

SB585 Maryland Troopers

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M a r y l a n d
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TESTIMONY IN SUPPORT OF SENATE BILL 585 / HOUSE BILL308:

Criminal Law - Exception to Armed Trespass Prohibition - Retired Law Enforcement Officials

TO: Members of the Senate Judicial Proceedings Committee and House Judiciary Committee

FROM: The Maryland Trooper's Association

DATE: February 12th, 2025

The Maryland Trooper's Association supports Senate Bill 585 / House Bill 308, which is a technical fix to the statute that will allow retired law enforcement officers in good standing to carry firearms on real property.

This provision was supposed to be implemented in [Senate Bill 1 of 2023](#), which allows correctional officers, the armed forces, and law enforcement to carry in dwelling units. However, the bill accidentally left out retired law enforcement. This bill is a simple fix to that statute, and we thank the sponsors for their support.

We strongly support Senate Bill 585 / House Bill 308 and urge a favorable report.

Brian Blubaugh
President
Maryland Troopers Association

Member of National Troopers Coalition

1300 REISTERSTOWN ROAD, PIKESVILLE, MARYLAND 21208 (410) 653-3885 1-800-TROOPER

E-mail: info@mdtroopers.org

SB0585supportsigned.pdf

Uploaded by: Daniel Franklin

Position: FAV



Morningside Police Department

6901 Ames Street
Morningside, MD 20746
Phone: 301-736-7400



Daniel J. Franklin
Chief of Police

TO: Senate Judicial Proceedings Committee
The Honorable Senator William C. Smith, Jr. – Chair

FROM: Chief Daniel J. Franklin #0255
Morningside Police Department

RE: Written Testimony Supporting SB 0585
Criminal Law - Exception to Armed Trespass Prohibition - Retired Law Enforcement Officials

DATE: February 10, 2025

Greetings Chairman Smith and the members of the Maryland Senate Judicial Proceedings Committee.

My name is Daniel Franklin, and I am the Chief of Police for the Morningside Police Department in Prince George's County, Maryland. After careful review of SB 0585 sponsored by Senator Waldstreicher and yourself, I am submitting this written testimony **SUPPORTING** the passage of the bill.

When a retired law enforcement officer (LEO) is permitted to wear and carry a firearm, they are not allowed to do so until they meet a qualification standard established by the law enforcement agency (LEA) that they retire from. Most LEAs establish a standard that equals what an active LEO would be required to meet prior to carrying a firearm on duty or a standard that ensures they have an acceptable proficiency with their chosen firearm. The skill level of these standards normally exceeds the standards established for a civilian Wear and Carry permit which are established by the Maryland State Police.

To carry a firearm under the Law Enforcement Officers Safety Act (LEOSA), the following conditions must be met:


- “The officer must be separated from service in good standing from service with a public agency as a law enforcement officer;”
- “Before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest . . .;”
- “Before such separation, served as a law enforcement officer for an aggregate of 10 years or more” or “separated from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;”
- “during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as determined by the former agency of the individual, the State in which the individual resides or, if the State has not established such standards, either a law enforcement agency within the State in which the individual resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State;”

- “Has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health;”
- “Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance;” and
- “Is not prohibited by Federal law from receiving a firearm.”

Because these stringent conditions must be met, there should be no reason that a retired LEO under LEOSA should not be allowed an exception to the armed criminal trespass prohibition. For these reasons, I ask that the committee give a favorable report on SB 0585 and accept my written testimony **SUPPORTING** SB 0585.

Thank you for your time.

Sincerely,

A handwritten signature in blue ink that reads "Chief Daniel J. Franklin #0255". The signature is stylized and includes the name and the number #0255.

Chief Daniel J. Franklin #0255
Morningside Police Department

MCPA_MSA SB 585- Exception to Armed Trespass Prohi

Uploaded by: Samira Jackson

Position: FAV



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith, Jr., Chair and
Members of the Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Samira Jackson, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 12, 2025

RE: **SB 585 Criminal Law - Exception to Armed Trespass Prohibition - Retired Law Enforcement Officials**

POSITION: **SUPPORT**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 585**. This bill establishes an exception to the prohibition against entering or trespassing on real property while wearing, carrying, or transporting a firearm for a retired law enforcement official who has retired 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 under certain circumstances.

