

SB0404/733729/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 404
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Controlled Dangerous Substances and**”; in the same line, after “**Firearms**” insert “ – **Exception to Trespass Prohibition**”; strike beginning with “authorizing” in line 3 down through the second “and” in line 14 and substitute “establishing an exemption for a certain person who enters or trespasses on real property while wearing, carrying, or transporting a firearm under certain circumstances; and generally relating to an exception to the prohibition against trespassing while wearing, carrying, or transporting”; strike in their entirety lines 15 through 19, inclusive; and in line 22, strike “5–603, 5–612, and 5–613” and substitute “6–411”.

On pages 1 and 2, strike in their entirety the lines beginning with line 25 on page 1 through line 6 on page 2, inclusive.

AMENDMENT NO. 2

On pages 2 through 11, strike in their entirety the lines beginning with line 10 on page 2 through line 2 on page 11, inclusive, and substitute:

“6–411.”

(a) (1) In this section the following words have the meanings indicated.

(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;

SB0404/733729/01 Judicial Proceedings Committee
Amendments to SB 404
Page 2 of 4

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]

**SB0404/733729/01 Judicial Proceedings Committee
Amendments to SB 404
Page 3 of 4**

(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

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SB0404/733729/01 Judicial Proceedings Committee
Amendments to SB 404
Page 4 of 4

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.”.