

HOUSE BILL 308

E1
HB 346/24 – JUD

5lr1553
CF 5lr0721

By: **Delegates Bartlett and S. Johnson**

Introduced and read first time: January 10, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Exception to Armed Trespass Prohibition – Retired Law**
3 **Enforcement Officials**

4 FOR the purpose of establishing an exception to the prohibition against entering or
5 trespassing on real property while wearing, carrying, or transporting a firearm for
6 certain law enforcement officials under certain circumstances; and generally relating
7 to an exception to the prohibition against trespassing while wearing, carrying, or
8 transporting firearms.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 6–411
12 Annotated Code of Maryland
13 (2021 Replacement Volume and 2024 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Criminal Law**

17 6–411.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) (i) “Dwelling” means a building or part of a building that provides
20 living or sleeping facilities for one or more individuals.

21 (ii) “Dwelling” does not include:

22 1. common elements of a condominium, as defined in §
23 11–101 of the Real Property Article;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 2. property of a cooperative housing corporation other than a
2 unit as defined in § 5–6B–01 of the Corporations and Associations Article; or

3 3. common areas of a multifamily dwelling as defined in §
4 12–203 of the Public Safety Article.

5 (3) “Firearm” has the meaning stated in § 4–104 of this article.

6 (4) “Law enforcement official” has the meaning stated in § 4–201 of this
7 article.

8 (5) “Police officer” has the meaning stated in § 3–201 of the Public Safety
9 Article.

10 (6) (i) “Property” means a building.

11 (ii) “Property” does not include the land adjacent to a building.

12 (b) This section does not apply to:

13 (1) a law enforcement official or police officer;

14 (2) an on-duty employee of a law enforcement agency authorized by the
15 agency to possess firearms on duty or whose duty assignment involves the possession of
16 firearms;

17 (3) a member of the armed forces of the United States, the National Guard,
18 or the uniformed services on duty or traveling to or from duty;

19 (4) a correctional officer or warden of a correctional facility in the State;

20 (5) the wearing, carrying, or transporting of a firearm on a portion of real
21 property subject to an easement, a right-of-way, a servitude, or any other property interest
22 that allows public access on or through the real property; [or]

23 (6) the wearing, carrying, or transporting of a firearm on a portion of real
24 property subject to an easement, a right-of-way, a servitude, or any other property interest
25 allowing access on or through the real property by:

26 (i) the holder of the easement, right-of-way, servitude, or other
27 property interest; or

28 (ii) a guest or assignee of the holder of the easement, right-of-way,
29 servitude, or other property interest; **OR**

1 **(7) A PERSON WHO HAS RETIRED AS A LAW ENFORCEMENT OFFICIAL**
2 **IN GOOD STANDING FROM A LAW ENFORCEMENT AGENCY OF THE UNITED STATES,**
3 **THE STATE OR ANOTHER STATE, OR A LOCAL UNIT IN THE STATE OR ANOTHER**
4 **STATE WHO POSSESSES A FIREARM, IF:**

5 **(I) 1. THE PERSON IS CARRYING THE PERSON'S BADGE OR**
6 **CREDENTIAL IN COMPLIANCE WITH THE REQUIREMENTS OF THE BADGE OR**
7 **CREDENTIAL;**

8 **2. THE FIREARM CARRIED OR POSSESSED BY THE**
9 **PERSON IS CONCEALED FROM VIEW UNDER OR WITHIN AN ARTICLE OF THE**
10 **PERSON'S CLOTHING; AND**

11 **3. THE PERSON IS AUTHORIZED TO CARRY A HANDGUN**
12 **UNDER THE LAWS OF THE STATE OR THE UNITED STATES; OR**

13 **(II) 1. THE PERSON POSSESSES A VALID PERMIT TO WEAR,**
14 **CARRY, OR TRANSPORT A HANDGUN ISSUED UNDER TITLE 5, SUBTITLE 3 OF THE**
15 **PUBLIC SAFETY ARTICLE; AND**

16 **2. THE FIREARM CARRIED OR POSSESSED BY THE**
17 **PERSON IS CONCEALED FROM VIEW UNDER OR WITHIN AN ARTICLE OF THE**
18 **PERSON'S CLOTHING.**

19 (c) A person wearing, carrying, or transporting a firearm may not enter or
20 trespass in the dwelling of another unless the owner or the owner's agent has given express
21 permission, either to the person or to the public generally, to wear, carry, or transport a
22 firearm inside the dwelling.

23 (d) A person wearing, carrying, or transporting a firearm may not:

24 (1) enter or trespass on property unless the owner or the owner's agent has
25 posted a clear and conspicuous sign indicating that it is permissible to wear, carry, or
26 transport a firearm on the property; or

27 (2) enter or trespass on property unless the owner or the owner's agent has
28 given the person express permission to wear, carry, or transport a firearm on the property.

29 (e) A person who willfully violates this section is guilty of a misdemeanor and on
30 conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000
31 or both.

32 (f) (1) A conviction under this section may not merge with a conviction for any
33 other crime based on the act establishing the violation of this section.

1 (2) A sentence imposed under this section may be imposed separate from
2 and consecutive to or concurrent with a sentence for any crime based on the act establishing
3 the violation of this section.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2025.