The proposed bill is a necessary and reasonable measure that provides a critical exemption for retired law enforcement officials, allowing them to lawfully carry concealed firearms while respecting property rights. Law enforcement professionals dedicate their careers to public safety, often facing dangerous and high-risk situations. Even in retirement, these individuals retain their training, experience, and commitment to protecting their communities. By allowing retired officers in good standing, who meet strict credentialing and permit requirements, to carry concealed firearms, this bill recognizes their continued role in ensuring safety while maintaining clear safeguards against misuse.

Additionally, this legislation aligns with existing provisions that allow active law enforcement officers, military personnel, and correctional officers to carry firearms under certain conditions. Retired officers often remain targets due to their prior service, and permitting them to carry firearms can provide an added layer of personal security while also offering potential assistance in emergencies. Importantly, the bill does not override private property rights; property owners still retain control over whether firearms are permitted on their premises. By balancing public safety, responsible firearm possession, and individual property rights, SB 585 is a well-reasoned approach that enhances community security while respecting the rights of all Maryland residents. For these reasons, MCPA and MSA **SUPPORT SB 585** and urge a **FAVORABLE** committee report.

SB 585 Exception to Armed Trespass Prohibition for

Uploaded by: Cathy Wright

Position: FWA



SB 585
Criminal Law – Exception to Armed Trespass Prohibition
Retired Law Enforcement Officials

FAVORABLE WITH AMENDMENTS

The Maryland State Rifle & Pistol Association (MSRPA) supports the establishment of an exception to the prohibition against entering or trespassing on property while wearing, carrying, or transporting a firearm for certain law enforcement officials. MSRPA has been a longtime supporter of Maryland's law enforcement officers, but this legislation would establish an exemption and special category for a group of citizens which we cannot support. All Maryland citizens have equal protection under the law, and we would support this bill if amended to apply to ALL law-abiding citizens.

While retired law enforcement officers are indeed law-abiding, the same is true for permit holders. A carve-out of special privileges for a particular group of citizens is unjustified and unnecessary. The MSRPA respectfully requests that SB 585 be amended to apply to ALL law-abiding Maryland citizens.

Thank you for your consideration.

Sincerely,

Cathy S. Wright, MSRPA VP, Legislative Affairs

cwright@msrpa.org

<https://www.msrpa.org>

919.360.0484

The MSRPA is the official National Rifle Association state organization for Maryland. The MSRPA's mission is to defend your rights in Maryland, support training in firearm safety and shooting skills through its affiliated clubs, and sponsor and sanction local competition throughout the state.

SB0585_Testimony_2A_Maryland.pdf

Uploaded by: John Josselyn

Position: FWA



2A Maryland

P.O. Box 8922 • Elkridge, MD 21075
2A@2AMaryland.org

Senate Bill 0585 Criminal Law-Exception to Armed Trespass Prohibition-Retired Law Enforcement Favorable ONLY with AMENDMENTS

While we have great respect and admiration for our law enforcement officers, to create yet another “carve out” on any issue is something we cannot support. This nation was founded upon the concept that all citizens are created equal and thus have equal protection under the law. Retired law enforcement officers already pay nothing for their permits to wear and carry a handgun. Senate Bill 180 widens the gap between the rights granted to private citizens and Senate Bill 585 only exacerbates the inequity.

The term “private citizens” is key. Retired law enforcement officers are exactly that; retired. They have no police or arrest powers whatsoever. Should Senate Bill 180 become law, the interval between training will increase from 3 years to 5 years. This means the retired officers will be less familiar with Maryland’s ever changing gun laws compared to private citizens who are not retired officers. Further, their shooting skills will not be polished and/or evaluated as frequently.

The synergy created by these two Bills amounts to a type of discriminatory class warfare.

Unless Senate Bill 585 is amended to include all law-abiding private citizens, we cannot in good conscience support it as to do so is tantamount to supporting discrimination. We must oppose SB 585 unless it reflects Thomas Jefferson’s statement that “all men are created equal” which appears in the preamble to the United States Declaration of Independence.

