

HOW DOES THE FLAWED CONCEALED CARRY LAW AFFECT OUR RETIRED MEMBERS AND WHY DOES LUKE CLIPPINGER KEEP KILLING OUR BILL?

Beginning October 1st, 2023, Maryland Law (Senate Bill 1) banned the carrying of a firearm in most buildings, even with a concealed carry permit, unless a building's owner or agent provides express consent to carry. (Criminal Law Section 4-111 & 6-411).

The entire bill was supposed to include an exemption for retired police officers in Maryland who are certified and have the right to carry in Maryland. Unfortunately, a mistake in the law meant that retired officers were not exempt from carrying in private buildings and private residences (6-411). Our Anne Arundel County Senator Beidle even asked SB1's primary sponsor, Senator Jeff Waldstreicher, if our retired officers were exempt from the law and the response was "YES." That was also a mistake, but it was one that Sen. Waldstreicher assured us he would help us fix.

In the meantime, on September 29, 2023, the U.S. District Court issued a *partial* injunction regarding SB1. THE COURT DID NOT FULLY STOP THE LAW FROM TAKING EFFECT. Many portions of the law still took effect on October 1, 2023.

Active Law Enforcement

Nothing changed for active-duty law enforcement officers who may continue to carry service weapons off-duty consistent with the general orders of our agency.

Retired Law Enforcement

If you are a retired law enforcement officer who retired in good standing and hold either a LEOSA permit or a Maryland handgun permit, you may carry your weapon in accordance with the permit, so long as the firearm is concealed from view under or within an article of clothing. Inadvertent

exposure of the weapon or its outline is not a violation of the law. **BUT:** even with these requirements met, retired law enforcement officers may NOT carry into a residence without the express permission of the homeowner/lessor.

[Click Here For A Complete Breakdown Of The Injunction And Law](#)

In 2024, there was a very simple legislative fix that we worked on with the leadership of the Senate. It was about to be passed by the House of Delegates also when a Republican attempted to amend the bill with an unrelated provision. It was ultimately “special ordered” in the final minutes of the 2024 session by Delegate Luke Clippinger to prevent a lengthy floor debate which would have run the clock out on other important legislation.

This year, we worked again with Senator Waldstreicher and with members of the House, like Delegate Sandy Bartlett, who agreed to sponsor our corrective legislation. Delegate Bartlett serves as Vice Chair of the Judiciary Committee, where Luke Clippinger is Chair.

When the bill was voted on for the final time in the Senate, the only two votes opposed were cast by Anne Arundel County Senator Henson and Montgomery County Senator Love. They had earlier opposed the bill in committee, but that is not what killed the bill.

When the Senate bill arrived in the House of Delegates for consideration, it was assigned to the Judiciary Committee which UNANMOUSLY voted in favor of the bill and sent it to the entire House for a vote.

The FOP worked with Del. Clippinger throughout the next weekend to ensure the bill would come to a vote. With 4 hours left in the legislative session, the bill was brought up for that final vote in the House. Immediately, Delegate Luke Clippinger again “special ordered” the bill to be heard in 5 hours—1 hour after the end of the session, thereby killing the bill for a second time. He called for the special order of the bill, which clearly annoyed the Speaker of the House, with a smirk. This time, he claimed that he killed the bill to prevent a lengthy floor debate by Democrat Delegates in the House.

Despite our bill getting twice “Clipped” in the House we will keep fighting to correct the mistake that was made in SB1 and to protect our current and future retirees.

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SB 1 Info Sheet

At approximately 3:00 PM on Friday, September 29, 2023, the U.S. District Court issued a partial injunction regarding SB 1. **THE COURT DID NOT FULLY STOP THE LAW FROM TAKING EFFECT. Many portions of the law will still take effect at midnight on October 1, 2023.**

Below is a brief overview of the requirements of the law, updated to include the injunction from U.S. District Court. It is not intended to be legal advice, and you should consult an attorney regarding specific situations.

Please bear in mind that existing prohibitions on carrying firearms remain in effect, e.g., in airports, federal facilities, jails, etc. You should be mindful of current laws and restrictions regarding your handgun permit.

Active Law Enforcement

Nothing will change for active-duty law enforcement officers. You may continue to carry your service weapon off-duty consistent with the general orders of your agency.

Retired Law Enforcement

If you are a retired law enforcement officer who retired in good standing and hold either a LEOSA permit or a Maryland handgun permit, you may carry your weapon in accordance with the permit, so long as the firearm is concealed from view under or within an article of clothing. Inadvertant exposure of the weapon or its outline is not a violation of the law.

Note: this only applies to retired law enforcement officers who retired in good standing and have a LEOSA permit or a handgun permit. It does not apply to (1) non-law enforcement individuals holding a MD handgun permit OR (2) law enforcement officers who did not retire in good standing who have MD handgun permits.

Everyone Else

Subject to certain exceptions, you may not carry a firearm in the following locations.

An “area for children and vulnerable adults:”

- A preschool or prekindergarten facility, including the grounds;
- A private primary or secondary school, including the grounds;
- A healthcare facility, which includes hospitals, surgical facilities, rehab facilities, hospice, imaging facilities, medical labs, and alcohol/drug abuse treatment program facilities.

A “government or public infrastructure area:”

- A building, or any part of a building, owned or leased by a unit of state or local government;
- A building of public or private institution of higher education;
- A location being actively used as a polling place;
- An electric plant or storage facility, gas plant, or nuclear power plant.

A “special purpose area”

- A stadium;
- A museum;
- A racetrack;
- A video lottery facility (i.e. a casino).

If you are transporting firearm(s) in a motor vehicle and do not have a LEOSA or handgun permit, the firearm(s) must be locked in a container. If you have a handgun permit, it may be carried on your person in compliance with existing law.

Otherwise, if you have a valid handgun permit, you can carry a firearm consistent with your handgun permit. If any location says firearms are not permitted, you must abide by the owner’s restriction unless you are authorized by law (i.e. an active, on-duty law enforcement officer).

What the Court Halted

Because of the Court’s injunction, there is no current prohibition on carrying a firearm in a place that sells alcohol or cannabis for on-site consumption. Unless the establishment prohibits otherwise, you may carry your firearm, concealed, in bars and restaurants.

Furthermore, SB1 would have required retirees and non-law enforcement individuals to receive express permission from a private property owner to carry a firearm on their property. This portion of the law cannot be enforced at this time. If you can validly carry a firearm, you do not need permission to carry the firearm onto an individual’s property.

We reiterate that private property owners can prohibit you from bringing a firearm onto their property.

Finally, the Court halted enforcement of a 2016 law that prohibited carrying a firearm within 1,000 feet of a protest or demonstration.

A Final Word

Again, consistent with existing law prior to SB 1, you may not carry a firearm into a place that has a posted sign prohibiting firearms on the premises, except if you are on duty in the performance of your official duties.

Please remember that this is not legal advice and is not binding on the advice individual law enforcement agencies give to on-duty officers. Active members should consult their agencies through the appropriate chain of command.



SCHLACHMAN, BELSKY, WEINER & DAVEY, P.A.

Retired members should follow the direction of active law enforcement officers, even if it conflicts with this document, to avoid unnecessary conflict. Members should seek legal advice on their individual situation. Emails to kdowdy@sbwdlaw.com are the best way to address non-urgent questions.