

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 916
Judiciary

(Delegate Amprey)

Criminal Law - Weapon Crimes - Transporting Firearm in Checked Bag on
Public Transportation

This bill prohibits a person from transporting a firearm in a checked bag on public transportation in the State *unless* the firearm is disabled from discharging by an external safety lock. A violator is guilty of a misdemeanor and on conviction is subject to maximum penalties of (1) for a first conviction, two months imprisonment and/or a \$500 fine; (2) for a second conviction, six months imprisonment and/or a \$1,000 fine; and (3) for a third or subsequent conviction, one year imprisonment and/or a \$2,000 fine. Each violation is a separate crime. The bill's provisions are *in addition to* any existing federal or State laws relating to transporting a firearm.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues from fines imposed in the District Court. Potential minimal increase in general fund expenditures for incarcerations in Baltimore City. The Judiciary can implement the bill with existing budgeted resources.

Local Effect: Potential minimal increase in revenues from fines imposed in the circuit courts. Potential minimal increase in local incarceration expenditures. The bill is not expected to materially affect circuit court caseloads or workloads.

Small Business Effect: None.

Analysis

Bill Summary: “Checked bag” means baggage that is stored in a storage compartment of a public transportation vehicle and inaccessible to a person during travel.

“External safety lock” means an external device that is attached to a firearm with a key or combination lock and designed to prevent a firearm from being discharged unless the device has been deactivated.

“Public transportation” includes any form of public transport that is available to the general public, including bus service, train service, ferry service, and airline service.

Current Law:

Prohibited Acts on Public Transit

Under §7-705 of the Transportation Article, it is unlawful for any person to carry or possess any explosives, acids, concealed weapons or other dangerous articles in any transit vehicle or transit facility, designed for the boarding of a transit vehicle, which is owned or controlled by the Maryland Transit Administration (MTA) or a train owned or controlled by MTA or operated by a railroad company under contract to MTA to provide passenger railroad service. Violators are guilty of a misdemeanor punishable by imprisonment for up to one year and/or a \$1,000 maximum fine. These provisions do not prohibit enforcement of any other State or local law or regulation that is consistent with these provisions.

Entering or Trespassing into a Dwelling or onto Real Property While Wearing, Carrying, or Transporting a Firearm

Under § 6-411 of the Criminal Law Article, 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 the public generally, to wear, carry, or transport a firearm inside the dwelling;
- 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
- 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.

The above prohibitions do not apply to:

- law enforcement officials or police officers;
- on-duty employees of a law enforcement agency authorized by the agency to possess firearms on duty or whose duty assignment involves the possession of firearms;
- members of the U.S. Armed Forces, the National Guard, or the uniformed services, as specified;
- correctional officers or wardens of a correctional facility in the State;
- 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
- 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 the holder of the easement, right-of-way, servitude, or other property interest or a guest or assignee of the holder of the easement, right-of-way, servitude, or other property interest.

A person who willfully violates the above prohibitions is guilty of a misdemeanor and on conviction is subject to imprisonment for up to one year and/or a fine of up to \$1,000. A conviction under these provisions may not merge with a conviction for any other crime based on the act establishing the violation. A sentence imposed under these provisions may be imposed separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation.

Federal Law Regarding Firearms on Aircrafts

Federal law prohibits carrying firearms in carry-on luggage on airplanes and requires that firearms are only transported in checked baggage. The person must (1) declare the firearm to the airline at check-in; (2) pack the firearm in a locked, hard-sided case; and (3) ensure the firearm is unloaded. In addition, the person must follow the firearm laws in both the departure and arrival destinations.

Additional Comments: The bill's provisions likely conflict with existing law relating to transporting firearms. As the bill states that the provisions within the bill are an addition to any existing federal or State law relating to transporting a firearm without making any changes to existing law, it is unclear how the bill's provisions will be enforced. However, statutory interpretation generally follows that if two statutes are in conflict, the later in time prevails.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Harford and Talbot counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of State Police; Department of Public Safety and Correctional Services; Maryland Department of Transportation; Department of Legislative Services

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km/aad

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