John H. Josselyn
2A Maryland
02/12/2025

HB 0308 Criminal law-exception to Armed Trespass P

Uploaded by: Karla Mooney

Position: FWA

SB 0585/HB 0308 Criminal law-exception to Armed Trespass Prohibition – Retired Law Enforcement

Karla Mooney
21175 Marigold St
Leonardtown MD 20650
Resident of St. Mary' County Dist. 29C

I am State Director of Women for Gun Rights and the State Leader of the Armed Women of America. I stand in solidarity with the Ladies of both groups, numbering many more than just myself. I am also a professional Multi-disciplined Firearms Instructor and Maryland QHIC.

The way it is written I oppose. If you amended this bill to remove the current prohibitions on wear and carry on private property for every permit holder then I would agree with this bill. The exception for law enforcement is unnecessary – equal rights for all citizens! Permit holders are trained and have extensive background checks and are law abiding citizens.

Again Favorable only if amended to include ALL concealed carry licensed citizens.

MSI Testimony on SB 585 and HB 308 amendments to 6

Uploaded by: Mark Pennak

Position: FWA



President
Mark W. Pennak

February 12, 2025

**WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT,
MARYLAND SHALL ISSUE,
IN SUPPORT, *WITH AMENDMENTS*, TO SB 585 and HB 308**

I am the President of Maryland Shall Issue (“MSI”). Maryland Shall Issue is a Section 501(c)(4), all-volunteer, non-partisan, non-profit organization dedicated to the preservation and advancement of gun owners’ rights in Maryland. It seeks to educate the community about the right of self-protection, the safe handling of firearms, and the responsibility that goes with carrying a firearm in public. I am also an attorney and an active member of the Bar of the District of Columbia and the Bar of Maryland. I retired from the United States Department of Justice, where I practiced law for 33 years in the Courts of Appeals of the United States and in the Supreme Court of the United States. I am an expert in Maryland Firearms Law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License (“HQL”) and a certified NRA instructor in rifle, pistol and personal protection in the home and outside the home and muzzle loading. I appear today as President of MSI IN SUPPORT WITH AMENDMENTS to SB 585 and HB 308.

The Bill and Existing State Law: This Bill amends MD Code, Criminal Law, § 6-411, enacted by the 2023 General Assembly. See 2023 Maryland Session Laws, Ch. 680, *codified in part at* MD Code, Criminal Law, §§ 4-203, 4-111 and 6-411, and MD Code, Public Safety, § 5-307. Section 6-411 regulates locations where carry permit holders (who number over 200,000 individuals currently).¹ As enacted by Senate Bill 1, MD Code, Criminal Law, § 6-411(d) prohibits a permit holder from entering any private property that is otherwise open to the public, such as stores and the like, 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.” Section 6-411(a)(6) defines “property” for purposes of the ban on entering private property to mean only “a building” and further makes clear that “property does not include the land adjacent to a building.” Thus, for example, a permit holder may drive or walk to a store but may not enter the store while armed.

Section 6-411(b) sets forth exceptions from this general ban, providing that Section 6-411 does not apply to “a law enforcement official or police officer,” an on-duty “member of the armed forces of the United States,” a “correctional officer or warden,

¹ As of July 1, 2024, there were 199,053 carry permit holders in Maryland. See Lott, Moody & Wang, *Concealed Carry Permit Holders Across the United States: 2024 at 17* (available at <https://bit.ly/4hyabXV>) (last viewed Jan. 26, 2025). That is up from approximately 30,000 permits in July 2022, at the time *Bruen* was decided. There are undoubtedly significantly more permit holders now.

or to 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 portion of real property subject to an easement, a right-of-way, 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.”

This Bill would add to this list of exceptions an additional exception for retired police officers who possess and carry a concealed a firearm in accordance with the requirements imposed by the federal LEOSA statute. See 18 U.S.C. § 926C. The LEOSA statute generally preempts State restrictions on carry by such LEOSA qualified retired officers. However, that preemption expressly does not apply to limit any State law that “(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property.” 18 U.S.C. § 926C(b)(1). This Bill is obviously intended to overcome that restriction imposed by Section 926C by allowing LEOSA retired officers to carry on private property otherwise open to the public without obtaining prior permission from the private owner.

