

MEMORANDUM

July 11, 2014

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Public Hearing:** Expedited Bill 35-14, Weapons – Discharge of Bows - Amendments

Expedited Bill 35-14, Weapons – Discharge of Bows - Amendments, sponsored by Council Vice President Leventhal, Councilmember Berliner and Council President Rice, was introduced on June 10. A Public Safety Committee worksession is tentatively scheduled for July 17 at 9:30 a.m.

Background

Under current County law, a person, other than the owner or occupant of the property, must not discharge a bow within 150 yards of a dwelling house, residence, church, or other building or camp occupied by human beings without the written consent from the owner or occupant of the property. This area is known as the “safety zone.” Bill 35-14 would reduce the safety zone for archery hunters in the County from 150 yards to 100 yards from a dwelling house, residence, church, or other building or camp occupied by human beings.

SB 309, enacted by the General Assembly this year reduced the archery hunting safety zone in the County from 150 yards to 100 yards. Bill 35-14 would keep County law regulating archery hunting consistent with State law. The background for the State law, SB 309, is described in the Fiscal Note at ©4. The Council supported SB 309 during the legislative session.

This packet contains:

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Expedited Bill No. 35-14
Concerning: Weapons -- Discharge of
Bows - Amendments
Revised: May 14, 2014 Draft No. 1
Introduced: June 10, 2014
Expires: December 10, 2015
Enacted: [date]
Executive: [date signed]
Effective: [date takes effect]
Sunset Date: [date expires]
Ch. [#], Laws of Mont. Co. [year]

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council Vice President Leventhal, Councilmember Berliner and Council President Rice

AN EXPEDITED ACT to:

- (1) reduce the safety zone for archery hunters in the County; and
- (2) generally amend the laws governing the discharge of bows.

By amending

Montgomery County Code
Chapter 57, Weapons
Section 57-6

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<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:

LEGISLATIVE REQUEST REPORT

Expedited Bill 35-14

Weapons – Discharge of Bows - Amendments

DESCRIPTION: The Bill would decrease the archery hunting safety zone size in the County from 150 yards to 100 yards from a dwelling house, residence, church, or other building or camp occupied by human beings.

PROBLEM: State law was enacted this year to decrease the archery hunting safety zone in the County from 150 yards to 100 yards.

GOALS AND OBJECTIVES: Keep County law consistent with State law restrictions on archery hunting.

COORDINATION: Police, County Attorney

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Robert H. Drummer, Senior Legislative Attorney

APPLICATION WITHIN MUNICIPALITIES: To be researched.

PENALTIES: Class A Violation

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 309

(Montgomery County Senators)

Education, Health, and Environmental Affairs

Environmental Matters

Montgomery County - Archery Hunting - Safety Zone

This bill decreases the archery hunting safety zone size, in Montgomery County, from 150 yards to 100 yards from a dwelling house, residence, church, or other building or camp occupied by human beings.

The bill takes effect July 1, 2014.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: Minimal or none.

Small Business Effect: Minimal.

Analysis

Current Law: A person, other than the owner or occupant, may not shoot or discharge any firearm or other deadly weapon within 150 yards, known as the "safety zone," of a dwelling house, residence, church, or other building or camp occupied by human beings without the specific advance permission of the owner or occupant. Also, a person, other than the owner or occupant, may not shoot at any animal while it is within the safety zone without the specific advance permission of the owner or occupant.

For archery hunters in Carroll and Frederick counties, the safety zone extends for 50 yards from a dwelling house, residence, church, or other building or camp occupied by human beings. For archery hunters in Harford County, the safety zone extends for

100 yards from a dwelling house, residence, church, or other building or camp occupied by human beings.

A person, while hunting for any wild bird or mammal, may not shoot or discharge any firearm within 300 yards of a school during school hours or when a school-approved activity is taking place.

During any open hunting season, a person, other than the owner or occupant, may not hunt or chase willfully any animal within the safety zone without the specific advance permission of the owner or occupant.

Background: The U.S. Fish and Wildlife Service's *2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation State Overview Report*, issued in September 2012, found that over 37 million people spent time fishing and/or hunting and wildlife-related recreation expenditures totaled \$145 billion nationally. In Maryland, it is estimated that every year over 88,000 hunters enjoy over 1 million days of hunting and contribute over \$264 million to the State's retail sales economy.

