



2A Maryland

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House Bill 916 Criminal Law – Weapon Crimes – Transporting Firearm in Checked Bag on Public Transportation UNFAVORABLE

The purpose and benefit of House Bill 916 is difficult to fathom. It loosely replicates some of the provisions in the regulations published by Amtrak, Transportation Safety Act, and the Maryland State Police website. House Bill 916 will result in confusion as to which Maryland statute a citizen should follow and unintentional violations of Criminal Law §4-203 and Transportation Article §7-705 by law-abiding citizens.

The language of House Bill 916 is vague and confusing. The definition of “Public transportation” includes four modes of transportation but the definition is not limited to those modes. It is unclear whether taxi services such as Uber, Lyft and traditional taxi services are also forms of public transportation.

External safety locks are defined and required. However, there is no requirement in House Bill 916 that the locked firearm be unloaded during transport. Nor does it require a checked bag as a prerequisite, only that the firearm be equipped with an external lock when it is being transported in a checked bag.

House Bill 916 will disproportionally impact minorities, as this segment of Maryland's population is more likely to rely on various forms of local public transportation. Further, few citizens have the knowledge and resources to research the many other existing federal and state laws alluded to, but not specified, in this bill.

We strongly urge an unfavorable report on House Bill 916.

Respectfully,

John H. Josselyn
2A Maryland
03/05/2025
Attachments (5)

TRANSPORTING FIREARMS

- Can I legally transport firearms interstate?

Yes, under Title 18, Section 926A, of the United States Code, a person who is not prohibited from possessing, transporting, shipping, or receiving a firearm shall be entitled to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry such firearm to any place where he may lawfully possess and carry such firearm if, during such transportation the firearm is unloaded, neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment. In the case the vehicle does not have a compartment separate from the driver's compartment the firearm or ammunition shall be contained in a locked compartment other than the glove compartment or console.

- Can I legally transport my regulated firearm to the range?

Yes, however, Maryland and Federal laws require specific conditions be met while transporting a handgun. Please refer to Maryland Annotated Code, Criminal Law, Title 4, Section 203 for a detailed account of wearing, carrying, or transporting a handgun. You may access the Maryland General Assembly website at <http://mlis.state.md.us/> You can access the Federal requirements through www.atf.gov and conduct a search for "27 Code of Federal Regulations, Part 178" and then look for "Transportation of Firearms." The basic requirement during transport is the handgun must be unloaded and in an enclosed case or enclosed holster with the ammunition separate from the handgun AND you must be transporting the handgun to or from the locations listed in the statute.

Source:

<https://mdsp.maryland.gov/Organization/Pages/CriminalInvestigationBureau/LicensingDivision/FAQs.aspx#>

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§7-705.

(a) It is unlawful for any person entering a transit facility or transit vehicle owned or controlled by the Administration for the purpose of obtaining transit service or a train owned or controlled by the Administration or operated by a railroad company under contract to the Administration to provide passenger railroad service to:

(1) Fail to pay the applicable fare charged by the Administration in the required manner; or

(2) Fail to:

(i) Pay the applicable fare;

(ii) Exhibit proof of payment; or

(iii) Provide truthful identification.

(b) It is unlawful for any person to engage in any of the following acts in any transit vehicle or transit facility, designed for the boarding of a transit vehicle, which is owned or controlled by the Administration or a train owned or controlled by the Administration or operated by a railroad company under contract to the Administration to provide passenger railroad service:

(1) Expectorate;

(2) Smoke or carry a lighted or smoldering pipe, cigar, or cigarette;

(3) Consume food or drink, or carry any open food or beverage container;

(4) Discard litter, except into receptacles designated for that purpose;

(5) Play or operate any radio, cassette, cartridge, tape player, or similar electronic device or musical instruments, unless such device is connected to an earphone that limits the sound to the hearing of the individual user;

(6) Carry or possess any explosives, acids, concealed weapons or other dangerous articles;

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§4–203.

(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

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(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.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to the penalties provided in this subsection.

(2) If the person has not previously been convicted under this section, § 4-204 of this subtitle, or § 4-101 or § 4-102 of this title:

(i) except as provided in item (ii) of this paragraph, the person is subject to imprisonment for not less than 30 days and not exceeding 5 years or a fine of not less than \$250 and not exceeding \$2,500 or both; or

(ii) if the person violates subsection (a)(1)(iii) of this section, the person shall be sentenced to imprisonment for not less than 90 days.