The Existing Ban On Carry By Permit Holders On Private Property Otherwise Open To The Public Is Unconstitutional Under the Second Amendment.

The Supreme Court has held that the Second Amendment guarantees a “general right to publicly carry arms for self-defense.” *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1, 30–31 (2022). As enacted by Senate Bill 1, Section 6-411(d) violates that guarantee by establishing a new “default rule” that bans carry by permit holders on private property otherwise open to the public without first obtaining consent of the private owner or where the owner has posted signage expressly allowing such carry. The United States District Court for the District of Maryland (Baltimore) has held that this default rule violates the Second Amendment enjoined the State from enforcing this provision. See *Kipke v. Moore*, 695 F.Supp.3d 638, 646 (D. Md. 2023), appeals pending No. 24-1799(L) (4th Cir.) (consolidated). Under that injunction, LEOSA officers and all Maryland permit holders may continue to carry a concealed firearm on private property otherwise open to the public. Thus, under *Kipke*, this Bill is unnecessary.

The Maryland district court’s decision in *Kipke* is well supported. The United States Court of Appeals for the Second Circuit has expressly affirmed district court rulings striking down New York’s identical default rule, which, like Senate Bill 1, was enacted in response to *Bruen*. See *Antonyuk v. James*, 120 F.4th 941, 1044 (2d Cir. 2024), *affirming holdings on this point in Christian v. Nigrelli*, 642 F.Supp.3d 393, 398 (W.D.N.Y. 2022) and in *Antonyuk v. Hochul*, 639 F.Supp.3d 232, 248 (N.D.N.Y. 2022). The State of New York has not sought further review of that Second Circuit holding.² A federal district court has likewise enjoined New Jersey’s identical

² The plaintiffs in *Antonyuk* have sought Supreme Court review from other aspects of the Second Circuit’s decision in *Antonyuk*. See *Antonyuk v. James*, No. 24-795, *petition for certiorari docketed* (January 22, 2025). New York has not sought further review of the Second Circuit’s invalidation of its default rule.

default rule in *Koons v. Platkin*, 673 F.Supp.3d 515, 607 (D.N.J., 2023), *appeal pending* No. 23-1900 (3d Cir.). New Jersey’s appeal from that holding was heard in October of 2023 and the Third Circuit’s decision on that appeal could come down any day. Only the Ninth Circuit has sustained such default rule like that imposed by Section 6-411(d) and only in part. *Wolford v. Lopez*, 116 F.4th 959, 993 (9th Cir. 2024) (sustaining Hawaii’s default rule but striking down California’s default rule).³ The Ninth Circuit’s denial of rehearing sustaining Hawaii’s default rule drew sharp disagreement from eight judges of the Ninth Circuit. *Wolford v. Lopez*, 125 F.4 1230, 1231 (9th Cir. 2025). Given the vigorous dissent and the circuit conflict with *Antonyuk* (and with every decision of every other court addressing the issue), a successful petition for certiorari is probable in *Wolford*.

There Is No Rational Basis For A Special Exception For LEOSA Retirees

Finally, we fail to see any rational basis for distinguishing between retirees and carry permit holders with respect to the ban otherwise imposed for both under Section 6-411(d). Permit holders, nationwide, are the most law-abiding persons in America, with crime rates a fraction of those of active-duty police officers. See John Lott, Carlisle E. Moody, and Rujun Wang, *Concealed Carry Permit Holders Across the United States: 2024*, at 42-43 (2024) (“it is impossible to think of any other group in the US that is anywhere near as law-abiding,” noting further that “concealed carry permit holders are even more law-abiding than police”) (available at <https://bit.ly/3Pyv8G0>).

What’s worse, Section 6-411(d) forces these law-abiding permit holders to leave their carry guns in their vehicles whenever they visit a store or other establishment open to the public. Theft of firearms from vehicles is a problem that should concern everyone. See <https://everytownresearch.org/report/gun-thefts-from-cars-the-largest-source-of-stolen-guns-2/>. Stolen guns are crime guns, and this State punishes theft of a firearm valued under \$1,500 as minor misdemeanor and no differently than theft of any other type of personal property. MD Code, Criminal Law § 7-104(g)(2) (“a person convicted of theft of property or services with a value of at least \$100 but less than \$1,500, is guilty of a misdemeanor”). State law provides no significant deterrence at all to theft of a firearm.

