitan district, with the prior written permission of the property owner or person in lawful possession. Further, nothing in this subtitle shall prohibit the carrying or discharging of shotguns by licensed hunters,

1 lawfully hunting in season on their owned or leased property of not less than ten (10)
2 acres within the metropolitan district, or if on the property of another of not less than ten
3 (10) acres within the metropolitan district with the prior written permission of the
4 property owner or person in lawful possession.]]

5 (A) NOTWITHSTANDING SECTION 8.401 OF THIS SUBTITLE, A LICENSED HUNTER MAY
6 DISCHARGE A GUN IF THE HUNTER:

7 (1) IS LAWFULLY HUNTING ~~ON NOT LESS THAN 10 ACRES~~ OUTSIDE THE
8 METROPOLITAN DISTRICT:

9 (I) ON PROPERTY THE HUNTER OWNS; OR

10 (II) ON OTHER PROPERTY WITH THE PRIOR WRITTEN PERMISSION OF THE
11 OWNER; AND

12 (2) COMPLIES WITH SUBSECTIONS (C) AND (D) OF THIS SECTION AND ALL
13 APPLICABLE STATE LAWS OR REGULATIONS.

14 (B) NOTWITHSTANDING SECTION 8.401 OF THIS SUBTITLE, A LICENSED HUNTER MAY
15 DISCHARGE A SHOTGUN IF THE HUNTER:

16 (1) IS LAWFULLY HUNTING ON NOT LESS THAN 10 ACRES INSIDE THE
17 METROPOLITAN DISTRICT:

18 (I) ON PROPERTY THE HUNTER OWNS; OR

19 (II) ON OTHER PROPERTY WITH THE PRIOR WRITTEN PERMISSION OF THE
20 OWNER; AND

21 (2) COMPLIES WITH SUBSECTIONS (C) AND (D) OF THIS SECTION AND ALL
22 APPLICABLE STATE LAWS OR REGULATIONS.

23 ~~(C) A PERSON SHALL NOT DISCHARGE A GUN FROM, ONTO, ACROSS, OR WITHIN A SAFETY~~
24 ~~ZONE OF:~~

25 ~~(i) 300 YARDS; OR~~

26 ~~(ii) 150 YARDS IF:~~

27 ~~A. THE PERSON IS SHOOTING DOWNWARD FROM A STAND THAT~~
28 ~~IS ELEVATED A MINIMUM OF 10 FEET FROM THE GROUND; OR~~

29 ~~B. THE PERSON IS USING A SHOTGUN THAT CONTAINS ONLY~~
30 ~~SHOT.~~

1 ~~(D) A PERSON SHALL NOT DISCHARGE A GUN IN THE DIRECTION OF ANY DWELLING, HOUSE,~~
2 ~~RESIDENCE, OR OTHER BUILDING OR CAMP DESIGNED FOR OCCUPANCY BY HUMAN BEINGS~~
3 ~~WHICH IS WITHIN THE MAXIMUM RANGE OF THE GUN BEING DISCHARGED.~~

4 (C) (1) (I) THE SAFETY ZONE IS THE AREA CONSISTING OF 150 YARDS AROUND A
5 FACILITY.

6 (II) WITHOUT WRITTEN PERMISSION OF THE PROPERTY OWNER, A PERSON
7 SHALL NOT DISCHARGE A GUN WITHIN, FROM, ONTO, OR ACROSS A
8 SAFETY ZONE.

