

1 **BUS PASSENGER SAFETY ACT AMENDMENTS**

2 2007 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Mark W. Walker**

5 Senate Sponsor: Michael G. Waddoups

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions of the Bus Passenger Safety Act related to the carrying of
10 concealed dangerous weapons or hazardous materials or devices into a bus terminal or
11 aboard a bus.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ provides uniformity in the exceptions provisions of the Bus Passenger Safety Act
- 15 regarding individuals who may carry a weapon or firearm into a bus terminal or
- 16 onto a bus;
- 17 ▶ modifies contradictory felony penalty provisions for a violation of boarding a bus
- 18 with a concealed dangerous weapon or firearm; and
- 19 ▶ makes certain technical changes.

20 **Monies Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **76-10-1504**, as last amended by Chapters 13 and 282, Laws of Utah 1998

27 **76-10-1507**, as last amended by Chapter 282, Laws of Utah 1998



28

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

30 Section 1. Section **76-10-1504** is amended to read:

31 **76-10-1504. Bus hijacking -- Assault with intent to commit hijacking -- Use of a**
32 **dangerous weapon or firearm -- Penalties.**

33 (1) (a) A person is guilty of bus hijacking if [~~he~~] the person seizes or exercises control,
34 by force or violence or threat of force or violence, of [~~any~~] a bus within the state.

35 (b) Bus hijacking is a first degree felony.

36 (2) (a) A person is guilty of assault with the intent to commit bus hijacking if [~~he~~] the
37 person intimidates, threatens, or commits assault or battery toward [~~any~~] a driver, attendant,
38 guard, or any other person in control of a bus so as to interfere with the performance of duties
39 by [~~such~~] the person.

40 (b) Assault with the intent to commit bus hijacking is a second degree felony.

41 (3) [~~Any~~] A person who, in the commission of assault with intent to commit bus
42 hijacking, uses a dangerous weapon, as defined in Section 76-1-601, is guilty of a first degree
43 felony.

44 (4) (a) [~~Any~~] A person who boards a bus with a concealed dangerous weapon or
45 firearm upon his person or effects is guilty of a [~~second~~] third degree felony.

46 (b) The prohibition of Subsection (4)(a) does not apply to:

47 (i) elected or appointed peace officers or commercial security personnel who are in
48 possession of weapons or firearms used in the course and scope of their employment[~~, or~~];

49 (ii) a person licensed to carry a concealed weapon; [~~nor shall the prohibition apply to~~]
50 or

51 (iii) persons in possession of weapons or firearms with the consent of the owner of the
52 bus or [~~his~~] the owner's agent, or the lessee or bailee of the bus.

53 Section 2. Section **76-10-1507** is amended to read:

54 **76-10-1507. Exclusion of persons without bona fide business from terminal --**
55 **Firearms and dangerous materials -- Surveillance devices and seizure of offending**
56 **materials -- Detention of violators -- Private security personnel.**

57 (1) (a) In order to provide for the safety, welfare and comfort of passengers, a bus
58 company may refuse admission to terminals to [~~any~~] a person not having bona fide business

59 within the terminal. [~~Any such~~]

60 (b) The refusal [~~shall~~] may not be inconsistent or contrary to state or federal laws or
61 regulations, or to [~~any~~] an ordinance of the political subdivision in which the terminal is
62 located.

63 (c) An authorized bus company representative may require [~~any~~] a person in a terminal
64 to identify himself and state his business.

65 (d) Failure to comply with [~~such~~] a request under Subsection (1)(c) or to state an
66 acceptable business purpose [~~shall be~~] is grounds for the representative to request that the
67 person depart the terminal. [~~Any~~]

68 (e) A person who refuses to comply with [~~such~~] a request [~~shall be~~] made under
69 Subsection (1)(d) is guilty of a class C misdemeanor.

70 (2) [~~Any~~] (a) A person who carries a concealed dangerous weapon, firearm, or any
71 explosive, highly inflammable or hazardous materials or devices into a terminal or aboard a bus
72 [~~shall be~~] is guilty of a third degree felony.

73 (b) The prohibition of Subsection (2)(a) does not apply to individuals listed in
74 Subsection 76-10-1504(4).

75 (c) The bus company may employ reasonable means, including mechanical, electronic
76 or x-ray devices to detect [~~such~~] the items concealed in baggage or upon the person of [~~any~~] a
77 passenger.

78 (d) Upon the discovery of [~~any such~~] an item referred to in Subsection (2)(a), the
79 company may obtain possession and retain custody [~~thereof~~] of the item until it is transferred to
80 a peace officer.

81 (3) (a) An authorized bus company representative may detain within a terminal or bus
82 any person violating the provisions of this [~~act~~] section for a reasonable time until law
83 enforcement authorities arrive. [~~Such~~]

84 (b) The detention [~~shall~~] does not constitute unlawful imprisonment and neither the bus
85 company nor the representative [~~shall be~~] is civilly or criminally liable upon grounds of
86 unlawful imprisonment or assault, provided that only reasonable and necessary force is
87 exercised against [~~any~~] the detained person [~~so detained~~].

88 (4) (a) A bus company may employ or contract for private security personnel. [~~Such~~]

89 (b) The personnel may:

90 (i) detain within a terminal or bus [~~any~~] a person violating [~~the provisions of this act~~]
91 this section for a reasonable time until law enforcement authorities arrive[;]; and [~~may~~]
92 (ii) use reasonable and necessary force in subduing or detaining [~~any~~] the person
93 [~~violating this act~~].

Legislative Review Note
as of 1-24-07 1:18 PM

Office of Legislative Research and General Counsel

H.B. 354 - Bus Passenger Safety Act Amendments

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

1/30/2007, 1:42:20 PM, Lead Analyst: Byrne, D.

Office of the Legislative Fiscal Analyst