(3) (i) If the person has previously been convicted once under this section, § 4-204 of this subtitle, or § 4-101 or § 4-102 of this title:

1. except as provided in item 2 of this subparagraph, the person is subject to imprisonment for not less than 1 year and not exceeding 10 years; or

2. if the person violates subsection (a)(1)(iii) of this section, the person is subject to imprisonment for not less than 3 years and not exceeding 10 years.

(ii) 1. Except as provided in subsubparagraph 2 of this subparagraph, the court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

2. If the person violates subsection (a)(1)(v) of this section, the court may not suspend any part of or impose less than the applicable mandatory minimum sentence provided under subparagraph (i) of this paragraph.

(iii) Except as provided in § 4–305 of the Correctional Services Article, if the person violates subsection (a)(1)(v) of this section, the person is not eligible for parole during the mandatory minimum sentence.

(iv) A mandatory minimum sentence under subparagraph (ii)2 of this paragraph may not be imposed unless the State’s Attorney notifies the defendant in writing at least 30 days before trial of the State’s intention to seek the mandatory minimum sentence.

(4) (i) If the person has previously been convicted more than once under this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title, or of any combination of these crimes:

1. except as provided in item 2 of this subparagraph, the person is subject to imprisonment for not less than 3 years and not exceeding 10 years; or

2. A. if the person violates subsection (a)(1)(iii) of this section, the person is subject to imprisonment for not less than 5 years and not exceeding 10 years; or

B. if the person violates subsection (a)(1)(iv) of this section, the person is subject to imprisonment for not less than 5 years and not exceeding 10 years.


(ii) 1. Except as provided in subsubparagraph 2 of this subparagraph, the court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

2. If the person violates subsection (a)(1)(v) of this section, the court may not suspend any part of or impose less than the applicable mandatory minimum sentence provided under subparagraph (i) of this paragraph.

(iii) Except as provided in § 4–305 of the Correctional Services Article, if the person violates subsection (a)(1)(v) of this section, the person is not eligible for parole during the mandatory minimum sentence.

(iv) A mandatory minimum sentence under subparagraph (ii)2 of this paragraph may not be imposed unless the State's Attorney notifies the defendant in writing at least 30 days before trial of the State's intention to seek the mandatory minimum sentence.

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2A Maryland - Testimony - HB 0916 - Attachment #3

Firearms in Checked Baggage

Source: <https://www.amtrak.com/firearms-in-checked-baggage>

Amtrak accepts reservations of firearms and ammunition for carriage between Amtrak stations and on Amtrak trains within the United States that offer checked baggage service and a ticket office. Thruway Bus Services are not included in this service. The following policies are in effect:

- Notification that the passenger will be checking firearms/ammunition must be made no later than 24 hours before train departure by calling Amtrak at 800-USA-RAIL. Online reservations for firearms/ammunition are not accepted.
- The passengers must travel on the same train that is transporting the checked firearms and/or ammunition.
- All firearms and/or ammunition must be checked at least 30 minutes prior to scheduled train departure. Some larger stations require that baggage be checked earlier. Please contact your departure station for more details.
- All firearms (rifles, shotguns, handguns, tasers, starter pistols) must be unloaded and in an approved, locked hard-sided container not exceeding 62" L x 17" W x 7" D (1575 mm x 432 mm x 178 mm). The passenger must have sole possession of the key or the combination for the lock to the container. The weight of the container may not exceed 50 lbs/23 kg.
- Smaller locked, hard-sided containers containing smaller unloaded firearms such as handguns, taser guns and starter pistols must be securely stored within a suitcase or other item of checked baggage, but the existence of such a firearm must be declared.
- All ammunition carried must be securely packed in the original manufacturer's container; in fiber, wood, or metal boxes; or in other packaging specifically designed to carry small amounts of ammunition. The maximum weight of all ammunition and containers may not exceed 11 lbs/5 kg.
- The passenger is responsible for knowing and following all federal, state, and local firearm laws at all jurisdictions to and through which he or she will be travelling.
- All other Amtrak checked baggage policies apply, including limits on the number of pieces of checked baggage, the maximum weight of each piece (50 lbs/23 kg).
- Firearms/ammunition may not be carried in carry-on baggage; therefore, checked baggage must be available on all trains and at all stations in the passenger's itinerary.
- At the time of check-in, passengers will be required to complete and sign a two-part Declaration Form.
- BB guns and Compressed Air Guns (to include paintball markers), are to be treated as firearms and must comply with the above firearms policy. Canisters, tanks, or other devices containing propellants must be emptied prior to checking and securely packaged within the contents of the passenger's luggage.

