

Introduced 2/15/17  
Public Hearing 2/21/17  
Council Action 2/21/17  
Executive Action 2/22/17  
Effective Date 2/22/17

## County Council of Howard County, Maryland

2017 Legislative Session

Legislative Day No. 3

Bill No. 17 -2017

Introduced by: The Chairperson at the request of the County Executive

AN ACT repealing certain prohibitions related to electronic weapons; repealing certain obsolete definitions; and making this Act an Emergency Bill.

Introduced and read first time February 15, 2017. Ordered posted and hearing scheduled.

By order Jessica Feldmark  
Jessica Feldmark, 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 February 21, 2017.

By order Jessica Feldmark  
Jessica Feldmark, Administrator

This Bill was read the third time on February 21, 2017 and Passed ☒ Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order Jessica Feldmark  
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 21<sup>st</sup> day of February, 2017 at 10 a.m/p.m.

By order Jessica Feldmark  
Jessica Feldmark, Administrator

☒ Approved/Vetoed by the County Executive Feb 22, 2017

Allan H. Kittleman  
Allan H. Kittleman, 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

1           **WHEREAS**, Howard County Code Section 8.404 prohibits within the County the sale,  
2 transfer, possession or use of an electronic weapon, defined as “any instrument, ‘stun gun,’  
3 ‘TASER,’ or any similar device designed as a weapon, capable of, or designed to be capable of”  
4 certain uses and actions; and

5  
6           **WHEREAS**, in March 2016, the United States Supreme Court ruled in the case of  
7 *Caetano v. Massachusetts* that the protections of the Second Amendment to the United States  
8 Constitution extend to electronic weapons (e.g., tasers, stun guns); and

9  
10          **WHEREAS**, in April 2016, the Howard County Chief of Police ordered all County  
11 Police Officers not to bring criminal charges for violations of Section 8.404 of the Howard  
12 County Code or otherwise enforce this prohibition, and announced this order publicly at a  
13 monthly meeting of the County Council; and

14  
15          **WHEREAS**, the County has been following the *Caetano* ruling in practice and wishes to  
16 align provisions of the County Code with its current practices as quickly as possible in order to  
17 clarify the County’s policy, protect the important private interests involved, and minimize risks  
18 to the County; and

19  
20          **WHEREAS**, Section 209(d) of the Howard County Charter provides that the County  
21 Council may pass an emergency bill to meet an immediate emergency affecting the public  
22 health, safety, or welfare.

23  
24       ***Section 1. Be It Enacted by the County Council of Howard County, Maryland that the Howard***  
25 ***County Code is amended as follows:***

26  
27               *By amending Title 8 “Crimes and Misdemeanors”*  
28               *Section 8.400 “Definitions”*

29  
30               *By amending Title 8 “Crimes and Misdemeanors”*  
31               *Section 8.404 “Sale or possession of electronic weapons prohibited”*



1 ([i]) *Safety zone*: means the area within a distance designated by section 8.403 of this subtitle  
2 from any facility where the discharge of firearms is prohibited by section 8.403 of this subtitle.

3  
4 **[[Section 8.404. Sale or possession of electronic weapons prohibited.**

5 (a) *Prohibitions*. It shall be unlawful for any person, firm or corporation to sell, give away, lend,  
6 rent or transfer to any individual, firm or corporation an electronic weapon within the limits of  
7 Howard County. It further shall be unlawful for any person to possess, fire, discharge or activate  
8 any electronic weapon within the limits of Howard County.

9 (b) *Exceptions*. Subsection (a) of this section shall not apply to:

- 10 (1) A public safety officer acting within the scope of the officer's official duties; or  
11 (2) The sale, rental, or transfer of an electronic weapon to a Department, Office, or  
12 Agency of Howard County.]]

13  
14 ***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that***  
15 ***this Act is an Emergency Bill that is necessary to protect the public health, safety, and welfare and***  
16 ***is effective upon enactment.***

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on February 22, 2017.

  
Jessica Feldmark, 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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jessica Feldmark, 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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jessica Feldmark, 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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jessica Feldmark, 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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jessica Feldmark, 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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council