The same risk of theft from vehicles obtains under MD Code, Criminal Law, 4-111, also enacted by Senate Bill 1. MD Code, Criminal Law, § 4-111(a)(4), establishes a specified locations in which carry by a permit holder is banned, including in a

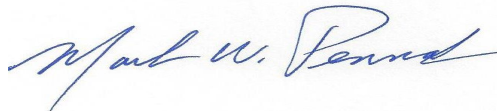
³ The Ninth Circuit in *Wolford* struck down California’s default rule on grounds that the rule (unlike Hawaii’s) did not allow a private property owner to allow carry by signage, only by express permission. See *Wolford*, 116 F.4th at 973. California did not seek rehearing from that ruling. That distinction is nonsensical under any reading of our historical traditions. See *United States v. Rahimi*, 602 U.S. 680, 692 (2024) (“A court must ascertain whether the new law is ‘relevantly similar’ to laws that our tradition is understood to permit, “apply[ing] faithfully the balance struck by the founding generation to modern circumstances.”), quoting *Bruen*, 597 U.S. at 29.

government “building” or a “building” of a public or private institution of higher education. Section 4-111(b)(11) provides that the bans imposed by Section 4-111 “do not apply” if the “firearm that is carried or transported in a motor vehicle if the firearm is: (i) locked in a container; or (ii) a handgun worn, carried, or transported in compliance with any limitations imposed under § 5-307 of the Public Safety Article, by a person to whom a permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3 of the Public Safety Article.” This provision thus likewise forces permit holders to leave firearms in vehicles. Again, leaving guns in cars invites theft.

By any measure, forcing permit holders to leave carry guns in vehicles is poor public policy. The carry gun is best protected by allowing the permit holder **to carry it**, not by forcing permit holders to leave it in a vehicle where it can be stolen. Under *Bruen*, the State may not ban carry by permit holders. Full stop. It is senseless to impose restrictions that may imperil public safety by creating more opportunities for theft of a firearm. Such policies also defeat the purpose of carry. See *Bruen*, 597 U.S. at 74 (Alito, J., concurring) (“Ordinary citizens frequently use firearms to protect themselves from criminal attack. According to survey data, defensive firearm use occurs up to 2.5 million times per year.”). “Studies consistently show between 60,000 and 2,500,000 defensive uses per year.” <https://ammo.com/research/defensive-gun-use-statistics>. A gun locked in a vehicle is useless for self-defense.

We urge a favorable report but only if the Bill is amended to provide an exception for all permit holders in addition to LEOSA retirees.

Sincerely,



Mark W. Pennak
President, Maryland Shall Issue, Inc.
mpennak@marylandshallissue.org

SB0585 Testimony.pdf

Uploaded by: Richard Rosa

Position: FWA

SB0585

**FAVORABLE ONLY IF AMENDED TO REMOVE THE CURRENT PROHIBITIONS ON WEAR AND CARRY ON
PRIVATE PROPERTY FOR EVERY PERMIT HOLDER**

SB585 UU Legislative Ministry of Md

Uploaded by: Ashley Egan

Position: UNF



Unitarian Universalist Legislative Ministry of Maryland

**Testimony Opposing
SB 585 Criminal Law - Exception to
Armed Trespass Prohibition - Retired Law Enforcement Officials**

TO: Senator Will Smith, Jr. Chair and Members of the Judicial Proceedings Committee
FROM: Ken Shilling, Unitarian Universal Legislative Ministry of Maryland Gun Violence
Prevention Lead Advocate
DATE: February 12, 2025

TO: Senator Smith, and members of the Judicial Proceeding Committee

FROM: Ken Shilling, MD UULM-MD Gun Violence Prevention, Issue Lead, Unitarian Universalist
Legislative Ministry of Maryland.

DATE: 10 February, 2025

Unitarian Universalists believe that the rights of private property owners with regard to entering a property with a firearm must be respected. Property owners should retain full control about whether or not anyone may bring a firearm onto their premises. No special exception should be made for retired law enforcement officials.

Existing law already includes tailored exceptions allowing retired law enforcement officials to carry firearms in certain sensitive places. SB 585 undermines the private property right by restricting owners's ability to set firearm policies.

