

Effective 5/7/2025

76-11-218 Possession of a dangerous weapon in an airport secure area -- Reporting requirements.

- (1)
 - (a) As used in this section:
 - (i) "Airport authority" has the same meaning as defined in Section 72-10-102.
 - (ii) "Explosive" is the same as defined for "explosive, chemical, or incendiary device" in Section 76-15-210.
 - (iii) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
 - (b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
- (2) Except as provided in Subsection (4), an actor commits possession of a dangerous weapon in an airport secure area if the actor, including an actor with a concealed firearm permit issued under Title 53, Chapter 5a, Part 3, Concealed Firearm Permits:
 - (a) intentionally or knowingly possesses a dangerous weapon within the secure area of an airport established under Subsection (5); or
 - (b) recklessly or with criminal negligence possesses a dangerous weapon within the secure area of an airport established under Subsection (5).
- (3)
 - (a) A violation of Subsection (2)(a) is a class A misdemeanor.
 - (b) Subject to Subsection (6), a violation of Subsection (2)(b) is an infraction.
- (4) Subsection (2) does not apply to:
 - (a) an individual exempted from certain weapons laws as described in Section 53-5a-108; or
 - (b) a member of the state or federal military forces while engaged in the performance of the member's official duties.
- (5)
 - (a) An airport authority, county, municipality, or other entity regulating an airport may:
 - (i) establish a secure area located beyond the main area where the public generally buys tickets, checks and retrieves luggage; and
 - (ii) use reasonable means, including mechanical, electronic, x-ray, or another device, to detect firearms, other dangerous weapons, or explosives concealed in baggage or upon the person of an individual attempting to enter the secure area.
 - (b) At least one notice shall be prominently displayed at each entrance to a secure area in which a firearm, other dangerous weapon, or explosive is restricted.
 - (c) An actor who transports, possesses, distributes, or sells an explosive, chemical, or incendiary device within the secure area of an airport commits a violation of Section 76-15-210.
- (6)
 - (a) An actor who violates Subsection (2)(b) on a first offense may receive a written warning for the offense and may not receive a citation or any other form of punishment.
 - (b) An actor who violates Subsection (2)(b) on a second or subsequent offense may receive a written warning or a citation.
- (7)
 - (a) Except as provided in Subsection (7)(d), if a law enforcement officer issues a citation to an actor for an infraction as a result of the actor's conduct described in Subsection (2)(b), or provides an oral or written warning for that conduct, the law enforcement officer shall:
 - (i) if the law enforcement officer is able to confirm that the actor may lawfully possess the dangerous weapon, allow the actor, at the actor's option, to:

- (A) temporarily surrender custody of the dangerous weapon into the custody of the law enforcement agency so that the dangerous weapon may be retrieved by the actor at a later date; or
- (B) exit the secure area of the airport with the dangerous weapon; or
- (ii) if the law enforcement officer is unable to confirm that the actor may lawfully possess the dangerous weapon, or the airport authority under Subsection (7)(d) prohibits the procedure described in Subsection (7)(a)(i), take temporary custody of the dangerous weapon so that the dangerous weapon may be retrieved by the actor at a later date if legally permitted to do so.
- (b) If a law enforcement officer takes temporary custody of a dangerous weapon under Subsection (7)(a):
 - (i) at the time the dangerous weapon is obtained from the actor, the law enforcement officer, or another law enforcement officer, or an employee who works in the secure area of the airport, shall provide the actor with written instructions on how, when, and where the actor may retrieve the actor's dangerous weapon; and
 - (ii) within three business days from the time when the law enforcement officer receives the dangerous weapon, the law enforcement agency shall determine whether the actor is legally permitted to possess the dangerous weapon, and if so, ensure that the dangerous weapon is available for the actor to retrieve.
- (c) An unclaimed dangerous weapon that is surrendered into the custody of a law enforcement agency under this Subsection (7) may be disposed of pursuant to Section 77-11d-105, disposition of unclaimed property.
- (d) An airport authority may implement a policy that prohibits the law enforcement agency with jurisdiction over the airport from utilizing the procedure described in Subsection (7)(a)(i).
- (8)
 - (a) An actor's firearm that is confiscated based on a violation of Subsection (2)(a) shall be returned to the actor in accordance with Subsection 77-11a-402(2).
 - (b) In accordance with Subsection 77-11b-102(5), a firearm seized under Subsection (2)(a) is not subject to forfeiture if the actor may lawfully possess the firearm.
 - (c) In a prosecution brought under this section, a prosecutor may not condition a plea on the forfeiture of a firearm.
- (9) An airport authority, county, municipality, or other entity regulating an airport or with local jurisdiction over an airport may not:
 - (a) charge, cite, or prosecute an actor with a different offense under the Utah Code, local ordinance, or another state or local law or regulation for conduct described in Subsection (2)(b);
 - (b) assess a civil penalty for conduct described in Subsection (2); or
 - (c) enact a regulation, ordinance, or law covering conduct described in Subsection (2).
- (10) A law enforcement agency that issues a written warning, citation, or referral for prosecution under this section shall record and report the information as required under Section 53-25-103.

Renumbered and Amended by Chapter 208, 2025 General Session