

applicable to the balance of this subtitle, as set forth in §5-1105 of this article. Should they be conformed?

5-1008. FIREARMS OR EXPLOSIVES ABOARD AIRCRAFT.

(A) PROHIBITED.

EXCEPT AS SPECIFICALLY AUTHORIZED BY STATE OR FEDERAL LAW, A PERSON MAY NOT BE ABOARD, BOARD, OR ATTEMPT TO BOARD ANY AIRCRAFT ENGAGED IN CERTIFICATED AIR COMMERCE SERVICES WITH ANY FIREARM OR EXPLOSIVE ON OR ABOUT HIS PERSON, WHETHER OPENLY OR CONCEALED.

(B) PENALTY.

ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS.

REVISOR'S NOTE: This section is new language derived from Art. 27, §36A-1.

In subsection (a) of this section, the phrase "board, or attempt to board" is substituted for the present, less judicially certain - and overly broad, if not unconstitutional - criterion "with intent to board".

Present §36A-1(c), which provides that the section does not "authorize or limit any action incompatible with ... federal law", is deleted. As regards the reference to limitations, the provision's reference to limiting any action "incompatible" with federal law is nonsequential and, further, unnecessary in light of the introductory phrase in subsection (a) of this section; as regards the reference to authorizations, the provision is unnecessary since this section, in any event, does not authorize anything.

The only other changes are in style.

The Commission suggests that consideration be given to broadening the scope of this section so that it will apply not only to one who boards or attempts to board an aircraft with a firearm or explosive but, also, one who causes a firearm or explosive to be placed aboard by others - e.g., in baggage checked in advance of flight.

5-1009. SEAPLANES.

AIRCRAFT CAPABLE OF OPERATING ON WATER SHALL BE GOVERNED BY THE RULES OF WATER NAVIGATION WHILE AT REST ON OR OPERATING IN CONTACT WITH WATER.