

Senator James M. Evans proposes the following substitute bill:

1 **AIRPORT SECURITY AMENDMENTS**

2 2004 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: James M. Evans**

5
6 **LONG TITLE**

7 **General Description:**

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

10 **Highlighted Provisions:**

11 This bill:

12 ▶ provides that knowingly or intentionally possessing a firearm or dangerous weapon
13 in a secure airport area is a class A misdemeanor.

14 **Monies Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **76-10-529**, as last amended by Chapter 183, Laws of Utah 2003

21
22 *Be it enacted by the Legislature of the state of Utah:*

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

24 **76-10-529. Possession of dangerous weapons, firearms, or explosives in airport**
25 **secure areas prohibited -- Penalty.**



26 (1) As used in this section:

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

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

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

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

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

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

37 (ii) an infraction if the person recklessly or with criminal negligence possesses any
38 dangerous weapon or firearm; or

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

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

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

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

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

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

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

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

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

56 (a) require the individual to deliver the item to the air freight office or airline ticket

57 counter;

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

59 (c) obtain possession or retain custody of the item until it is transferred to law

60 enforcement officers.