We urge you to vote against Senate Bill 585. We don't believe that these provisions will strengthen public safety in Maryland.

We urge an unfavorable report.

Thank you

UULM-MD c/o UU Church of Annapolis 333 Dubois Road Annapolis, MD 21401 410-266-8044,

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2025 - DIH SB604 - written .pdf

Uploaded by: Jessie Dunleavy

Position: UNF

SB 604, Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death
Position: UNFAVORABLE

February 10, 2025

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, MD 21401

Dear Senator Smith and members of the Judicial Proceedings Committee,

I am a lifelong resident of Maryland. I have a master's degree in library and information science and, after 40 years as an educator, I am retired. Since my son's fatal overdose in 2017, I have devoted myself to drug policy research and have joined forces with other researchers as well as health care providers, policy analysts, and scientists—all committed to evidence based strategies to address the overdose crisis.

I am not in favor of SB 604 because public health experts and addiction researchers concur: There is no evidence that increasing punitive measures with blanket minimums will reduce overdose or deter drug distribution. In addition to the absence of positive outcomes associated with such a policy, the unintended consequences are dramatic, exacerbating the risk of increased fatalities and worsening racial disparities, at great expense.

We all agree that the tragedy of lost lives, shattered families, and human suffering beg for innovation. Marching orders from every major health organization—including the American Medical Association and the National Academies of Sciences Engineering and Medicine—urge policymakers to move away from the current dominant focus on punishment and embrace policies based on health care.

The movement for comprehensive health-focused reform is gaining momentum and, with it, hope for the breakthrough needed to significantly reduce overdose. In fact, recently reported reductions in overdose fatalities are attributed to increased access to health-focused initiatives. But hope is diminished by new crime bills that call for harsh mandatory minimum sentences. Rather than ramping up the drug war with longer prison sentences, which are put forth without reliable analysis of their effects on the public health, experts warn against veering away from evidence and depleting the resources that have proven to save lives.

Jonathan Caulkins, a specialist in systems analysis of problems pertaining to drugs, crime, terror, violence, and prevention at Carnegie Mellon University, concurs, "These laws aren't going to work because they're targeted at the wrong people." Going after people at the lowest end of the supply chain, leaving the original suppliers and drug ring leaders untouched, will result in longer sentences for mostly low-level dealers, particularly people of color, who may be selling to support their addictions.

Fair and Just Prosecution expresses serious concerns that these laws: Exacerbate the risk of fatal overdoses; do not deter drug use or drug sales; often target friends and family rather than large-scale

sellers; consume scarce criminal justice resources; and worsen racial disparities. In conclusion they recommend, "that prosecutors cease to seek these charges absent evidence of specific intent to kill," emphasizing the need for health and harm reduction approaches with the potential to save lives.

A new RAND report analyzing America's "opioid ecosystem" addresses concerns about harsh criminal penalties. Because illicit fentanyl is infiltrating so much of the drug supply, they maintain, both sellers and users are often unaware of what contaminants are present, suggesting that drug-related deaths can be the result of ignorance rather than malice.

As recently reported by The Sentencing Project, "there are 2 million people in the nation's prisons and jails—a 500% increase over the last 40 years. Changes in sentencing law and policy, not changes in crime rates, explain most of this increase." As an example, The Anti Drug Abuse Act of 1986, passed without the support of scientific evidence, imposed mandatory minimum sentences. In four years time, the incarcerated population surged from 196,000 to 740,000, landing the U.S. as the world leader in mass incarceration, a distinction that continues today. Knowing that the U.S. also has the highest number of drug overdose fatalities, furthers support for a deeper analysis of the merits of incarceration.

The CATO institute is relentless in making the case for common sense drug policies, emphasizing that "Lawmakers keep shifting the boogeyman for the crisis. First, they blamed doctors for prescribing pain pills. When heroin replaced prescription pain pills, and when fentanyl replaced heroin, they shift the blame... Harsh fentanyl laws are deeply misguided," they maintain and will lead to "further harm in communities that have been hit the hardest."

