



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

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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/House Bill 308.

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/ House Bill 308 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/ House Bill 308 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/House Bill 308 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/ House Bill 308.