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**IN THE  
APPELLATE COURT OF MARYLAND**

---

September Term, 2023

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No. 2319

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**MONTGOMERY COUNTY, MARYLAND,**

*Appellant,*

v.

**ENGAGE ARMAMENT, LLC, *et al.*,**

*Appellees.*

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On Appeal from the Circuit Court for Montgomery County  
(Ronald B. Rubin, Judge)

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**BRIEF OF AMICUS CURIAE STATE OF MARYLAND  
IN SUPPORT OF APPELLANT**

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**BRIEF OF AMICUS CURIAE STATE OF MARYLAND  
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**INTEREST OF AMICUS AND STATEMENT OF THE CASE**

Gun violence is a serious problem in the State of Maryland and nationwide. It occurs in many different forms and no community is immune. Maryland has made bold efforts to reduce gun violence, including recent legislation passed by the Maryland General Assembly and signed into law by the Governor. Maryland also encourages and welcomes efforts from counties and municipalities to address gun violence on a local level.

The Maryland Constitution and certain state statutes grant “charter counties” in Maryland, including Montgomery County, broad authority to enact local policies that promote the public good, including protecting the peace and welfare of their citizens. This allows local jurisdictions to address the most pressing concerns of their residents and to tailor initiatives to the particular circumstances of the problems they face. It also allows local elected officials to experiment with new policy solutions.

Although state laws set certain boundaries on the types of regulation that counties may enact, the State and counties should, and do, work side-by-side, especially to address the most serious issues facing communities in Maryland. Contrary to the main thrust of plaintiffs’ argument, the fact that the State has passed laws to address a problem as serious and challenging as gun violence does not indicate that local laws seeking to mitigate gun violence in their jurisdictions should be treated as unlawful. Instead, the history of substantial state-level focus indicates that local policies to address the scourge of gun violence are welcome, absent a clear conflict with state policies.

This case addresses whether a county may enact ordinances, applicable only within its geographic boundaries, that restrict access by children to firearms and limit possession of firearms in certain sensitive places such as schools, churches, and government buildings. Montgomery County enacted such ordinances, in County bills 4-21 and 21-22E, to promote the public welfare in the County by reducing gun violence. The plaintiffs challenged the ordinances, claiming that the County lacked authority to enact them. The Circuit Court for Montgomery County found in favor of the plaintiffs and the County filed this appeal.

## QUESTION PRESENTED

Did the circuit court err in concluding that the provisions of Montgomery County bills 4-21 and 21-22E that restrict access to “ghost guns” by minors and prohibit guns in and around certain places of public assembly in the County are not “local laws” within the meaning of Article XI-A, § 3 of the Maryland Constitution and are preempted by State laws?

## STATEMENT OF FACTS

Amicus State of Maryland incorporates the Statement of Facts from the Brief of Appellant Montgomery County, Maryland.

## STANDARD OF REVIEW

This appeal raises only a question of law, which appellate courts review de novo. *Pabst Brewing Co. v. Frederick P. Winner, Ltd.*, 478 Md. 61, 74-75 (2022).

## ARGUMENT

### I. GUN VIOLENCE DEVASTATES FAMILIES AND COMMUNITIES IN MARYLAND.

Gun violence destroys lives and harms communities throughout Maryland. On average, nearly 800 people per year are killed by gun violence in Maryland, and over 1,700 more are injured by it. Everytown for Gun Safety Support Fund, *Gun Violence in Maryland*, at 1 (2024).<sup>1</sup> Those numbers have been trending upward over the last decade.