Today's cry for increasingly harsh sentences without proof of malice is fueled by the intense pain of parents who lost a beloved child. I know their pain; I am one of them. And I, too, am impassioned by a gut-wrenching death that was entirely preventable. But I also know that higher numbers of arrests don't reduce drug use, and that there are people who pass a drug to a friend without any idea of what that drug contains. Some people do deserve punitive consequences, but blanket mandatory minimum sentences not only hinder the ability of a judge to take individual circumstances into account but also distract from our focus on policies that will make a difference.

I urge another unfavorable response to SB 604.

Respectfully submitted,

Jessie Dunleavy
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SB585_HB308 - 2025-3.pdf

Uploaded by: Karen Herren

Position: UNF



Testimony in **OPPOSITION** to the
**Criminal Law - Exception to Armed Trespass Prohibition - Retired Law
Enforcement Official**
SB585/HB308

Executive Director Karen Herren
Marylanders to Prevent Gun Violence

February 12, 2024

Marylanders to Prevent Gun Violence (MPGV)

Marylanders to Prevent Gun Violence (MPGV) is a statewide organization dedicated to reducing gun deaths and injuries in Maryland. We urge the committee to issue an Unfavorable report on Senate Bill 585.

Background on Maryland's Firearm Carry Laws

In response to the Supreme Court's *Bruen* decision, which overturned Maryland's long-standing regulations on public firearm carry licensing, the Maryland General Assembly enacted legislation to align the state's laws with the new constitutional framework. Among these changes was the Firearm Safety Act of 2023, which established clear guidelines on where firearms could legally be carried.

This legislation modified several statutes, including Criminal Law §4-111 and §6-411. Gun rights organizations subsequently challenged these provisions, arguing that they violated the Second Amendment. In *Kipke v. Moore*, the U.S. District Court for the District of Maryland upheld most of the law's provisions, with two key exceptions:

1. The private building consent rule.
2. Restrictions on carrying firearms in locations that sell alcohol and at public demonstrations.

Senate Bill 585 seeks to modify the private building consent rule, despite the court's decision and the legislature's choice not to amend the statute following the ruling.

Concerns with Senate Bill 585

1. The Legislation Creates Unnecessary Confusion

Maryland lawmakers have not amended the statute following the *Kipke* decision, meaning the current text of Criminal Law §6-411 (c) & (d) does not accurately reflect the legal

reality. Further amending this statute, particularly by adding exceptions, creates additional confusion and makes it harder for the public to understand and comply with the law.

The existing statute states:

Criminal Law §6-411(c) - (d)

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

The court's decision effectively blocked this portion of the law. As a result, private property owners must now explicitly prohibit permit holders from carrying firearms on their property if they wish to keep their premises gun-free. Modifying a statute that does not currently reflect the court's ruling only compounds the confusion and risks leading to inconsistent enforcement.

2. Private Property Owners' Rights Must Be Respected

One of the most fundamental rights in the United States is the right of property owners to control access to their property. The Supreme Court has consistently affirmed that private property owners have the right to set conditions for entry, including restricting the presence of firearms.

Senate Bill 585 undermines this principle by introducing exceptions that weaken property owners' ability to enforce their rights. Any carve-out that allows certain individuals to carry firearms onto private property—without the owner's consent—diminishes their authority and creates unnecessary legal uncertainty.

3. No Special Exception Should Be Made for Retired Law Enforcement

Senate Bill 585 proposes an unnecessary and problematic exception for retired law enforcement officers, allowing them to carry firearms onto private property even when the property owner objects.

This proposal is unwarranted for several reasons:

- Retired law enforcement officers no longer serve in an official capacity and should be subject to the same private property laws as all other citizens.

- Property owners should retain full control over whether anyone, including a retired officer, may bring a firearm onto their premises.
- Under the statute as modified by *Kipke v. Moore*, all concealed carry permit holders are presumptively allowed to carry on private property unless the property owner expressly prohibits it. There is no need for an additional exemption for retired law enforcement officers.
- This exception is far too broad, extending to retired law enforcement from any state or local jurisdiction, making its scope virtually limitless and prone to abuse. Private property owners lack the expertise to verify whether a credential claiming retired law enforcement status from a county in one of 49 other states is legitimate.