9
10 (2) WHENEVER A PERSON DISCHARGES A GUN, THE PERSON SHALL:

11 (I) ENSURE THAT THE PROJECTILE HAS A DOWNWARD TRAJECTORY;

12 (II) BE SURE THAT THE DISCHARGE IS TOWARDS A SAFE, VISIBLE BACKSTOP;
13 OR

14 (III) USE A SHOTGUN THAT CONTAINS ONLY SHOT.
15

16 (D) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, A PERSON HAS COMMITTED A
17 CLASS A OFFENSE UNDER TITLE 24, SUBTITLE 1 OF THE HOWARD COUNTY CODE IF THE
18 PERSON DISCHARGES A GUN AND A PROJECTILE FROM THE GUN DAMAGES A FACILITY OR
19 PERSONAL PROPERTY, INCLUDING PETS AND LIVESTOCK, REGARDLESS OF WHETHER THE
20 PERSON HAS COMPLIED WITH ALL OTHER PROVISIONS OF THIS SECTION.
21

22 *Section 2. And Be It Further Enacted by the County Council of Howard County,*
23 *Maryland, that this Act shall become effective 61 days after its enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on February 6, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2009.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2009.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2009.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2009.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2009.

Stephen M. LeGendre, Administrator to the County Council

**Amended Amendment 1 to
Council Bill No. 1-2009**

BY: Greg Fox

Legislative Day No. 2
Date: February 2, 2009

Amended Amendment No. 1

(This amendment would add a definition of "facility," would strike the requirement that hunting occur on not less than 10 acres outside the Metropolitan District, would strike references to a 300 yard safety zone, would add conditions to shooting in a safety zone; would remove references to maximum range, and would provide that firing a projectile that damages certain personal property or facilities is subject to a civil penalty.)

1 On page 1, after line 19, insert:

2 "(D) (1) "FACILITY" MEANS A BUILDING, STRUCTURE, OR CAMP DESIGNED FOR OCCUPANCY OR
3 USE BY HUMAN BEINGS.

4 (2) "FACILITY" INCLUDES A DWELLING, HOUSE, AND RESIDENCE."

5 and renumber the rest of the subsections.

6
7 On page 2, strike beginning with "dwelling" in line 6 down through "beings" in line 7 and
8 substitute "FACILITY".

9
10 On page 4, in line 5, strike "ON NOT LESS THAN 10 ACRES".

11
12 Also on page 4, strike lines 21 through 31 in their entirety and substitute:

13 "(C) (1) (i) THE SAFETY ZONE IS THE AREA CONSISTING OF 150 YARDS AROUND A FACILITY.

14 (ii) WITHOUT WRITTEN PERMISSION OF THE PROPERTY OWNER, A PERSON SHALL
15 NOT DISCHARGE A GUN WITHIN, FROM, ONTO, OR ACROSS A SAFETY ZONE.

16
17 (2) WHENEVER A PERSON DISCHARGES A GUN, THE PERSON SHALL:

18 (i) ENSURE THAT THE PROJECTILE HAS A DOWNWARD TRAJECTORY;

19 (ii) BE SURE THAT THE DISCHARGE IS TOWARDS A SAFE, VISIBLE BACKSTOP OR
20 BACKGROUND OR SHALL; OR

21 (iii) USE A SHOTGUN THAT CONTAINS ONLY SHOT.

22
23 (D) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, A PERSON HAS COMMITTED A
24 CLASS A OFFENSE UNDER TITLE 24, SUBTITLE 1 OF THE HOWARD COUNTY CODE IF THE PERSON
25 DISCHARGES A GUN AND A PROJECTILE FROM THE GUN DAMAGES A FACILITY OR PERSONAL

ADOPTED Feb 2, 2009

FAILED _____

SIGNATURE Gregory M. Fox

- 1 PROPERTY, INCLUDING PETS AND LIVESTOCK, REGARDLESS OF WHETHER THE PERSON HAS
- 2 COMPLIED WITH ALL OTHER PROVISIONS OF THIS SECTION."

**Amendment 1 to Amendment 1 to
Council Bill No. 1-2009**

BY: Jennifer Terrasa

Legislative Day No. 2
Date: February 2, 2009

Amendment No. 1 to Amendment No. 1

(This amendment would restore a 300 yard safety zone.)