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<sup>1</sup> Available at <https://everystat.org/wp-content/uploads/2024/05/Gun-Violence-in-Maryland-2024-05.pdf>

*Id.* According to the Centers for Disease Control and Prevention, 813 deaths in Maryland in 2022 were caused by firearms, a rate of 13.6 deaths per 100,000 residents in the State. National Center for Health Statistics, Centers for Disease Control and Prevention, *Firearm Mortality by State* (2022).<sup>2</sup> Sadly, guns are the leading cause of death of children and teens in Maryland and nationally. Everytown for Gun Safety Support Fund, *supra*, at 2; Jason A. Goldstick, et al., *Current Causes of Death in Children and Adolescents in the United States*, 386 *New Eng. J. Med.* 1955 (2022).<sup>3</sup>

Gun deaths and injuries are not limited to homicides and assaults. A 2019 study estimated that 430 unintentional gun fatalities occur annually in the United States. Sara J. Solnick & David Hemenway, *Unintentional firearm deaths in the United States 2005-2015*, *Injury Epidemiology* (2019). On average, 350 children per year in America accidentally shoot themselves or others. Everytown for Gun Safety Support Fund, *Preventable Tragedies* (2023).<sup>4</sup> Access to guns, and particularly loaded guns, drives these accidental shootings.

Further, hundreds of suicides by gun occur each year in Maryland. In fact, guns are the leading method of suicide in Maryland, accounting for approximately 45% of suicide deaths. Maryland Department of Health, *Circumstances of Suicide Deaths in Maryland:*

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<sup>2</sup> Available at [https://www.cdc.gov/nchs/pressroom/sosmap/firearm\\_mortality/firearm.htm](https://www.cdc.gov/nchs/pressroom/sosmap/firearm_mortality/firearm.htm)

<sup>3</sup> Available at <https://www.nejm.org/doi/full/10.1056/nejmc2201761>

<sup>4</sup> Available at <https://everytownresearch.org/report/notanaccident/>



*Data from the 2003-2020 Maryland Violent Death Reporting System*, at 23 (2023).<sup>5</sup> Guns account for significant numbers of suicides among men and women, the young and the old, urban and rural, and people of all races and ethnicities. *Id.* at 25-27. Those who have served in the armed forces are most impacted. Among this group, guns are used in 68% of suicides. *Id.* at 26.

Like all other counties in Maryland, gun violence strikes in Montgomery County. In January 2022, for example, a 17-year-old student at Magruder High School in Montgomery County used a ghost gun that he had acquired and assembled to shoot a 15-year-old classmate in a school bathroom. WTOP, *Teen sentenced to 40 years, all but 18 suspended in Magruder High shooting*, December 22, 2022.<sup>6</sup> Montgomery County bill 4-21, the first of the two bills challenged in this case, was passed before that shooting. The second bill, 21-22E, was passed after it.

Instead of passively accepting gun violence tragedies, Montgomery County has continued to take action by appropriately exercising its granted legislative authority to pass laws to address gun violence.

## **II. NO STATE LAW CONFLICTS WITH THE MONTGOMERY COUNTY BILLS.**

In Count I of their Second Amended Complaint, plaintiffs incorrectly asserted that County bills 4-21 and 21-22E (collectively, “the Bills”) violate Article XI-A, § 3 of the Maryland Constitution by regulating “matters of significant interest to the entire state” and

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<sup>5</sup> Available at <https://health.maryland.gov/phpa/OEHFP/Injury/Pages/mvdrs.aspx>

<sup>6</sup> Available at <https://wtop.com/montgomery-county/2022/12/teen-sentenced-to-18-years-for-magruder-high-shooting/>

by “affect[ing] the rights of persons without the area to carry on a business or to do work” in Montgomery County. (E. 70.)

Plaintiffs further claim that the Bills will somehow “adversely affect the rights of non-residents of Montgomery County ‘to carry on a business or to do the work incident to a trade, profession, or other calling within the area.’” (E. 73) (quoting *Dasch v. Jackson*, 170 Md. 251, 261 (1936)).<sup>7</sup> But this is not the case. Although the Bills generally prohibit giving ghost guns to minors or possessing unsecured guns near places of public assembly, the Bills leave in place existing exceptions that apply to firearms instructors, security guards, and business owners at their places of business. Further, the Bills do not prohibit anyone travelling in Montgomery County from passing near or through places of public assembly with unloaded firearms or ammunition in separate closed cases or in locked firearms racks.

