

SPECIAL REPORT:
LEAVE ON VACATION
COME HOME
ON
PROBATION



**YOUR GUIDE TO
TRAVELING
WITH A FIREARM**



2016-2017 EDITION



As a gun owner, you get familiar with the security and safety that a carried handgun provides, and you just feel naked without it. That's probably why the most common questions we hear, above all others, pertain to traveling. Unfortunately, not every state (or country!) has the same attitudes toward gun laws, and you want to make sure that a conviction isn't one of the souvenirs you bring home.



THE SAFE PASSAGE PROVISION

UNDER 18 U.S.C. SECTION 926A

As mentioned previously, some states simply just don't like guns. California prohibits magazines that carry more than 10 rounds of ammunition and "Black Talon" ammunition, New Jersey prohibits hollow-point ammunition outside of the home, Maryland prohibits over 60 specific firearms including any "copycat" firearms (good luck figuring out what that means!).

So how do you travel safely through gun-hostile territories? Luckily, Federal law provides a "traveling" defense that allows you, if you qualify, to travel through such states without running afoul of local law. How then do you qualify for such protection?

First, the beginning and end of your trip must be in states where it is lawful for you to possess a gun. For example, consider a Texan who decides to vacation in Vermont; it is lawful to possess a gun in Texas (where the trip begins) and Vermont (the destination). Even though the Texan must pass through very unfriendly states such as New York and Massachusetts, since the beginning and end of the road trip are in gun friendly states, prong 1 of the Safe Passage provision is met! Note that if your end destination is New York or Massachusetts, you don't meet this requirement, and you will have to comply with the laws of those states.

Second, the firearm must be unloaded and placed in a locked container that is not readily accessible. Put your unloaded firearm in a lockable container, and place that container in the trunk or as far away from you as possible while in the vehicle. Ammunition must also be locked up and out of reach as well. The firearm and ammunition may be in the same container – just make sure the ammunition is separated from the gun. Keeping the firearm in the glove box or center console is specifically NOT allowed!



SAFE PASSAGE “TRAVELING”

Finally, a person must be “traveling.” There is no definition of traveling under this law, but we do have some direction provided by courts. Generally, if a person stops somewhere for too long they are no longer “traveling,” and will lose the Safe Passage protection. How long does this time period last? Your guess is as good as ours! Stopping for gas or restroom breaks probably does not disqualify you from the “traveling” protection. However, any stop for an activity not directly related to traveling could be considered a destination. Thus, you would lose the legal protection. For example, anyone staying in Chicago for more than 24 hours is not considered to be traveling under local policy. A Texan driving back from Maine stopped to take a nap in a parking lot in New Jersey, and received 5 years in prison for possession of firearms and ammunition that are illegal under New Jersey law.

A parting thought on the traveling law: you can follow the law to a T, and still end up arrested! Some states treat the Safe Passage provision as an affirmative defense. This means that someone can be arrested, charged with a crime, and must raise the Safe Passage provision as a defense in court to have the case dismissed. So, if at all possible, try to avoid firearm unfriendly states; if unavoidable, comply with the Safe Passage provision and get through the state as fast as you can (without breaking the speed limit, of course)!



AIR TRAVEL

Road trips are not everyone's cup of tea. Some prefer to fly to their destination state; however, the idea of getting assaulted by TSA doesn't seem like fun, which makes many people frightened to fly with their guns. However, if you comply with the law, it will take the mystery and danger out of air travel. Keep in mind, these are only the requirements to fly with your firearm; you must follow the laws of the destination state once you arrive.

TSA REQUIREMENTS

- i. Firearm must be unloaded.
- ii. Firearm must be in a locked, hard-sided container. Only YOU should have the key!
- iii. Place ammunition in the manufacturer's packaging. It may be secured in the same hard-sided container as the firearm.
- iv. Declare the firearm at the check-in counter. The agent will want to ensure that the gun is unloaded, and will probably direct you to lock the hard-sided container once their inspection is complete.
- v. It's always a good idea to call your airline ahead of time to make sure they don't have additional requirements they would like followed upon arriving at the airport.

All of the above applies to checked baggage; what cannot go into your carry-on? All firearms, ammunition, firearm parts, magazines, bolts and firing pins, and replicas of firearms (including toys) must be in checked baggage. What can go in your carry-on? A rifle scope!

WARNING! If there are flight complications causing the aircraft to land in a gun-hostile state, such as New Jersey, do not take possession of your luggage with the firearm. Once you take possession of the baggage holding your weapon, you could be committing a felony! If this happens, simply refuse to take possession of the bags; the airline will forward them to their final destination.



INTERNATIONAL BORDERS

It is very easy to want to drive across the border into Mexico to get authentic Mexican food or to visit the beautiful beaches, and to want to bring your gun along for the ride. But don't do it! Let us say it again: absolutely do not enter into Mexico with firearms or ammunition. It could land you in a Mexican jail for an indefinite amount of time. Do you remember the fiasco that Marine Sgt. Andrew Tahmooressi endured for entering Mexico with weapons? If not, look him up, and it will scare you straight!

Likewise, sometimes while traveling through northern states you may be tempted to pop into Canada for a day trip. Canada generally restricts entrance with a handgun. If you are caught with one, you can be charged with a number of possession and importation violations. Even the most lenient punishment would land you in Canadian prison for up to five years.

The good news is that most rifles and shotguns can be brought into Canada for lawful hunting and sporting purposes. Make sure that you fill out a Non-Resident Firearm Declaration Form prior to arriving at the border. There will be a \$25 fee and the declaration will be valid for 60 days.



KNOW THE LAW

As you can see, traveling is filled with potential perils for the average gun owner; to make matters worse, if you're traveling across state lines, you'll have to be aware of the laws of each individual state you pass through! Ignorance of the law is no defense, so set aside some preparation time before your trip to make sure you know the law. Happy travels!