- 1 In the second line of the descriptive heading, strike beginning with “, *would*” through “*zone*”.
- 2
- 3 In 13, strike “150” and substitute “300”.
- 4

ADOPTED _____
FAILED Feb 02, 2009
SIGNATURE Jennifer Terrasa

**Amendment 2 to Amendment 1 to
Council Bill No. 1-2009**

BY: Mary Kay Sigaty

Legislative Day No. 2
Date: February 2, 2009

Amendment No. 2 to Amendment No. 1

(This amendment would add conditions to the 150 yard safety zone.)

- 1 In line 17, after "SHALL" insert ":
- 2 (I) ENSURE THAT THE PROJECTILE HAS A DOWNWARD TRAJECTORY;
- 3 (II)".
- 4
- 5 In line 18, after "SAFE" insert " , VISIBLE".
- 6
- 7 Also in line 18, strike "OR BACKGROUND OR SHALL" and substitute " ; OR
- 8 (IV)".
- 9

FILED Feb 02, 2009
FILED _____
SIGNATURE Stephen W. Hansen

**Amendment 3 to Amendment 1 to
Council Bill No. 1-2009**

BY: Mary Kay Sigaty and
Jennifer Terrasa

Legislative Day No. 2
Date: February 2, 2009

Amendment No. 3 to Amendment No. 1

*(This amendment would clarify that certain play and athletic areas are included in the definition of
"facility".)*

- 1 In line 4, strike "AND" and after "RESIDENCE" insert ",PLAYGROUND, PLAY STRUCTURE, ATHLETIC
- 2 FIELD, AND ATHLETIC COURT".

APPROVED _____
FOR THE _____ Feb 02, 2009
SIGNED Stephen M. Yank

**Amendment 1 to Amendment 2 to
Council Bill No. 1-2009**

BY: Courtney Watson

Legislative Day No. 2
Date: February 2, 2009

Amendment No. 1 to Amendment No. 2

(This amendment would require the County Executive to adopt regulations to require certain notifications.)

- 1 In line 2, after "D", strike beginning with "ANNUALLY" down through "HUNTS" in line 11 and
- 2 substitute "THE COUNTY EXECUTIVE SHALL ADOPT REGULATIONS REQUIRING THAT A PROPERTY OWNER
- 3 GIVE NOTICE BEFORE A GUN IS DISCHARGED ON PROPERTY COVERED BY THIS SECTION".

Feb 02, 2009
Stephen L. Henderson

Amendment 2 to
Council Bill No. 1-2009

BY: Mary Kay Sigaty and Jennifer Terrasa

Legislative Day No. 2
Date: February 2, 2009

Amendment No. 2

(This amendment would require certain notifications that hunting may occur.)

1 On page 4, after line 28, insert:

2 "(D) ANNUALLY, AT LEAST 15 DAYS BEFORE ANY GUN IS DISCHARGED ON PROPERTY COVERED
3 BY THIS SECTION, THE PROPERTY OWNER SHALL:

4 (1) SEND WRITTEN NOTICE TO THE CHIEF OF POLICE THAT STATES WHEN HUNTING WILL
5 OCCUR;

6 (2) NOTIFY BY FIRST CLASS MAIL EACH RESIDENT OF ABUTTING PROPERTIES THAT
7 STATES WHEN HUNTING MAY OCCUR; AND

8 (3) POST, AT THE MAIN ENTRANCE TO THE PROPERTY, A SIGN THAT:

9 (I) INDICATES THE RANGE OF DATES WHEN HUNTING MAY OCCUR; AND

10 (II) IS OF THE SAME SIZE AND STYLE AS THE SIGNS THAT THE DEPARTMENT OF
11 RECREATION AND PARKS POSTS FOR MANAGED HUNTS."

12

13 Also on page 4, In line 29, strike "D" and substitute "(E)".

ADOPTED _____

FAILED Feb 02, 2009

SIGNATURE Ken L. ...