Plaintiffs also wrongly argue that the Bills violate Article XI-A, § 3 of the Maryland Constitution because they address “matters of significant interest to the entire state” and are therefore not valid “local laws.” (E. 70, 73) (quoting *Cole v. Secretary of State*, 249 Md. 425, 434 (1968)). Article XI-A, § 3 provides that counties or Baltimore City that adopt a charter may enact “local laws . . . upon all matters covered by the express powers granted . . . .” The Supreme Court of Maryland has addressed the issue of what constitutes a “local law” for purposes of § 3 and explained:

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<sup>7</sup> Paragraphs 82 and 88 of the Second Amended Complaint also include quotations from *Dasch* that plaintiffs incorrectly attribute to *Steimel v. Board*, 278 Md. 1 (1976).

[A] local law in subject matter and substance is confined in its operation to prescribed territorial limits. A general law, on the other hand, deals with the general public welfare, a subject which is of significant interest not just to any one county, but rather to more than one geographical subdivision, or even to the entire state.

*Assanah-Carroll v. Law Offices of Edward J. Maher, P.C.*, 480 Md. 394, 425 (2022) (quoting *McCrory Corp. v. Fowler*, 319 Md. 12, 18 (1990)).

Plaintiffs note that the General Assembly has “debated and introduced legislation” on topics similar to those covered by the Bills, and assert that “[t]his legislative activity is strong evidence that the matter is of general, state-wide interest.” (E. 70-71.) Plaintiffs’ highlighting of legislative activity ignores the fact that the Bills at issue only address narrow policy topics—access to guns by minors in Montgomery County and possession of guns in or around certain sensitive locations in Montgomery County. On their face, those policies are “confined in [their] operation to prescribed territorial limits.” *Assanah-Carroll*, 480 Md. at 425.

Plaintiffs’ highlighting of legislative activity also ignores the fact that the General Assembly has already spoken explicitly, through legislation, on the question of whether county laws like the Bills in this case are “local” in nature. Section 4-209(a) of the Criminal Law Article expressly preempts the ability of counties to regulate several aspects of gun policy, including “the purchase, sale, taxation, transfer, manufacture, repair, ownership, possession, and transportation of” guns or ammunition. Subsection (b)(1) of the statute, however, carves out exceptions for county gun regulations “with respect to minors” and “within 100 yards of or in a park, church, school, public building, and other place of public assembly.” Unless and until it is repealed or amended, that statute shows that the

Legislature generally considers possession of guns by minors and possession of guns in or near places of public assembly to be matters of local interest subject to local regulation as counties see fit.

Plaintiffs also incorrectly allege that the Bills somehow violate the Express Powers Act. The Express Powers Act allows charter counties such as Montgomery County to “pass any ordinance, resolution or bylaw not inconsistent with State law that . . . may aid in maintaining the peace, good government, health, and welfare of the County.” Md. Code Ann., Local Gov’t § 10-206(a) (LexisNexis 2013). The Bills seek to address gun violence, particularly involving children, which is certainly a matter of peace, health, and welfare. In addition, the Bills are not “inconsistent with State law” since they fall within the scope of authority of counties to enact gun laws, as recognized by the Legislature in § 4-209(b)(1) of the Criminal Law Article.

The Office of the Attorney General has reviewed § 4-209 in two opinions that determined that the exceptions in subsection (b)(1) allow broad legislative authority to counties on issues enumerated in the subsection. A 1991 Opinion reviewed the exception allowing county regulation of gun laws “with respect to minors” in the context of a then-pending Montgomery County bill that prohibited anyone from leaving a firearm and ammunition where a child might access it and requiring gun dealers to offer or provide buyers with gun locks. The Opinion explained that the term “with respect to” is sufficiently broad such that “any regulation that bears a reasonable relation to minors’ access to, or use of, firearms” falls within the exception in subsection (b)(1). 76 Op. Md. Att’y Gen. 240, 242 (1991). The Opinion determined that the bill “unquestionably” was “with respect to

minors” since it sought to protect minors from harm caused by accessing unsecured firearms. The Opinion noted that the bill regulated adult behavior rather than child behavior, but it was intended to protect children. *Id.* In a footnote, the Opinion acknowledged the exception in § 4-209(b)(1) that allowed counties to regulate guns “within 100 yards” of certain places of public assembly counties, but did not analyze that provision because it had no reason to do so for the pending county bill at issue.

