

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 23

Bill No. 109-21

Introduced by Mr. Pruski

By the County Council, December 6, 2021

Introduced and first read on December 6, 2021
Public Hearing set for January 3, 2022
Bill Expires on March 11, 2022

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Public Safety – Security Measures for the Sale of Firearms

2
3 FOR the purpose of defining certain terms; prohibiting a gun dealer or a person promoting
4 or sponsoring a gun show from conducting business without Police Department
5 approval of security measures; specifying the required security measures; requiring gun
6 dealers who transport firearms to have a certain inventory list in their possession;
7 setting forth enforcement measures; making a violation a Class C civil offense;
8 providing for the application of this Ordinance; and generally relating to public safety.
9

10 BY renumbering: §§ 12-6-101 through 12-6-107, respectively, and the title “Miscellaneous
11 Provisions” to be §§ 12-7-101 through 12-7-107, respectively, and the title
12 “Miscellaneous Provisions”
13 Anne Arundel County Code (2005, as amended)
14

15 BY adding: §§ 12-6-101 through 12-6-301 to be under the new title “Title 6. Security
16 Measures for the Sale of Firearms”
17 Anne Arundel County Code (2005, as amended)
18

19 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
20 That §§ 12-6-101 through 12-6-107, respectively, and the title “Miscellaneous Provisions”
21 of the Anne Arundel County Code (2005, as amended) be renumbered to be §§ 12-7-101
22 through 12-7-107, respectively, and the title “Miscellaneous Provisions”.
23

24 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
25 Code (2005, as amended) read as follows:

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter repealed from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.

ARTICLE 12. PUBLIC SAFETY

TITLE 6. SECURITY MEASURES FOR THE SALE OF FIREARMS

SUBTITLE 1. DEALERS

12-6-101. Definitions.

IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(1) "DEALER" MEANS A PERSON IN THE BUSINESS OF SELLING, RENTING, OR TRANSFERRING FIREARMS AT WHOLESALE OR RETAIL.

(2) "FIREARM" HAS THE MEANING STATED IN § 5-101 OF THE PUBLIC SAFETY ARTICLE OF THE STATE CODE.

(3) "PLACE OF PUBLIC ASSEMBLY" MEANS A LOCATION USED FOR A GATHERING OF 50 OR MORE PERSONS FOR DELIBERATION, WORSHIP, ENTERTAINMENT, EATING, DRINKING, AMUSEMENT, SHOPPING, AWAITING TRANSPORTATION, OR SIMILAR USES.

12-6-102. Applicability.

THIS TITLE APPLIES TO DEALERS WITHIN 100 YARDS OF OR IN A PARK, HOUSE OF WORSHIP, SCHOOL, PUBLIC BUILDING, OR OTHER PLACE OF PUBLIC ASSEMBLY.

12-6-103. Police department approval of security measures.

A DEALER MAY NOT CONDUCT BUSINESS WITHOUT POLICE DEPARTMENT APPROVAL OF THE SECURITY MEASURES REQUIRED BY § 12-6-106. THE DEALER SHALL OBTAIN APPROVAL BEFORE THE OPENING OF BUSINESS AND BY JUNE 1 OF EACH YEAR THEREAFTER.

12-6-104. Application for approval.

(A) **Contents of an application.** A DEALER SHALL SUBMIT AN APPLICATION TO THE POLICE DEPARTMENT FOR APPROVAL OF THE DEALER'S SECURITY MEASURES. THE APPLICATION SHALL BE ON A FORM REQUIRED BY THE POLICE DEPARTMENT AND SHALL INCLUDE, AT A MINIMUM:

(1) A DESCRIPTION OF PROPOSED OR EXISTING SECURITY MEASURES; AND

(2) AN AUTHORIZATION FOR THE POLICE DEPARTMENT TO INSPECT THE PREMISES AND ANY OFF-SITE STORAGE LOCATIONS.

(B) **Change of information.** A DEALER SHALL REPORT ANY CHANGES TO THE INFORMATION PROVIDED IN THE APPLICATION TO THE POLICE DEPARTMENT WITHIN 30 DAYS.

