

**Representative Thomas V. Hatch** proposes the following substitute bill:

**SECURE FACILITIES AMENDMENTS**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: David L. Gladwell**

**This act modifies provisions related to security procedures at state institutions of higher education by allowing the State Board of Regents to authorize institutions of higher education to establish no more than one hearing room at each institution as secure areas as prescribed in Section 76-8-311.1. The act makes technical changes and provides an effective date.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**53B-3-103**, as last amended by Chapter 116, Laws of Utah 1997

**76-8-311.1**, as last amended by Chapter 97, Laws of Utah 1999

**76-10-523.5**, as enacted by Chapter 164, Laws of Utah 1996

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

Section 1. Section **53B-3-103** is amended to read:

**53B-3-103. Power of board to adopt rules and enact regulations.**

(1) The board may enact regulations governing the conduct of university and college students, faculty, and employees.

(2) (a) The board may:

(i) enact and authorize higher education institutions to enact traffic, parking, and related regulations governing all individuals on campuses and other facilities owned or controlled by the institutions or the board[-]; and

(ii) authorize higher education institutions to establish no more than one secure area at each institution as a hearing room as prescribed in Section 76-8-311.1, but not otherwise restrict



26 the lawful possession or carrying of firearms.

27 (b) In addition to the requirements and penalty prescribed in Subsections 76-8-311.1(3),  
28 (4), (5), and (6), the board shall make rules to ensure that:

29 (i) reasonable means such as mechanical, electronic, x-ray, or similar devices are used to  
30 detect firearms, ammunition, or dangerous weapons contained in the personal property of or on the  
31 person of any individual attempting to enter a secure area hearing room;

32 (ii) an individual required or requested to attend a hearing in a secure area hearing room  
33 is notified in writing of the requirements related to entering a secured area hearing room under this  
34 Section (2)(b) and Section 76-8-311.1;

35 (iii) the restriction of firearms, ammunition, or dangerous weapons in the secure area  
36 hearing room is in effect only during the time the secure area hearing room is in use for hearings  
37 and for a reasonable time before and after its use; and

38 (iv) reasonable space limitations are applied to the secure area hearing room as warranted  
39 by the number of individuals involved in a typical hearing.

40 (3) The board and institutions may enforce these rules and regulations in any reasonable  
41 manner, including the assessment of fees, fines, and forfeitures, the collection of which may be by  
42 withholding from moneys owed the violator, the imposition of probation, suspension, or expulsion  
43 from the institution, the revocation of privileges, the refusal to issue certificates, degrees, and  
44 diplomas, through judicial process or any reasonable combination of these alternatives.

45 Section 2. Section **76-8-311.1** is amended to read:

46 **76-8-311.1. Secure areas -- Items prohibited -- Penalty.**

47 (1) In addition to the definitions in Section 76-10-501, as used in this section:

48 (a) "Correctional facility" has the same meaning as defined in Section 76-8-311.3.

49 (b) "Explosive" has the same meaning as defined for "explosive, chemical, or incendiary  
50 device" defined in Section 76-10-306.

51 (c) "Law enforcement facility" means a facility which is owned, leased, or operated by a  
52 law enforcement agency.

53 (d) "Mental health facility" has the same meaning as defined in Section 62A-12-202.

54 (e) (i) "Secure area" means any area into which certain persons are restricted from  
55 transporting any firearm, ammunition, dangerous weapon, or explosive.

56 (ii) A "secure area" may not include any area normally accessible to the public.

57 (2) (a) A person in charge of a correctional, law enforcement, or mental health facility may  
58 establish secure areas within the facility and may prohibit or control by rule any firearm,  
59 ammunition, dangerous weapon, or explosive.

60 (b) Subsections (2)(a), (3), (4), (5), and (6) apply to higher education secure area hearing  
61 rooms referred to in Subsections 53B-3-103(2)(a)(ii) and (b).

62 (3) At least one notice shall be prominently displayed at each entrance to an area in which  
63 a firearm, ammunition, dangerous weapon, or explosive is restricted.

64 (4) (a) Provisions shall be made to provide a secure weapons storage area so that persons  
65 entering the secure area may store their weapons prior to entering the secure area.

66 (b) The entity operating the facility shall be responsible for weapons while they are stored  
67 in the storage area.

68 (5) It is a defense to any prosecution under this section that the accused, in committing the  
69 act made criminal by this section, acted in conformity with the facility's rule or policy established  
70 pursuant to this section.

71 (6) (a) Any person who knowingly or intentionally transports into a secure area of a facility  
72 any firearm, ammunition, or dangerous weapon is guilty of a third degree felony.

73 (b) Any person violates Section 76-10-306 who knowingly or intentionally transports,  
74 possesses, distributes, or sells any explosive in a secure area of a facility.

75 Section 3. Section **76-10-523.5** is amended to read:

76 **76-10-523.5. Compliance with rules for secure facilities.**

77 Any person, including a person licensed to carry a concealed firearm under Title 53,  
78 Chapter 5, Part 7, Concealed Weapons, shall comply with any rule established for secure facilities  
79 pursuant to Sections 53B-3-103, 76-8-311.1, 76-8-311.3, and 78-7-6 and shall be subject to any  
80 penalty provided in those sections.

81 Section 4. **Effective date.**

82 If approved by two-thirds of all the members elected to each house, this act takes effect  
83 upon approval by the governor, or the day following the constitutional time limit of Utah  
84 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the  
85 date of veto override.