In 1997, the Office of the Attorney General again issued an opinion on a county proposal to protect minors from access to guns by requiring gun dealers to sell or provide a trigger lock when selling, leasing, or transferring a gun. 82 Op. Md. Att’y Gen. 84 (1997). In analyzing whether the bill complied with § 4-209(b)(1), the Opinion applied the analysis in the 1991 Opinion to determine whether the county regulation “bears a reasonable relation to” minors’ access to guns. *Id.* at 85. The Opinion concluded that the regulation did bear a reasonable relation but cautioned that the authority of counties to enact regulations “with respect to minors” could not be used as an excuse to regulate adults’ access to guns.

The Office of the Attorney General has not issued a formal opinion addressing § 4-209(b)(1)’s exception for county regulation of guns “within 100 yards” of places of public assembly. That language, however, is clear on its face. The 1991 and 1997 Opinions, which addressed the same version of § 4-209(b)(1) that is in effect today, concluded that regulations of adult conduct that bore a relation to minors’ access to firearms fell within § 4-209(b)(1). In this case, the answer is even more straightforward. The portions of the Bills that prohibit guns near places of public assembly do not just “bear

a reasonable relation” to the exception in § 4-209(b)(1) for regulations “within 100 yards of” a place of public assembly. They address it directly. Indeed, as the Office of the Attorney General stated in 1991, “local governments may regulate to whatever extent they consider appropriate for the protection of the public, so long as they do so only in the areas described in” subsection (b)(1). 76 Op. Md. Att’y Gen. at 247. The Bills thus stay neatly within the confines of the authority of counties under the plain language of § 4-209(b)(1) because the language of that subsection is clear. *See Elsberry v. Stanley Martin Companies, LLC*, 482 Md. 159, 179 (2022) (“This Court need not resort to other rules of statutory construction when the plain language of the statute unambiguously communicates the intent of the General Assembly.”).

Nonetheless, plaintiffs argue that the Bills do not comply with § 4-209(b)(1) because their provisions prohibiting guns in or within 100 yards of places of public assembly will include some privately-owned property. Despite plaintiffs’ argument, a county law does not violate § 4-209(b)(1) simply because it may apply to some private property. Subsection (b)(1) states that counties may regulate guns “within 100 yards of or in a park, church, school, public building, and other place of public assembly.” Churches are private buildings, so on its face the statute’s application is not limited solely to public properties. Similarly, many schools are private but the statute does not limit its application to “public” schools. If the General Assembly intended it to apply only to “public” schools, it would have said so, just as it does for “public” buildings. Likewise, the catchall phrase “other places of public assembly” is broadly phrased and not limited to places of assembly that are publicly *owned*.

Moreover, plaintiffs' core argument appears to be that the Bills conflict with other state laws and those other laws should control. To that end, in paragraph 93 of their Second Amended Complaint plaintiffs list a litany of state laws that they incorrectly claim are in conflict with the Bills. (E. 74-78.) The laws cited in paragraph 93(b), (c), (d), (e), and (j), however, all predate the specific exemptions to state preemption described in § 4-209(b) for county gun regulations. Accordingly, consistent with the 1991 Attorney General Opinion, § 4-209(b)(1) should be given effect because it is both specific in its substance and later in time. 76 Md. Op. Att'y Gen. at 241.