Over 8,000 people take the Maryland Hunter Education Course every year. However, hunting accidents do occur.

Montgomery County reports that as a result of the growing deer population, the county and the Maryland-National Capital Park and Planning Commission have implemented several deer management efforts.

Additional Information

Prior Introductions: HB 671 of 2013 received a hearing in the House Environmental Matters Committee, but no further action was taken.

Cross File: HB 138 (Montgomery County Delegation) - Environmental Matters.

Information Source(s): Department of Natural Resources, Montgomery County, U.S. Fish and Wildlife Service, Department of Legislative Services

Fiscal Note History: First Reader - January 23, 2014
mc/lgc Revised - Senate Third Reader - March 18, 2014

Analysis by: Michael Sanelli

Direct Inquiries to:
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ROCKVILLE, MARYLAND

MEMORANDUM

July 7, 2014

TO: Craig Rice, President, County Council

FROM: Jennifer A. Hughes, Director, Office of Management and Budget
Joseph F. Beach, Director, Department of Finance

SUBJECT: Council Bill 35-14E, Weapons -Discharge of Bows Amendments

Please find attached the fiscal and economic impact statements for the above-referenced legislation.

JAH:fz

cc: Bonnie Kirkland, Assistant Chief Administrative Officer
Lisa Austin, Offices of the County Executive
Joy Nurmi, Special Assistant to the County Executive
Patrick Lacefield, Director, Public Information Office
Joseph F. Beach, Director, Department of Finance
David Platt, Department of Finance
Robert Hagedoorn, Department of Finance
Thomas Manger, Chief, Department of Police
Bruce Meier, Office of Management and Budget
Alex Espinosa, Office of Management and Budget
Felicia Zhang, Office of Management and Budget
Naeem Mia, Office of Management and Budget

Fiscal Impact Statement
Legislation to Amend County Code Chapter 57, Weapons

1. Legislation Summary

The purpose of this code amendment is to (1) reduce the safety zone (distance from a dwelling house, residence, church, or other building or camp occupied by human beings within which a bow may not be discharged unless within a target archery facility) for archery hunters in the County from 150 yards to 100; and (2) generally amend the laws governing the discharge of bows.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

No impact on revenues or expenditures.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

No impact on revenues or expenditures.

4. An actuarial analysis through the entire amortization period for legislation that would affect retiree pension or group insurance costs.

Not Applicable

5. Later actions that may affect future revenue and expenditures if the legislation authorizes future spending.

Not Applicable

6. An estimate of the staff time needed to implement the legislation.

None

7. An explanation of how the addition of new staff responsibilities would affect other duties.

None.

8. An estimate of costs when an additional appropriation is needed.

Not Applicable

9. A description of any variable that could affect revenue and cost estimates.

Not Applicable

10. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not Applicable

11. If legislation is likely to have no fiscal impact, why that is the case.

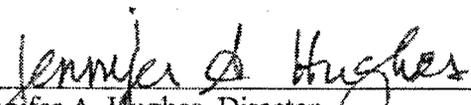
The legislation will have no impact on police operations beyond the change in the standard applied..

12. Other fiscal impacts or comments.

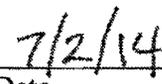
None

13. The following contributed to and concurred with this analysis.

Captain Michael Wahl, Montgomery County Police Department
Bruce Meier, OMB



Jennifer A. Hughes, Director
Office of Management and Budget



Date

Economic Impact Statement
Bill 35-14E, Weapons – Discharge of Bows - Amendments

Background:

This legislation would reduce the safety zone for archery hunters from 150 yards to 100 yards from an occupied dwelling house, residence, church, or other building or camp.

1. The sources of information, assumptions, and methodologies used.

There are no assumptions and methodologies used in this economic impact statement.

2. A description of any variable that could affect the economic impact estimates.

Not applicable.

3. The Bill's positive or negative effect, if any on employment, spending, saving, investment, incomes, and property values in the County.

This bill has no economic impact on employment, spending, saving, investment, incomes, and property values in the County.

4. If a Bill is likely to have no economic impact, why is that the case?

Not applicable.

5. The following contributed to or concurred with this analysis: David Platt and Rob Hagedoorn, Finance.



Joseph F. Beach, Director
Department of Finance

6/27/14
Date