12-6-105. Transfer prohibited; relocation.

(A) **Approval is nontransferable.** THE POLICE DEPARTMENT'S APPROVAL OF SECURITY MEASURES MAY NOT BE TRANSFERRED.

1 **(B) Notification of relocation.** A DEALER SHALL NOTIFY THE POLICE DEPARTMENT
2 IN WRITING BEFORE MOVING THE LOCATION OF AN ESTABLISHMENT OR THE LOCATION
3 OF ANY OFF-SITE STORAGE.
4

5 **12-6-106. Security measures.**
6

7 **(A) Alarms.** THE BUSINESS PREMISES OF A DEALER SHALL BE MONITORED AT ALL
8 TIMES BY A BURGLAR AND SECURITY ALARM SYSTEM THAT INCLUDES VIDEO
9 SURVEILLANCE AND THAT COMPLIES WITH TITLE 5 OF THIS ARTICLE.
10

11 **(B) Additional security measures.** THE BUSINESS PREMISES OF A DEALER SHALL BE
12 SECURED BY THE FOLLOWING PHYSICAL SECURITY MEASURES:
13

14 (1) EXTERIOR BOLLARDS, CONCRETE BARRIERS, STEEL BARRICADES, PLANTERS,
15 LANDSCAPE BOULDERS, OR OTHER PHYSICAL BARRIERS THAT PREVENT VEHICULAR OR
16 OTHER INTRUSION INTO THE BUILDING; AND
17

18 (2) INTERIOR OR EXTERIOR SECURITY GATES, SCREENS, SHUTTERS, BARS, OR
19 GRILLES OVER WINDOWS AND DOORS, OR A SECURE VESTIBULE FOR DOORS.
20

21 **(C) Securing firearms when the business is closed.** WHEN THE BUSINESS IS CLOSED
22 TO THE PUBLIC, ALL FIREARMS SHALL BE SECURED IN A:
23

24 (1) RACK EQUIPPED WITH A LOCKING DEVICE, SUCH AS A METAL BAR OR A STEEL
25 CABLE;
26

27 (2) HEAVY GAUGE METAL CABINET EQUIPPED WITH AN ADEQUATE LOCKING
28 DEVICE;
29

30 (3) HEAVY GAUGE MESH WIRE CAGE EQUIPPED WITH AN ADEQUATE LOCKING
31 DEVICE ON THE DOORS;
32

33 (4) SAFE OR VAULT; OR
34

35 (5) GLASS DISPLAY CASE, PROVIDED THE FIREARMS ARE SECURED WITH A STEEL
36 CABLE OR OTHER ADEQUATE LOCKING DEVICE THAT IS ANCHORED IN A MANNER THAT
37 PREVENTS THE REMOVAL OF THE FIREARMS FROM THE PREMISES.
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39 **12-6-107. Dealer's inventory list.**
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41 **(A) Possession of an inventory list.** DEALERS WHO TRANSPORT FIREARMS FOR SALE
42 SHALL HAVE IN THEIR POSSESSION AT ALL TIMES AN INVENTORY LIST FOR EACH
43 FIREARM BEING TRANSPORTED. THE LIST SHALL INCLUDE, AT A MINIMUM, THE
44 MANUFACTURER, MODEL, AND SERIAL NUMBER OF THE FIREARMS.
45

46 **(B) Location of the inventory list.** A COPY OF THE INVENTORY LIST SHALL AT ALL
47 TIMES:
48

49 (1) ACCOMPANY THE FIREARMS;
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51 (2) BE AVAILABLE AT THE DEALER'S BUSINESS PREMISES; AND
52

53 (3) BE PROVIDED TO LAW ENFORCEMENT UPON REQUEST.

SUBTITLE 2. GUN SHOWS

12-6-201. Definitions. IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(1) "FIREARM" HAS THE MEANING STATED IN § 5-101 OF THE PUBLIC SAFETY ARTICLE OF THE STATE CODE.