The other laws that plaintiffs cite in paragraph 93 do not conflict with the Bills. A county law is preempted where it "either prohibits an act that under State law is permitted, or it permits an act that under State law is prohibited." *Worton Creek Marina, LLC v. Claggett*, 381 Md. 499, 513 (2004) (citing *Coalition for Open Doors v. Annapolis Lodge No. 622, Benevolent and Protective Order of Elks*, 333 Md. 359, 380 (1994)). These are known as "prohibit-permit" conflicts. *Id.* Plaintiffs' claim of conflict for each law that they cite is based on the faulty assumption that each of the state laws "permit" an activity for purposes of conflict preemption when, in fact, the law merely does not prohibit it. This overreaching argument by plaintiffs has been rejected by the Supreme Court of Maryland:

In applying [the "prohibit-permit"] principle, however, our cases have recognized a distinction between a state law which is intended to permit or authorize a particular matter and a state law which is simply intended to exempt the particular matter from its coverage. When a state law simply excludes a particular activity from its coverage, our cases have not attributed to the General Assembly an intent to preempt local legislation regulating or prohibiting that activity. Instead, in such situations supplementary local legislation has not been deemed to be in conflict with and preempted by the state statute.

*Coalition for Open Doors*, 333 Md. at 380; see also *City of Baltimore v. Sitnick*, 254 Md. 303, 317 (1969) (explaining that “a political subdivision may not prohibit what the State by general public law has permitted, but it may prohibit what the State has not expressly permitted”).

Plaintiffs mistakenly claim “prohibit-permit” conflicts exist with the other state laws that they cite in ¶ 93 of their Second Amended Complaint:

- Section 4-104 of the Criminal Law Article does not “expressly permit[] a minor child under the age of 16 to have access to any firearm” if certain circumstances exist, as claimed by plaintiffs. Instead, § 4-104 prohibits leaving a loaded gun where a child might have unsupervised access and exempts those circumstances described by plaintiffs from its coverage.
- Section 4-203 of the Criminal Law Article does not (i) “provide[] that a person is permitted to transport a handgun” to and from certain locations, (ii) “permit[] transports [sic]” of unloaded handguns in cases or holsters, (iii) “expressly permit[]” a gun collector to move their collection for exhibitions, (iv) “permit[]” possession of a gun on property the person owns or leases, or (v) “expressly permit[]” supervisory employees to carry guns at their workplace with the permission of their manager, as claimed by plaintiffs. Instead, § 4-203 prohibits wearing, carrying, or transporting handguns on one’s person or in a vehicle on a road or parking lot used by the public, and subsections (b)(3), (b)(5), (b)(6), and (b)(7) exempt from its coverage



transporting a gun to or from certain locations, transporting an unloaded handgun in a closed case or holster, moving a gun collection by a bona fide gun collector, possessing a gun on certain properties, or certain employees possessing a gun at their workplace, respectively.

- 2022 Md. Laws ch. 19 (S.B. 387) and its companion bill, H.B. 425, do not conflict with the Bills’ provisions regarding ghost guns. As enacted, Senate Bill 387 created sections 5-701 through 5-706 of the Public Safety Article, which regulate ghost guns. Those statutes do not permit or authorize the various activities concerning ghost guns that plaintiffs describe in paragraph 93(o) of their Second Amended Complaint. Instead, § 5-703(a)-(b) generally prohibits the purchase, sale, receiving, transfer, and possession of ghost guns. The activities described by plaintiff are statutory exemptions from the general prohibition.

Plaintiffs also claim that the Bills conflict with 2023 Md. Laws ch. 680 (S.B. 1) (“Gun Safety Act of 2023”). However, there is no conflict.

The Gun Safety Act of 2023 rewrote § 4-111 of the Criminal Law Article to prohibit wearing, carrying, or transporting a gun in certain types of sensitive areas such as schools, health care facilities, state or local government buildings, locations being used as polling places, power plants, and stadiums. Exceptions are included for certain persons such as law enforcement officers, on-duty members of the military, licensed security guards, and owners or lessees of properties. The Act also added § 6-411 of the Criminal Law Article, which prohibits wearing, carrying, or transporting guns on the “property” of another

without the other's express permission. "Property" is defined as "a building" and not "land adjacent to a building."