Passengers failing to meet the above-mentioned requirements for checking firearms will be denied transportation.

To inquire about or begin the firearms reservation process, use the [Contact Us](#) page and select "Checked Firearms Program" as the subject and follow guidance.

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Traveling With Your Firearm Is Easy When You Prepare, Pack, Declare

Attempting to bring a firearm through a TSA passenger screening checkpoint is a violation of TSA security regulations. Discovery of a firearm results in significant disruptions to the screening checkpoint and puts the traveling public, law enforcement, TSA employees and other airport and airline personnel at risk.

Prepare

Know what you can and cannot bring to the airport before you begin to pack. Please review the list of prohibited items posted on TSA.gov to ensure you have a seamless experience at the security checkpoint.

Remember, firearms are never allowed to travel through the passenger screening checkpoint. Firearms may only be transported in checked baggage.

Pack

If planning to travel with a firearm, ensure the firearm is completely unloaded and packed in a locked, hard-sided case before coming to the airport. Only the passenger may retain the key or lock combination.

Properly packaged small arms ammunition not exceeding .75 caliber for a rifle or pistol, magazines, and shotgun shells of any gauge may be carried inside of a magazine or container in the same hard-sided case as the firearm, but never stored in the firearm itself. For more information on packaging and traveling with ammunition please see the firearms guidance on TSA.gov.

Locked cases that can easily be opened do not meet the requirements for transporting in checked baggage and are not permitted. Passengers may use any brand or type of lock to secure the case, including TSA-recognized locks.

Under TSA screening procedures, if requested, passengers are required to provide keys or a combination to TSA personnel conducting security screening of checked



baggage. This requirement is consistent with TSA's statutory responsibility for screening of passengers and property. 49 USC 44901.

Declare

Firearms and ammunition are prohibited at TSA passenger screening checkpoints. If you are traveling with a firearm, you must take it directly to the airline ticket counter and declare it to the counter agent. If the firearm is in a hard-sided case that is contained within another piece of checked luggage, the airline must place the declaration form on top of or within immediate proximity of the case. If the firearm is not contained within another piece of checked luggage, the declaration tag should be placed inside the case, with the firearm.



Airlines may have additional requirements for traveling with firearms and ammunition. TSA recommends travelers contact their airline for carriage policies prior to arriving at the airport.

After a firearm is checked at the ticket counter, ask the airline if they have any additional requirements such as waiting in the lobby for a set period of time before proceeding through the TSA security checkpoints to avoid having to leave the secure area to make a correction in the event that the firearm is improperly packed.

TSA's Commitment

TSA is committed to protecting the traveling public, but travelers are also responsible for properly handling, packing, and declaring their firearm. When a passenger is discovered with a firearm at a TSA passenger screening checkpoint, transportation security officers will stop screening and contact local law enforcement. Local law enforcement will take control of the property, verify and secure the firearm, and process the passenger in accordance with local laws. In addition to law enforcement action, TSA fines passengers who bring a firearm to a TSA checkpoint with a civil penalty up to about \$15,000, removes the passenger's TSA PreCheck® eligibility for at least five years, and may refer the matter for federal prosecution.

States and localities, airlines, and foreign countries have their own regulations and laws concerning the possession of firearms. Prior to departure, passengers are responsible for familiarizing themselves with, and abiding by, applicable firearms laws, regulations, and policies from the airline, U.S. Customs and Border Protection, and all local authorities at the arrival and departure locations. Understanding firearms policies, and planning accordingly, will ensure an uninterrupted, safe, and secure travel experience.

Learn More



For more information, please visit [tsa.gov](https://www.tsa.gov).



If you are traveling internationally, please check the U.S. Customs and Border Protection site at [cbp.gov](https://www.cbp.gov).