



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of Audits and Investigations

June 10, 2020

MEMORANDUM

TO: Robert J. Williams, Jr.
Council Administrator

William M. Hunt
Deputy Council Administrator

THRU: Josh Hamlin
Senior Legislative Budget and Policy Analyst

FROM: Arian Albear
Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Impact Statement
CB-19-2020 Removing Weapon Discharge Permitting Requirement from the Department of Permitting, Inspections and Enforcement (DPIE).

CB-19-2020 (sponsored by: Council Chair Turner by Request of the County Executive)
Assigned to Committee of the Whole (COW)

For the purpose of repealing provisions of the County Code pertaining to requiring a permit to discharge firearms.

Fiscal Summary

Direct Impact:

Expenditures: None

Revenues: None to minimal

Indirect Impact:

None

Legislative Summary

CB-19-2020, proposed by the Council Chair at the request of the County Executive, was presented on May 18, 2020 to the County Council and referred to the Committee of the Whole. CB-19-2020 would remove the requirement to obtain a written permit from the Department of Permitting, Inspections and Enforcement (DPIE) to discharge firearms under section 14-142 of the County Code.

Background/Current Law

County Code Section 14-142 generally prohibits “practice shooting at any mark, board, sign, tree, bank, or other object with any gun, rifle, cannon, mortar, pistol, or other firearm within the limits of this County, whether on land or water, for military drill, amusement, or skill,” without consent of all potentially affected owners, tenants, or occupants of neighboring real estate, and a permit from DPIE.¹

CB-19-2020 would amend Sections 14-140(b) and 14-142(a) to remove all mention of DPIE from Subsection 14: Morals and Conduct, Division 6: Weapons. This amendment effectively eliminates the permit requirement as the responsibility is not transferred to another department.

Textual Modifications to Existing Code

CB-19-2020 would make the following changes to existing law:

-Remove sentence: “This Section shall not apply to the discharging of such weapons where a permit has been issued by the Department of Permitting, Inspections, and Enforcement” under section 14-140(b) (page 2, lines 5 and 6).

- Remove provision: “; and, First obtaining a written permit from the Department of Permitting, Inspections, and Enforcement. The petition shall be accompanied with the written consent of each and every such owner, tenant, or other occupant. The Department shall in no case grant a permit to practice with firearms if in its opinion the use of the public highways or streets of any real estate subdivision will be endangered by the use of such firearms” under Section 14-142(a) (page 2, lines 13-18).

Resource Personnel

Melinda Bolling, Director, Department of Permitting, Inspections and Enforcement
Avis Thomas-Lester, Department of Permitting, Inspections and Enforcement, Public Information Officer

Discussion and Policy Analysis

Current law requires that any person discharging a firearm obtain a permit from DPIE if the discharge is not listed as a qualifying exception under section 14-142(c).² CB-19-2020 proposes to remove DPIE and,

¹ CB-027-2014 transferred certain functions and responsibilities from the Department of Environmental Resources to the Department of Permitting, Inspections and Enforcement (DPIE); among these, the issuance of written permits under Subtitle 14, Division 6 of the County Code to discharge a weapon for “military drill, amusement, or skill.”

² See page 2, lines 22-31, and page 3, line 1 of CB-19-2020 (DR-1)

effectively, the permit requirement to discharge a firearm under Sections 14-140(b) and 14-142(a). The stated purpose of the legislation is to remove the permitting requirement for “non-profit organizations seeking to conduct an event, such as a turkey shoot;”³ however, the law does not distinguish between such organizations and other organizations or individuals, so the legislation also essentially includes all organizations and individuals. As DPIE has not received any such permit requests since taking over the responsibility from the Department of Environmental Resources in 2014, the bill aims to either remove an obsolete provision or, at minimum, streamline processes by removing an unnecessary permit requirement.

As a technical matter, should CB-19-2020 be enacted, the Council may wish to consider amending the section title for 14-142 to remove the word “permit” (see page 2, line 8).

Issues for Committee Consideration

Nullity

- DPIE has not received any firearm discharge permit requests since 2014; therefore, the permit requirement could be considered unnecessary due this inactivity.

Local government Involvement

- Because CB-019-2020 effectively eliminates local government involvement in the discharge of firearms, the Council should consider whether there is any reason or benefit for the County (as DPIE, the Police Department, or any other agency) to remain involved in the permitting process. The Council may wish to consider any consequence arising from an organization or individual that carries out a “turkey shoot” or other unorganized shoot or firearm discharge and no longer needs a permit. They must, nevertheless, still obtain written approval from “all owners, tenants, or occupants of real estate residing within the carrying capacity of such firearms.”

Neighboring Jurisdictions

- Section 57-4 of the County Code of Montgomery County, Maryland requires applicants requesting a permit from the Maryland Department of Natural Resources (DNR) to discharge firearms for urban deer management to also notify the Montgomery County Police Department’s (MCPD) police district serving the area within 24 hours of submitting the permit application to DNR.⁴ Montgomery County does not have a permit requirement analogous to Prince George’s County for “turkey shoots” or other firearm discharges.

Fiscal Impact

Direct Impact

There is not likely to be a direct fiscal impact associated with CB-19-2020, as DPIE has not received any permit requests since it took over responsibility of the permits in 2014. In any event, the permit application fee is \$26.25, so any foregone fee revenue would be minimal.⁵

³ CB-19-2020, Agenda Item Summary

⁴ https://codelibrary.amlegal.com/codes/montgomerycounty/latest/montgomeryco_md_comcor/0-0-0-28923

⁵ <https://www.princegeorgescountymd.gov/DocumentCenter/View/11170/Discharge-Firearms-Permit-PDF>

Indirect Impact

None likely.

Effective Date of Proposed Legislation

Forty-five (45) calendar days after it becomes law.

If you require additional information, or have questions about this fiscal impact statement, please call me.