Plaintiffs claim that the Bills conflict with the Gun Safety Act because the latter only prohibits carrying guns in "a building" of another while the Bills prohibit carrying guns on lands adjacent to buildings, such as parking lots. Plaintiffs assert that the Gun Safety Act expressly allows carry in parking lots and adjacent areas. Once again, plaintiffs err by equating something a law does not regulate with something a law expressly allows. The Gun Safety Act never expressly allows carrying in those parking lots adjacent to buildings covered by the law. It simply prohibits carrying in the buildings themselves without the owners' permission and does not include the building parking lots in that prohibition. In other words, the Act "simply excludes" carrying guns in those parking lots "from its coverage[.]" *Coalition for Open Doors*, 333 Md. at 380. Accordingly, Maryland courts will "not attribute[] to the General Assembly an intent to preempt local legislation regulating or prohibiting that activity." *Id.*

Similarly, plaintiffs claim a conflict exists because the Bills only allow businesses subject to the territorial prohibition to authorize one employee to carry a gun on the premises while the Gun Safety Act empowers owners to permit others to carry in their buildings. But the Gun Safety Act does not, as plaintiffs claim, give all property owners permission to allow other people to bring guns onto the owners' properties. It simply excludes such other people who have a property owner's permission from the bill's prohibition on possessing a gun while on another's property.

**III. PLAINTIFFS' ARGUMENTS WOULD CALL INTO QUESTION SCORES OF LOCAL LAWS ACROSS A MAJORITY OF THE COUNTIES IN THE STATE.**

Plaintiffs' arguments, if accepted, would threaten the ability of counties to enact gun laws that are applicable only within their geographic borders. Aside from both ignoring the plain language of § 4-209(b)(1) that allows counties to enact such laws and envisioning conflicts with State law where no such conflicts exist, plaintiffs' arguments would raise doubts about many reasonable and currently lawful local policies.

Furthermore, plaintiffs' arguments in this case do not offer any principle that would limit their application only to gun laws. Any state laws that address a policy topic but include exemptions or are otherwise limited in scope could, under plaintiffs' theories in this case, preempt the ability of a county to pass any law on the policy topic even where the county's law would regulate conduct outside the scope of the state law and apply only to certain locations in the county. Such an extreme argument must be rejected.

**CONCLUSION**

The judgment of the Circuit Court for Montgomery County should be reversed.

Respectfully submitted,

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**CERTIFICATION OF WORD COUNT AND COMPLIANCE WITH RULE 8-112**

1. This brief contains 3,859 words, excluding the parts of the brief exempted from the word count by Rule 8-503.

2. This brief complies with the font, spacing, and type size requirements stated in Rule 8-112.

/s/ Jeffrey S. Luoma

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Jeffrey S. Luoma

**TEXT OF PERTINENT PROVISIONS**  
**(Rule 8-504(a)(10))**

**Annotated Code of Maryland, Criminal Law Article**  
**(LexisNexis Supp. 2023)**

**§ 4-104. Child's access to firearms.**

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

(2) "Ammunition" means a cartridge, shell, or other device containing explosive or incendiary material designed and intended for use in a firearm.

(3)(i) "Firearm" means a handgun, rifle, shotgun, short-barreled rifle, or short-barreled shotgun, as those terms are defined in § 4-201 of this title, or any other firearm.

(ii) "Firearm" does not include an antique firearm as defined in § 4-201 of this title.

(b) This section does not apply if:

(1) the minor's access to a firearm is supervised by an individual at least 18 years old;

(2) the minor's access to a firearm was obtained as a result of an unlawful entry;

(3) the firearm is in the possession or control of a law enforcement officer while the officer is engaged in official duties; or

(4) the minor has a certificate of firearm and hunter safety issued under § 10-301.1 of the Natural Resources Article.

(c) A person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised minor has access to the firearm.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

(e)(1) A violation of this section may not:

(i) be considered evidence of negligence;

(ii) be considered evidence of contributory negligence;

(iii) limit liability of a party or an insurer; or

(iv) diminish recovery for damages arising out of the ownership, maintenance, or operation of a firearm or ammunition.

(2) A party, witness, or lawyer may not refer to a violation of this section during a trial of a civil action that involves property damage, personal injury, or death.

