



Traveling by Air? Leave Your Firearms at Home

By City Attorney Mara W. Elliott

More people tried to bring firearms onto airplanes last year than ever before, and San Diego was part of that trend.

The U.S. Transportation Security Administration knew it had a problem on its hands as early as October, when the number of guns confiscated at airport security checkpoints had already surpassed the previous all-time high and was continuing to climb.

At San Diego International Airport, 13 individuals were referred to our Office after being caught trying to bring guns onto planes in 2021, nearly as many as the previous three years combined.

This trend is concerning. People expect air travel to be safe, and are alarmed by the increasing number of flights being locked down or diverted because of mask protesters and inebriated passengers. We rely more than ever on the TSA to keep planes weapon-free, but the gun industry works faster, creating new guns and gun parts that are undetectable and untraceable.

When airport police confiscate weapons, the cases are often referred to my office. We can file misdemeanor charges ranging from introducing a weapon into a secure area to carrying a loaded firearm in a public place.

In San Diego, the typical traveler caught by the TSA is a male who has a loaded handgun in his carry-on bag or backpack and no criminal record. About one-quarter of them are current or former law enforcement or military.

Almost always, when caught, the gun owner will say they were in a hurry to get to the airport and forgot the gun was in their bag. Others claim they put the gun in their bag to keep it away from their children, untrustworthy roommates, or even thieving family members.

They are usually cooperative and often upset or frightened about how the arrest will affect their careers and futures. Among those stopped in San Diego were a pastor, lifeguard, real estate agent, plastic surgeon, firearm company employee, and at least two who said they needed to carry a gun because they frequently traveled with large amounts of cash.

The penalties generally include forfeiture of the weapon and fines of up to \$1,000. The courts often order defendants to take firearms safety courses, perform community service, and submit to a Fourth Amendment waiver for a set period of time, which means their persons and property are subject to search if law enforcement believes they are committing new crimes. The defendant may receive court-ordered diversion which keeps them out of jail as long as they remain law abiding and possess no weapons for a set period, usually six months to a year.

In addition, the TSA may levy hefty fines for these violations: bringing a loaded firearm through airport security can cost as much as \$13,910; bringing an unloaded gun on a plane will result in

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a fine up to \$2,475.

Remember: Travelers are *never* permitted to bring ammunition and loaded or unloaded firearms onboard commercial aircraft in the United States. Unloaded firearms and ammunition may be transported in checked luggage if properly stored in a hard-sided locked case and declared to airline personnel upon check-in. Different states, local governments, and airlines may have additional restrictions. It is up to the traveler to know and abide by them.

Prosecutors in my office evaluate each case on its facts and file charges only when the elements of a crime are present. Sometimes an individual has a reasonable explanation that shows a good-faith attempt to follow the law. Others are not interested in complying with the law: three of the 24 individuals charged by our Office in the past four years failed to appear in court and now have warrants out for their arrest.

Restrictions on firearms during air travel exist to keep all of us safe from the threat of potential gun violence, including accidental shootings, in crowded airports and in our skies. Ignorance of the law, being forgetful, or being in a hurry, is no excuse.

So, regardless of your reason for carrying a gun to the airport, think again. You can save yourself a lot of time, trouble, and costly legal consequences by making sure you comply with laws that keep travelers safe.

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