

BUS PASSENGER SAFETY ACT AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark W. Walker

Senate Sponsor: Michael G. Waddoups

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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) ~~electe~~ a ~~d 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 individuals listed in Subsections 76-10-523(1)(a), (b), (c), (d), and (e);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

85 (b) The detention ~~[shall]~~ does not constitute unlawful imprisonment and neither the bus

86 company nor the representative [~~shall be~~] is civilly or criminally liable upon grounds of
87 unlawful imprisonment or assault, provided that only reasonable and necessary force is
88 exercised against [~~any~~] the detained person [~~so detained~~].

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

90 (b) The personnel may:

91 (i) detain within a terminal or bus [~~any~~] a person violating [~~the provisions of this act~~]
92 this section for a reasonable time until law enforcement authorities arrive[.]; and [~~may~~]

93 (ii) use reasonable and necessary force in subduing or detaining [~~any~~] the person
94 [~~violating this act~~].