

SENATE BILL 585

E1
SB 404/24 – JPR

5lr0721
CF HB 308

By: ~~Senators Waldstreicher and Smith~~, Smith, Folden, West, and James

Introduced and read first time: January 23, 2025

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 21, 2025

CHAPTER _____

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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

(ii) “Dwelling” does not include:

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

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

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

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

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

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

(6) (i) “Property” means a building.

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

(b) This section does not apply to:

(1) a law enforcement official or police officer;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.