




October 16, 2024

FISCAL AND POLICY NOTE

TO: Jennifer A. Jenkins
Council Administrator

Colette R. Gresham, Esq.
Deputy Council Administrator

THRU: Josh Hamlin 
Director of Budget and Policy Analysis

FROM: Malcolm Moody - *MM*
Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Impact Statement
CB-030-2024 Untraceable Firearms and Minors (Proposed DR-2)

CB-030-2024 (*Proposed and Presented by: Council Members Oriadha and Hawkins*)

Assigned to the Health, Human Services, and Public Safety (HHSPS) Committee

AN ACT CONCERNING UNTRACEABLE FIREARMS AND MINORS for the purpose of adding and incorporating the State Code definitions related to firearms to the County Code; including the definition of Untraceable Firearms to the list prohibited loaded weapons; prohibiting the transfer of untraceable firearms to minors; and increasing the maximum penalty for each violation; and other general provisions related to untraceable firearms.

Fiscal Summary

Direct Impact

Expenditures: No anticipated expenditure impact.

Revenue: No anticipated revenue impact.

Indirect Impact

Potentially favorable.

Legislative Summary:

CB-030-2024¹, proposed and sponsored by Council Members Oriadha and Hawkins was presented on April 16, 2024, and was referred to the Health, Human Services, and Public Safety (HHSPS) Committee. Draft 1 of the Bill would establish definitions in relation to firearms and add them to the County Code to be consistent with State Code definitions, which includes adding Untraceable Firearms, prohibiting the transfer of untraceable firearms to minors and increasing the maximum penalty for each violation will be established by the Bill.

Current Law/Background:

The Maryland General Assembly enacted SB 0387², which altered the definitions³ of “firearm” to include certain unfinished frames or receivers, prohibiting a person from purchasing, receiving, selling, offering to sell, or transferring an unfinished frame or receiver; prohibiting a person from selling, offering to sell, or transferring a certain firearm; prohibiting a person from possessing a firearm on or after March 1, 2023, unless it is required by federal law to be, and has been, imprinted with a certain number in a certain manner; etc. Currently the State restricts the transfer of certain firearms and weapons under Sec. 5-134(d)(1)⁴. The restrictions under Sec. 5-134(d)(1) address the selling, renting, or transferring for ammunition, firearms, and deadly weapons to individuals under the age of 21 years are detailed.

Under the current County Code there are provisions that regulate specific aspects of firearm use in the County. Under Sec. 14-140(a) the legality to discharge or have in possession loaded weapons within 1,000 feet of any home or residence is detailed. Exceptions are also included in this section. Under Sec. 14-140(b) - Loaded weapons prohibited; exceptions, the current exceptions for discharging loaded weapons are explained.⁵ The exceptions include the purpose of the protection of property or the life, or killing predatory animals which prey upon, damage or destroy property, livestock, or crops. Under Sec. 14-141. - Transfer of weapon to minor prohibited; exceptions⁶ the

¹ [Prince George's County Council - CB-030-2024](#)

² [SB0387 - Public Safety - Untraceable Firearms](#)

³ See [§ 5-101. Definitions](#) of the Maryland Annotated Code for definitions of “Firearms” and “Regulated Firearms”

⁴ [§ 5-134.\(d\)\(1\) Restrictions on sale, rental, or transfer of regulated Previous firearms](#)

⁵ Current law shall not prohibit the owner or tenant of any land from discharging such described weapons on his land for the purpose of the protection of his own property or the life of himself or his family, or killing predatory animals which prey upon, damage or destroy his property, livestock or crops.

⁶ Does not apply to any regulated firearms regulated by Sections 441 to 448, Article 27, Annotated Code of Maryland, 1957.

current County restrictions on giving, selling, renting, lending, or transferring any guns or weapon to minors⁷ are listed.

Montgomery County has enacted Council Bill 4-21⁸, which requires that terms related to firearms laws be defined, restricts the possession, use, sale, and transfer of ghost guns to minors⁹. The possession, use, sale, and transfer of ghost guns, undetectable guns, and certain other firearms are also restricted within 100 yards of places of public assembly. The penalty for violating the provisions of the Bill amount to a class A violation¹⁰. The Montgomery County Council adopted the following amendment¹¹ to Council Bill 4-21 which are relevant to CB-030-2024, as presented:

- Eliminated any provision referencing gun manufacturing to be consistent with the scope of state preemption.