**§ 4-111. Wearing, carrying, or transporting firearms; areas for children or vulnerable individuals; government or public infrastructure areas; special purpose areas.**

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

(2) “Area for children and vulnerable individuals” means:

(i) a preschool or prekindergarten facility or the grounds of the facility;

(ii) a private primary or secondary school or the grounds of the school;  
or

(iii) a health care facility, as defined in § 15-10B-01(g)(1), (2), (3), and (4) of the Insurance Article.

(3) “Firearm” has the meaning stated in § 4-104 of this subtitle.

(4) “Government or public infrastructure area” means:

(i) a building or any part of a building owned or leased by a unit of State or local government;

(ii) a building of a public or private institution of higher education, as defined in § 10-101 of the Education Article;

(iii) a location that is currently being used as a polling place in accordance with Title 10 of the Election Law Article or for canvassing ballots in accordance with Title 11 of the Election Law Article;

(iv) an electric plant or electric storage facility, as defined in § 1-101 of the Public Utilities Article;

(v) a gas plant, as defined in § 1-101 of the Public Utilities Article; or

(vi) a nuclear power plant facility.

(5) “Law enforcement official” has the meaning stated in § 4-201 of this article.

(6) “Police officer” has the meaning stated in § 3-201 of the Public Safety Article.

(7) “ROTC” means Reserve Officer Training Corps.

(8) “Special purpose area” means:

(i) a location licensed to sell or dispense alcohol or cannabis for on-site consumption;

(ii) a stadium;

(iii) a museum;

(iv) an amusement park;

(v) a racetrack; or

(vi) a video lottery facility, as defined in § 9-1A-01 of the State Government Article.

(b) This section does not apply to:

(1) a law enforcement official or a 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 member of an ROTC program while participating in an activity for an ROTC program;

(5) a correctional officer or warden of a correctional facility in the State;

(6) a railroad police officer appointed under Title 3, Subtitle 4 of the Public Safety Article;

(7) an employee of an armored car company, if the person is acting within the scope of employment and has a valid permit to wear, carry, or transport a handgun issued under Title 5, Subtitle 3 of the Public Safety Article;

(8) subject to subsection (i) of this section, 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;

(9) for a location that is not owned by, leased by, or otherwise under the control of the State or a political subdivision of the State:

(i) the owner or lessee of the location; or

(ii) a person who is authorized by the owner or lessee of the location to wear, carry, or transport a firearm at the location for the purpose of:

1. employment as a security guard licensed under Title 19 of the Business Occupations and Professions Article; or

2. protecting any individual or property at the location with an express agreement between the parties, remuneration, or compensation;

(10) a location being used with the permission of the person or governmental unit that owns, leases, or controls the location for:

(i) an organized shooting activity for educational purposes;

(ii) a historical demonstration using a firearm; or

(iii) hunting or target shooting; or

(11) a firearm that is carried or transported in a motor vehicle if the firearm is:

(i) locked in a container; or

(ii) a handgun worn, carried, or transported in compliance with any limitations imposed under § 5-307 of the Public Safety Article, by a person to whom a permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3 of the Public Safety Article.

(c) A person may not wear, carry, or transport a firearm in an area for children or vulnerable individuals.

(d)(1) A person may not wear, carry, or transport a firearm in a government or public infrastructure area.

(2) A government or public infrastructure area specified under subsection (a)(4)(i) of this section must display a clear and conspicuous sign at the main entrance of the building or the part of a building that is owned or leased by the unit of State or local government indicating that it is not permissible to wear, carry, or transport a firearm in the building or that part of the building.



(e) A person may not wear, carry, or transport a firearm in a special purpose area.

(f) A person who willfully violates subsection (c), (d)(1), or (e) of 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.

(g)(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.

(h) For purposes of this section, a requirement to keep a handgun concealed is not violated by:

(1) the momentary and inadvertent exposure of a handgun; or

(2) the momentary and inadvertent exposure of the imprint or outline of a handgun.

(i) Nothing in this section limits the power of an administrative head of a Maryland court to punish for contempt or to adopt rules or orders regulating, allowing, restricting, or prohibiting the possession of weapons in any building housing the court or any of its proceedings, or on any grounds appurtenant to the building.

