



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

Main Office - Baltimore
300 East Lombard Street, Suite 1100
Baltimore, MD 21202
Toll Free 888-685-2022
Phone 410-685-2022
Fax 410-783-4771
Email Attorneys@sbwdlaw.com
www.sbwdlaw.com

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:"

Sidney Schlachman
(1927-1918)

Herbert R. Weiner
Michael J. Belsky
Michael E. Davey
Shaun F. Owens
Chaz R. Ball
Barbara Greene
Catherine A. Dickinson
Roanne Handler
Kieran P. Dowdy
Joseph M. Yahr

Adam J. Davey
Justin A. Ellis
Megan M. Kemp
Jacob H. Dorfman
Kellyn T. Wilcox

Of Counsel
Henry L. Belsky

- 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.



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](mailto:kdowdy@sbwdlaw.com) are the best way to address non-urgent questions.