(2) "GUN SHOW" MEANS AN ORGANIZED GATHERING OPEN TO THE PUBLIC AT WHICH FIREARMS ARE DISPLAYED AND MAY BE SOLD, RENTED, OR TRANSFERRED AT WHOLESALE OR RETAIL.

12-6-202. Police department approval of security measures.

A PERSON PROMOTING OR SPONSORING A GUN SHOW MAY NOT PROCEED WITH THE SHOW OR PLACE FIREARMS ON THE PREMISES WITHOUT POLICE DEPARTMENT APPROVAL OF THE SECURITY MEASURES REQUIRED BY § 12-6-205.

12-6-203. Application for approval.

A PERSON PROMOTING OR SPONSORING A GUN SHOW SHALL SUBMIT AN APPLICATION TO THE POLICE DEPARTMENT FOR APPROVAL, AND REPORT ANY CHANGES TO THE INFORMATION PROVIDED IN THE APPLICATION, IN ACCORDANCE WITH § 12-6-104.

12-6-204. Transfer prohibited; relocation.

(A) **Approval is nontransferable.** THE POLICE DEPARTMENT'S APPROVAL OF SECURITY MEASURES FOR A GUN SHOW MAY NOT BE TRANSFERRED.

(B) **Notification of relocation.** A PERSON PROMOTING OR SPONSORING A GUN SHOW SHALL NOTIFY THE POLICE DEPARTMENT IN WRITING BEFORE MOVING THE GUN SHOW FROM ONE LOCATION TO ANOTHER.

12-6-205. Security measures.

A PERSON PROMOTING OR SPONSORING A GUN SHOW SHALL HAVE SECURITY MEASURES WHEN THE PREMISES ARE NOT OPEN TO THE PUBLIC AND FIREARMS ARE ONSITE. THE SECURITY MEASURES SHALL INCLUDE, AT A MINIMUM:

(1) A BURGLAR AND SECURITY ALARM SYSTEM THAT INCLUDES VIDEO SURVEILLANCE AND THAT COMPLIES WITH TITLE 5 OF THIS ARTICLE;

(2) SECURING FIREARMS AS PROVIDED IN § 12-6-105(C); AND

(3) LIVE SECURITY GUARD COVERAGE.

SUBTITLE 3. ENFORCEMENT

12-6-301. Enforcement.

(A) **Posting police officers or security guards at the site.** IF THE POLICE DEPARTMENT DETERMINES THAT A VIOLATION OF THIS TITLE MAY BRING THE SECURITY OF FIREARMS INTO QUESTION, THE DEPARTMENT MAY POST ONE OR MORE OFFICERS OR SECURITY GUARDS AT THE LOCATION AT THE EXPENSE OF THE DEALER UNTIL:

1 (1) THE VIOLATION HAS BEEN ABATED TO THE SATISFACTION OF THE POLICE
2 DEPARTMENT; OR
3

4 (2) THE INVENTORY HAS BEEN REMOVED TO A SECURE LOCATION AND THE
5 POLICE DEPARTMENT HAS VERIFIED THE MOVE.
6

7 (B) **Court proceedings.** THE POLICE DEPARTMENT MAY ENFORCE THE PROVISIONS OF
8 THIS TITLE THROUGH INJUNCTIVE PROCEEDINGS, AN ACTION FOR SPECIFIC
9 PERFORMANCE, OR ANY OTHER APPROPRIATE PROCEEDINGS.
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11 (C) **Civil offense.** IT IS A CLASS C CIVIL OFFENSE TO VIOLATE THE PROVISIONS OF
12 THIS TITLE.
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14 (D) **Remedies cumulative.** THE REMEDIES AVAILABLE UNDER THIS SECTION ARE
15 CUMULATIVE AND NOT EXCLUSIVE.
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17 SECTION 3. *And be it further enacted,* That a firearms dealer in existence on or before
18 the effective date of this Ordinance who would otherwise be subject to the requirements of
19 this title shall comply with the requirements within 180 days after the effective date of
20 this Ordinance.
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22 SECTION 4. *And be it further enacted,* That this Ordinance shall take effect 45 days
23 from the date it becomes law.