#### **§ 4-203. Wearing, carrying, or transporting handgun.**

(a)(1) Except as provided in subsection (b) of this section, a person may not:

(i) wear, carry, or transport a handgun, whether concealed or open, on or about the person;

(ii) wear, carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling on a road or parking lot generally used by the public, highway, waterway, or airway of the State;

(iii) violate item (i) or (ii) of this paragraph while on public school property in the State;

(iv) violate item (i) or (ii) of this paragraph with the deliberate purpose of injuring or killing another person; or

(v) violate item (i) or (ii) of this paragraph with a handgun loaded with ammunition.

(2) There is a rebuttable presumption that a person who transports a handgun under paragraph (1)(ii) of this subsection transports the handgun knowingly.

(b) This section does not prohibit:

(1) the wearing, carrying, or transporting of a handgun by a person who is authorized at the time and under the circumstances to wear, carry, or transport the handgun as part of the person's official equipment, and is:

(i) a law enforcement official of the United States, the State, or a county or city of the State;

(ii) a member of the armed forces of the United States or of the National Guard on duty or traveling to or from duty;

(iii) a law enforcement official of another state or subdivision of another state temporarily in this State on official business;

(iv) a correctional officer or warden of a correctional facility in the State;

(v) a sheriff or full-time assistant or deputy sheriff of the State; or

(vi) a temporary or part-time sheriff's deputy;

(2) the wearing, carrying, or transporting of a handgun by a person to whom a permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3 of the Public Safety Article;

(3) the carrying of a handgun on the person or in a vehicle while the person is transporting the handgun to or from the place of legal purchase or sale, or to or from a bona fide repair shop, or between bona fide residences of the person, or between the bona fide residence and place of business of the person, if the business is operated and owned substantially by the person if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(4) the wearing, carrying, or transporting by a person of a handgun used in connection with an organized military activity, a target shoot, formal or informal target practice, sport shooting event, hunting, a Department of Natural Resources-sponsored firearms and hunter safety class, trapping, or a dog obedience training class or show, while the person is engaged in, on the way to, or returning from that activity if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(5) the moving by a bona fide gun collector of part or all of the collector's gun collection from place to place for public or private exhibition if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(6) the wearing, carrying, or transporting of a handgun by a person on real estate that the person owns or leases or where the person resides or within the confines of a business establishment that the person owns or leases;

(7) the wearing, carrying, or transporting of a handgun by a supervisory employee:

(i) in the course of employment;

(ii) within the confines of the business establishment in which the supervisory employee is employed; and

(iii) when so authorized by the owner or manager of the business establishment;

(8) the carrying or transporting of a signal pistol or other visual distress signal approved by the United States Coast Guard in a vessel on the waterways of the State or, if the signal pistol or other visual distress signal is unloaded and carried in an enclosed case, in a vehicle; or

(9) the wearing, carrying, or transporting of a handgun by a person who is carrying a court order requiring the surrender of the handgun, if:

(i) the handgun is unloaded;

(ii) the person has notified the law enforcement unit, barracks, or station that the handgun is being transported in accordance with the court order; and

(iii) the person transports the handgun directly to the law enforcement unit, barracks, or station.

\* \* \* \*

**§ 6-411. Wearing, carrying, or transporting a firearm; entry or trespass in dwelling of another; entry or trespass on property**

(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;

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.

Application of section

(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

(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.

(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 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.

#### Penalties

(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.

MONTGOMERY COUNTY,  
MARYLAND,

*Appellant,*

v.

ENGAGE ARMAMENT, LLC, *et al.*,

*Appellees.*

\* IN THE  
\* APPELLATE COURT  
\* OF MARYLAND  
\* September Term, 2023  
\* No. 2319

\* \* \* \* \*

**CERTIFICATE OF SERVICE**

I certify that, on this 28th day of June, 2024, the Amicus Curiae Brief of the State of Maryland in the captioned case was filed electronically and served electronically by the MDEC system on all persons entitled to service, and two hard copies were served, via first class mail, upon:

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