

Representative Stephanie Gricius proposes the following substitute bill:

AIRPORT FIREARM POSSESSION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Gricius

Senate Sponsor: _____

LONG TITLE

General Description:

This bill concerns possession of a firearm at an airport.

Highlighted Provisions:

This bill:

▶ defines terms;

▶ creates a defense for the possession of a handgun at an airport under certain circumstances; 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:



26 **76-10-529. Possession of dangerous weapons, firearms, or explosives in airport**
27 **secure areas prohibited -- Penalty.**

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

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

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

31 ~~[(c)]~~ (ii) "Explosive" is the same as defined for "explosive, chemical, or incendiary
32 device" in Section [76-10-306](#).

33 (iii) "Law enforcement officer" means the same as that term is defined in Section

34 [53-13-103](#).

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

36 (b) Terms defined in Sections [76-1-101.5](#) and [76-10-501](#) apply to this section.

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

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

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

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

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

47 (i) persons exempted under Section [76-10-523](#); and

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

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

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

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

56 (4) At least one notice shall be prominently displayed at each entrance to a secure area

57 in which a dangerous weapon, firearm, or explosive is restricted.

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

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

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

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

66 (6) (a) It is a defense to prosecution under this section if the individual:

67 (i) possesses, at the screening checkpoint for the secured area, a handgun that the
68 individual was licensed to carry under Title 53, Chapter 5, Part 7, Concealed Firearm Act;

69 (ii) is notified at the screening checkpoint for the secure area that the individual is in
70 possession of a handgun; and

71 (iii) immediately leaves the screening checkpoint with the individual's handgun and
72 other possessions following:

73 (A) the notification described in Subsection (6)(a)(ii); and

74 (B) completion of required security screening processes.

75 (b) A law enforcement officer investigating conduct that may constitute an offense
76 under this section and that consists only of an individual's possession of a handgun that the
77 individual was licensed to carry under Title 53, Chapter 5, Part 7, Concealed Firearm Act, may
78 not arrest the individual for the offense or confiscate the individual's handgun unless:

79 (i) the law enforcement officer advises the individual of the defense described in
80 Subsection (6)(a) and gives the individual an opportunity to exit the screening checkpoint for
81 the secure area; and

82 (ii) the individual does not immediately exit the screening checkpoint upon completion
83 of the required security screening processes.