

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 intentionally or knowingly possessing a firearm or dangerous weapon in an airport secure area is a class A misdemeanor;
- ▶ provides that recklessly possessing a firearm in an airport secure area is a class B misdemeanor;
- ▶ provides that recklessly possessing a dangerous weapon in an airport secure area is an infraction; and
- ▶ provides that possessing a weapon or firearm with criminal negligence in an airport secure area is an infraction.

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



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

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

30 **76-10-529. Possession of dangerous weapons, firearms, or explosives in airport**
31 **secure areas prohibited -- Penalty.**

32 (1) As used in this section:

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

34 (b) "Criminal negligence" has the same meaning as defined in Section 76-2-103.

35 [~~(b)~~] (c) "Dangerous weapon" is the same as defined in Section 76-10-501.

36 [~~(c)~~] (d) "Explosive" is the same as defined for "explosive, chemical, or incendiary
37 device" in Section 76-10-306.

38 [~~(d)~~] (e) "Firearm" is the same as defined in Section 76-10-501.

39 (f) "Intentionally" has the same meaning as defined in Section 76-2-103.

40 (g) "Knowingly" has the same meaning as defined in Section 76-2-103.

41 (h) "Recklessly" has the same meaning as defined in Section 76-2-103.

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

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

47 (ii) a class B misdemeanor if the person recklessly possesses a firearm;

48 [~~(ii)~~] (iii) an infraction if the person [~~recklessly or with criminal negligence~~]:

49 (A) recklessly possesses any dangerous weapon; or

50 (B) possesses any dangerous weapon or firearm with criminal negligence; or

51 [~~(iii)~~] (iv) a violation of Section 76-10-306 if the person transports, possesses,
52 distributes, or sells any explosive, chemical, or incendiary device.

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

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

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

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

58 (a) establish any secure area located beyond the main area where the public generally

59 buys tickets, checks and retrieves luggage; and

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

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

65 (5) Upon the discovery of any dangerous weapon, firearm, or explosive, the airport
66 authority, county, or municipality, the employees, or other personnel administering the secure
67 area may:

68 (a) require the individual to deliver the item to the air freight office or airline ticket
69 counter;

70 (b) require the individual to exit the secure area; or

71 (c) obtain possession or retain custody of the item until it is transferred to law
72 enforcement officers.

Legislative Review Note

as of 2-10-04 4:07 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0233

Airport Security Amendments

17-Feb-04

10:49 AM

State Impact

It is estimated that provisions of this bill can be handled within existing budgets.

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst