



Crossover Day Plus One - Zoom Meeting Notes

Questions submitted:

The previous version of this bill was clearly unconstitutional. Is this one as well?

Unofficial answer: It is probably unconstitutional if listed location is not one of the sensitive areas identified in Bruen.

While onerous this doesn't seem to go too far over the line into public places, but it sure makes it a royal pain!

§4-111 (A)(2) (page 4, lines 17-25) lists multiple definitions of "areas for children and vulnerable individuals" where firearms are prohibited.

§4-111 (A)(7) (page 5, lines 16-28 and page 6 lines,1-8) contains an extensive list of "special purpose" areas where firearms are prohibited under.

§4-111 (C)(D)(E) (page 8, lines 1-9) prohibits firearms in the areas listed and or defined under §4-111 (A)(2) and §4-111 (A)(7). These include locations where alcohol is served, including restaurants.

Does SB1 now restrict permit holders from carrying their firearm in their car, on their person, loaded and in a holster? 4-111 (B) 10

No. Permit holders are exempt under §4-111 (B) (7) (II) provided the handgun is concealed.

§4-111 (B) (10) addresses all firearms including rifles and shotguns, and not just handguns and requires that the firearm be unloaded AND in a LOCKED case. This is new and potentially a real problem as many cases and especially soft-sided cases do not have a lock. Additionally, the ammunition must be separate. The term separate is not defined.

For information only - this is not legal advice.

Does SB1 now disallow open carry all together? 5-307 (b)(1)

Yes and no. There is duplicate language in several sections of the 3rd reader version of SB 1 and the sequence of sections is out of numerical order.

Criminal Law §4-111 (B) (7) (II) 1 & 2 (page 7, lines 3-8) requires a valid carry permit and the firearm is concealed from view under or within an article of clothing.

Criminal Law §4-111 (I) (1) (page 8, lines 28-31) concealed requirement is not violated by the momentary and inadvertent exposure of a handgun OR

§4-111 (I) (2) (page 8 lines, 1-2) the momentary and inadvertent exposure of the imprint of or outline of a handgun.

In addition:

§5-307 (b)(1) (page 11, lines 17-20) restricts wear and carry to concealed only. It expands on Criminal Law §4-111 (B) (7) (II) by including carry with an enclosed case.

§5-307 (b)(2) (I) (page 11, lines 26-27) states that a violation does not include the momentary and inadvertent exposure of a handgun OR under

§5-307 (b)(2) (II) (page 11, lines 28-29) the momentary and inadvertent exposure of the imprint of or outline of a handgun.

HOWEVER, the question of printing of a concealed handgun has NEVER BEFORE been an issue addressed by statute. The inference is that if firearm is “printing” for more than an undefined momentary period then an offense may have occurred due to the exception not being met. Sooner or later case law will probably address this after a permit holder has been arrested and charged.

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Does SB1 now enforce no gun / trespassing signs at the malls? 6-411(C)(1)

§6-411(C)(1) (page 10, lines 13-17) prohibits the possession of a firearm in any area where the owner has POSTED a sign indicating that firearms are prohibited. Some examples are Towson Town Center, Sprouts Grocery, Whole Foods.

§6-411(C)(2) (page 10, lines 18-20) prohibits the possession of a firearm in any area where no signage exists but the owner has advised the person that firearms are prohibited. If the person fails to immediately exit the property a violation exists.

§6-411(C)(3) (page 10, lines 21-24) prohibits the possession of a firearm in the dwelling of another unless the owner has given the person in possession permission to be in possession of the firearm inside the dwelling.

Meeting Question:

Does SB 1 Contain any Exceptions or Provisions for Special Police?

SB 1 contains some entirely new statute sections, i.e., Criminal Law Articles §4-111 and §6-411.

§4-111 (A) (page 4, lines 14-25, page 5, and page 6, lines 1-8) adds definitions of places where firearms are prohibited while §4-111 (B)(7) lists certain exemptions to those prohibitions. Among the exceptions are law enforcement officers on and off duty as well as retired.

*§4-111 (B)(8) (page 7, lines 9-19) addresses exceptions for a “location not owned by, leased by, or otherwise under the control of the State or a political subdivision of the State.” Reference is made to Security Guards licensed under Title 19 of the **Business Occupations Article** (§4-111 (B)(8)(2)(1) page 7, lines 16-17). However, the bill contains no specific or direct reference to the term “Special Police.” Unless SB 1 is amended in the House, “Special Police” will not be exempted.*

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Business Occupations Article

§19–101.

