

Senator James M. Evans proposes the following substitute bill:

AIRPORT SECURITY AMENDMENTS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: James M. Evans

LONG TITLE

General Description:

This bill amends the penalties for possessing a firearm or dangerous weapon in secure airport areas.

Highlighted Provisions:

This bill:

- ▶ provides that knowingly or intentionally possessing a firearm or dangerous weapon in a secure airport area is a class A misdemeanor; and
- ▶ provides that possessing a firearm or dangerous weapon recklessly or with criminal negligence in a secure airport area is an infraction with a maximum fine of \$1,000.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-10-529, as last amended by Chapter 183, Laws of Utah 2003

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-10-529** is amended to read:



26 **76-10-529. Possession of dangerous weapons, firearms, or explosives in airport**
27 **secure areas prohibited -- Penalty.**

28 (1) As used in this section:

29 (a) "Airport authority" has the same meaning as defined in Section 72-10-102.

30 (b) "Dangerous weapon" is the same as defined in Section 76-10-501.

31 (c) "Explosive" is the same as defined for "explosive, chemical, or incendiary device"
32 in Section 76-10-306.

33 (d) "Firearm" is the same as defined in Section 76-10-501.

34 (2) (a) Within a secure area of an airport established pursuant to this section, a person,
35 including a person licensed to carry a concealed firearm under Title 53, Chapter 5, Part 7,
36 Concealed Weapon Act, is guilty of:

37 (i) a class ~~[B]~~ A misdemeanor if the person knowingly or intentionally possesses any
38 dangerous weapon or firearm;

39 (ii) an infraction, subject to a fine of not more than \$1,000, if the person recklessly or
40 with criminal negligence possesses any dangerous weapon or firearm; or

41 (iii) a violation of Section 76-10-306 if the person transports, possesses, distributes, or
42 sells any explosive, chemical, or incendiary device.

43 (b) Subsection (2)(a) does not apply to:

44 (i) persons exempted under Section 76-10-523; and

45 (ii) members of the state or federal military forces while engaged in the performance of
46 their official duties.

47 (3) An airport authority, county, or municipality regulating the airport may:

48 (a) establish any secure area located beyond the main area where the public generally
49 buys tickets, checks and retrieves luggage; and

50 (b) use reasonable means, including mechanical, electronic, x-ray, or any other device,
51 to detect dangerous weapons, firearms, or explosives concealed in baggage or upon the person
52 of any individual attempting to enter the secure area.

53 (4) At least one notice shall be prominently displayed at each entrance to a secure area
54 in which a dangerous weapon, firearm, or explosive is restricted.

55 (5) Upon the discovery of any dangerous weapon, firearm, or explosive, the airport
56 authority, county, or municipality, the employees, or other personnel administering the secure

- 57 area may:
- 58 (a) require the individual to deliver the item to the air freight office or airline ticket
- 59 counter;
- 60 (b) require the individual to exit the secure area; or
- 61 (c) obtain possession or retain custody of the item until it is transferred to law
- 62 enforcement officers.