

AIRPORT FIREARM POSSESSION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Gricius

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill concerns possession of a firearm at an airport.

Highlighted Provisions:

This bill:

- ▶ amends provisions concerning possession of a firearm at an airport; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-10-529, as last amended by Laws of Utah 2004, Chapter 169

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

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

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

(1) (a) As used in this section:

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



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

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

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

32 (b) Terms defined in Section 76-1-101.5 apply to this section.

33 (2) (a) ~~[Within]~~ Except as provided in Subsection (6), within a secure area of an airport
34 established pursuant to this section, a person, including a person licensed to carry a concealed
35 firearm under Title 53, Chapter 5, Part 7, Concealed Firearm Act, is guilty of:

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

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

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

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

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

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

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

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

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

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

54 (5) ~~[Upon]~~ Except as provided in Subsection (6), upon the discovery of any dangerous
55 weapon, firearm, or explosive, the airport authority, county, or municipality, the employees, or
56 other personnel administering the secure area may:

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

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

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

61 enforcement officers.

62 (6) An individual may avoid criminal liability under this section if:

63 (a) the individual is notified at the screening checkpoint for the secure area that the
64 individual is in possession of a firearm; and

65 (b) the individual immediately leaves the screening checkpoint with the individual's
66 firearm and other possessions following:

67 (i) the notification described in Subsection (6)(a); and

68 (ii) completion of required transportation security screening procedures.