- (a) *In this title the following words have the meanings indicated.*
- (b) *“Central Repository” means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.*
- (c) *“Certification card” means a card issued by the Secretary under § 19-405 of this title to an individual certified as a security guard.*
- (d) *“Firm” means a partnership or corporation.*
- (e) *“Firm member” means a partner of a partnership or an officer or director of a corporation.*
- (f) *“License” means, unless the context requires otherwise, a license issued by the Secretary to conduct a business to provide security guard services.*
- (g) *“Licensed security guard agency” means a person who is licensed by the Secretary to conduct a business that provides security guard services.*
- (h) *“Representative member” means a firm member who is appointed under § 19-302(b) of this title to act on behalf of the firm.*
- (i) *“Secretary”, unless the context requires otherwise, means the Secretary of State Police.*
- (j) ***“Security guard” means an individual who provides security guard services to any person on behalf of a security guard agency, regardless of whether the individual is described as a security guard, watchman, or private patrolman or by other title.***

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(k) (1) *“Security guard agency” means a person who conducts a business that provides security guard services.*

(2) *“Security guard agency” does not include a person that is primarily engaged in the business of owning, maintaining, or otherwise managing property.*

(l) ***“Security guard services” includes any activity that is performed for compensation as a security guard to protect any individual or property, except the activities of an individual while performing as:***

(1) *a marine guard or ship watchman, regardless of whether the guard or watchman is stationed aboard a ship or on a pier; or*

(2) ***a special police officer appointed and while performing under Title 3, Subtitle 3 of the Public Safety Article or § 16-16 of the Code of Public Local Laws of Baltimore City.***

Public Safety Article

§3–301.

(a) *In this subtitle the following words have the meanings indicated.*

(b) *“Central Repository” has the meaning stated in § 10–101 of the Criminal Procedure Article.*

(c) *“Commission” means a special police commission issued under this subtitle.*

(d) *“Secretary” means the Secretary of State Police.*

(e) ***“Special police officer” means an individual who holds a commission issued under this subtitle.***

§3–302.

The Governor may appoint and deputize as a special police officer each individual that the Governor considers qualified for a commission.

§3–303.

(a) *The following entities may apply for the appointment of special police officers for the following purposes:*

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(1) a municipal corporation, county, or other governmental body of the State, in order to protect property owned, leased, or regularly used by the governmental body or any of its units;

(2) another state, or subdivision or unit of another state, that has an interest in property located wholly or partly in this State, in order to protect the property;

(3) a college, university, or public school system in the State, in order to protect its property or students; or

(4) a person that exists and functions for a legal business purpose, in order to protect its business property.

(b) The applicant for a commission shall be at least 18 years old.

(c) (1) This subsection does not apply to an applicant for an initial commission who, within 5 years prior to application, has:

(i) completed a basic training course for police officers approved by the Secretary in consultation with the Maryland Police Training and Standards Commission;

(ii) completed a basic training course for police officers similar to the course described in item (i) of this paragraph in another state or for the federal government;

(iii) separated from a law enforcement agency in good standing;

or

(iv) completed training approved by the Maryland Police Training and Standards Commission for a special police officer at a State institution of higher education.

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§3–306.

- (a) *The Governor shall issue a commission to each applicant approved by the Governor.*
- (b) *The commission shall indicate:*
 - (1) *the term of the commission; and*
 - (2) *the property that the commission is intended to cover or the purpose for which the commission is issued.*

§ 16-16 of the Code of Public Local Laws of Baltimore City.

§ 16-16. Special police officers.

Repealed by Ch. 453, Acts of 2014.

§ 16-16A. Special enforcement officers.

(a) *In general.*

(1) *The Commissioner may appoint persons as special enforcement officers of the City of Baltimore which may provide by ordinance for their duties, functions, and procedures as special officers. The officers may issue and serve citations and summonses to appear before the appropriate division of the District Court in proceedings for enforcement of any City code, ordinance, regulation, or provision of public local law pertaining to building, housing, zoning, fire, public health, sanitation, and parks.*

(2) *These officers may receive complaints and investigate all violations enumerated in paragraph 1) of this subsection and all violations of any State law or regulation concerning buildings, public health, fire, or sanitation reported to them by any State department or agency.*

(3) *The officers may not arrest or take into custody any violator under this subsection or otherwise have the power of arrest in their official capacity. A record of appointment of officers shall be kept by the Commissioner and any appointment may be revoked by the Commissioner at any time. The form of badge and the type of uniform that may be worn by the special enforcement officers shall be approved by the Police Commissioner.*

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