4. Existing Law Already Provides Necessary Exceptions for Security Concerns

Criminal Law §4-111 already includes a narrowly tailored exception allowing retired law enforcement officers to carry firearms in certain sensitive places. This exception was deliberately created to address specific security concerns—such as Maryland synagogues that employ retired law enforcement for security.

This provision was thoroughly debated and crafted to balance security needs without broadly overriding private property rights. Senate Bill 585 does not advance those interests—it instead suggests that private property owners would have no recourse if a retired officer carried a firearm onto their property against their wishes.

Conclusion

Senate Bill 585:

- ✓ **Introduces legal confusion by amending a statute that has not been adjusted post-*Kipke*.**
- ✓ **Undermines private property rights by restricting owners' ability to set firearm policies.**
- ✓ **Creates an unnecessary exception for retired law enforcement that weakens existing law and does not further public safety.**
- ✓ **Is redundant, as legitimate security concerns are already addressed under Criminal Law §4-111.**

For these reasons, we urge the committee to issue an **Unfavorable** report on Senate Bill 585.

SB585

Uploaded by: Ramya Swami

Position: UNF

Brady
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Testimony of Ramya Swami, Manager, State Policy, Brady
Opposition to SB 585 [UNF]
Before the Maryland Senate Judicial Proceedings Committee
February 12, 2025

Dear Chair Smith, Vice-Chair Waldstreicher, and other distinguished members of the Maryland Senate Judicial Proceedings Committee,

Founded in 1974, Brady works across Congress, courts, and communities, uniting gun owners and non-gun owners alike to end America's gun violence epidemic. Our organization today carries the name of Jim Brady, who was shot and severely injured in the assassination attempt on President Ronald Reagan. Jim and his wife, Sarah, led the fight to pass federal legislation requiring background checks for gun sales. Brady continues to uphold Jim and Sarah's legacy by uniting Americans across the country in the fight to prevent gun violence.

Brady applauds the thoughtful work and legislative efforts of this body to prevent and end gun violence throughout the state. Tragically, despite these efforts and some of the strongest gun laws in the nation, each year, 785 Marylanders are killed by gun violence, and 493 of those deaths are from firearm homicides.¹ We need only look at the fact that Maryland has the seventh highest firearm homicide rate in the country to see that gun violence is a crisis in Maryland communities and additional policies must be put in place to prevent further tragedies.

Two years ago, in response to the Supreme Court's decision in *Bruen*, we gathered in this chamber and worked to pass SB 1 – the Firearm Safety Act of 2023 – a bill that updated Maryland's concealed carry permitting system and reasonably updated the locations within the state of Maryland in which one is prohibited from carrying a concealed firearm.

As challenges to the Firearm Safety Act of 2023 make their way through the court system in Maryland, we must allow the judicial branch to do their jobs and not complicate things further for them. By creating an exception to a portion of the law that, due to court challenges, no longer exists, the bill before you today does the *opposite* of that.

¹ Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. *Web-based Injury Statistics Query and Reporting System (WISQARS)* [online]. (2005) [cited 2024 Feb. 2]. Available at: www.cdc.gov/injury/wisqars.

As written, SB 585 would allow retired law enforcement officers from any state or local jurisdiction, to carry concealed weapons on the private property of another even without the consent of the property owner. This allowance does not accurately reflect the current bounds of the law in Maryland because it references a portion of the Firearm Safety Act of 2023 that was overturned by the U.S. District Court for the District of Maryland.

Beyond this oversight, passing this bill will only lead to further confusion for all Marylanders, as private property owners will not have the expertise to verify the credentials of every person claiming to be a member of retired law enforcement who enters their land with an unwanted firearm.

Property owners should be able to stop anyone, including retired officers, from bringing unwanted firearms onto their premises. While we honor their service, retired law enforcement officers no longer serve in an official capacity and should be subject to the same private property laws as you and I. There is simply no reason that a retired member of law enforcement who has not been an active member of law enforcement for decades, in some cases, should be above the law. All this will do is create further opportunities for confusion and violence and ultimately harm Marylanders who simply want to enjoy the right to use their private property, free from the threat of gun violence.

For the reasons stated above, we urge an unfavorable report for SB 585.

Sincerely,

Ramya Swami
State Police Manager
Brady Campaign to Prevent Gun Violence.