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IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

MARYLAND SHALL ISSUE, INC., et al.,

Case No.: 485899V

Plaintiffs,

vs.

MONTGOMERY COUNTY, MARYLAND,

Defendant.

ORDER GRANTING INJUNCTIVE RELIEF

UPON CONSIDERATION of the motion for summary judgment filed by the defendant, Montgomery Co., Maryland (“the County”) and UPON CONSIDERATION of the cross-motion for summary judgment filed by plaintiffs, it is, by the Circuit Court for Montgomery County, Maryland,

ORDERED, that the County’s motion for summary judgment is DENIED, and that the plaintiffs’ motion for summary judgment on Counts I, II, and III of the Second Amended Complaint is GRANTED; and

ORDERED, that the County’s motion to dismiss plaintiff Maryland Shall Issue, Inc., as a party for lack of standing is GRANTED and plaintiff Maryland Shall Issue, Inc. is hereby dismissed, and it is accordingly,

ORDERED, for the reasons set forth in the Opinion of this Court dated November 27, 2023, and in the Court’s Order awarding Declaratory Relief, filed herewith, that the County, its employees, agents, officers, and all other persons acting in concert with the County and who

1 have actual notice of this ORDER, are hereby permanently enjoined from enforcing or applying
2 or otherwise implementing:

3 1. Those parts of County Code § 57-1 that define the terms “antique firearm,” a “ghost
4 gun” a “handgun”, a “rifle”, a “short-barreled rifle,” a “shotgun” a “undetectable gun,” a
5 “major component,” a “pistol or revolver,” a “gun or firearm,” a “antique firearm,” a
6 “short-barreled-rifle,” or a “short-barreled shotgun,” a “gun shop,” a “gun show,” a
7 “gun or firearm,” “fixed ammunition,” a “firearm dealer,” or a “place of public
8 assembly;”

9 2. County Code § 57-7, to the extent it purports to regulate the manufacture, possession,
10 sale, transport or transfer of firearms or privately made firearms or firearm components
11 by adults in the presence of minors;

12 3. County Code § 57-7 to the extent it purports to regulate access to or possession of a
13 “regulated firearm,” as that term is defined by MD Code, Public Safety, § 5-101(r), by a
14 minor where such access or possession is permitted by MD Code, Public Safety, § 5-
15 133(d);

16 4. County Code § 57-7 to the extent that it purports to regulate access to or the
17 possession of a firearm by a minor who has a certificate of firearm and hunter safety
18 issued by the Maryland Department of Natural Resources, where such access and
19 possession is otherwise permitted by MD Code, Criminal Law, § 4-104;

20 5. County Code § 57-10; and

21 6. County Code § 57-11, and it is further

22 ORDERED, that the County may not implement or enforce any part of County Code
23 Chapter 57, as amended by Bill 4-21 or by Bill 21-22E, that regulates the manufacture,

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Entered: Clerk, ^{Page 2} Circuit Court for
Montgomery County, MD
December 15, 2023

1 possession, sale, transfer, ownership or transport of privately made firearms or firearm
2 components where such manufacture, possession, sale, transfer, ownership or transport of such
3 items is or was otherwise permissible under State law, until or unless the County pays or
4 renders full and complete just compensation for the taking of these items, as required by the
5 Maryland Constitution, Art. III, § 40 and Article 24, of the Maryland Declaration of Rights;
6 and it further

7 ORDERED that this ORDER GRANTING INJUNCTIVE RELIEF does not apply to or
8 affect the County’s right to enforce and apply those parts of County Code Chapter 57 that
9 pertain to the County “Firearm Safety Committee” (Section 57-2), to the County’s “urban area
10 boundary” (Section 57-3) or to regulate the discharge of firearms (Section 57-4 and Section 57-
11 5) or of bows (Section 57-6), or the distribution of child safety devices with the sale of a
12 handgun (Section 57-8), or that part of Chapter 57 that regulates the unlawful ownership or
13 possession of firearms by persons who are otherwise disqualified from ownership or possession
14 of firearms by applicable State and federal law (Section 57-9), or the right of the County to
15 regulate the conduct and activities of County law enforcement officers and agencies, as
16 authorized by MD Code, Criminal Law, § 4-209(b)(1)(ii), or the County’s right to control the
17 use of public funds (Section 57-13), or the exemptions from Chapter 57 (Section 57-14), or the
18 penalty provisions of Chapter 57 (Section 57-15), or the reporting provisions imposed on the
19 County Police (Section 57-16).

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22 DATED: 12/12/2023

JUDGE, Circuit Court for
Montgomery County, Maryland


Ronald B. Rubin

Entered: Clerk, Circuit Court for
Montgomery County, MD
December 15, 2023

1 cc: All parties of record

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