Resource Personnel:

- Eric Irving, Fiscal & Legislative Specialist, County Council
- Tiffany Hannon, Chief of Staff, Council District 7

Discussion/Policy Analysis:

Provisions of CB-030-2024 Draft 1 and Proposed Draft 2:

Concerning the issue of untraceable firearms in 2022, the U.S. Justice Department recovered 25,785 privately made firearms¹². In that same year Prince George's County had 324¹³ privately made firearms recovered. These types of weapons present a particular challenge to law enforcement due to their untraceable nature and the ease at which they can be manufactured. This also makes it more difficult to enforce regulations against certain groups such as youth and curtained convicted felons from acquiring these weapons.

Draft 1

Draft 1 of the proposed Bill would require, that the State Code definitions for firearms will be added to the County Code. Under this Bill the terms *Additive manufacturing*, *Air gun*, *Antique*

⁷ Under the age of seventeen (17) years old.

⁸ Montgomery County Council - [Bill 4-21 - Weapons – Protection of Minors and Public Places - Restrictions Against Ghost Guns and Undetectable Guns](#)

⁹ Defined as an individual younger than 18 years old.

¹⁰ Refer to Montgomery County Code, [Chapter 1, Article 01, Sec. 1-19](#) for fines and penalties associated with Class A violations.

¹¹ [Action Staff Report Pg. 1](#)

¹² [Office of Public Affairs | FACT SHEET: Update on Justice Department 's Ongoing Efforts to Tackle Gun Violence | United States Department of Justice](#)

¹³ [News Flash • Prince George's County Legislative Branch, MD • \(pgccouncil.us\)](#)

firearm, Firearm, Handgun, Rifle, Regulated Firearm, Short-barreled rifle, Short-barreled shotgun, Shotgun, and Untraceable firearm will be defined under Subtitle 14. Division 6. Section 14-140 of the County Code. It should be noted that these terms are defined in the Bill yet are not used in the County Code.

There would also be an amendment and addition to Subtitle 14. Division 6. Section 14-141 of the County Code. The amendment would add the term *additive manufacturing technology* to the list of weapons prohibited from being transferred to minors. The addition would be the inclusion of a penalty, if convicted, that a person would be guilty of a misdemeanor and shall be punishable by the maximum fine permitted under State law¹⁴, or by imprisonment for no more than six (6) months or both.

Proposed Draft 2

Proposed Draft 2 of the Bill would strike all the proposed changes in Draft 1 for Section 14-140 of the County Code and updates language in this section to be gender neutral. For Section 14-141, Proposed Draft 2 of the Bill would retain the intent to prohibit the transfer of 3-D printing technology designed to create untraceable firearms to minors. Definitions for the terms untraceable firearms and additive manufacturing are proposed to be moved from the stricken “Definitions” section directly into Section 14-141. The language of these definitions remains unchanged from Section 14-141. If enacted the Proposed Draft 2 adds 3-D printed objects to the existing list of prohibited transfer of weapons to minors described under Section 14-141 of the County Code.

Fiscal Impact:

- *Direct Impact*

Enactment of CB-030-2024 is not likely to have an adverse fiscal impact. Both versions of the legislation update key terms of existing firearm laws in the County. This does not involve the services provided by the Prince George’s County Police Department or their staffing.

- *Indirect Impact*

Enactment of CB-030-2024 could potentially have a favorable impact on the County in the form a reduction gun crime by further restricting minors’ access to materials that could be used to manufacture ghost guns.

- *Appropriated in the Current Fiscal Year Budget*

No

¹⁴ Under § 5-134. Restrictions on sale, rental, or transfer of regulated firearms the penalty is a misdemeanor that is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

Effective Date of Proposed Legislation:

The Act shall take effect forty-five (45) days after it becomes law.

If you require additional information, or have questions about this fiscal impact statement, please reach out to me via phone or email.