

HB0461S01 compared with HB0461

~~{deleted text}~~ shows text that was in HB0461 but was deleted in HB0461S01.

inserted text shows text that was not in HB0461 but was inserted into HB0461S01.

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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:

- ▶ ~~{amends provisions concerning}~~ defines terms;
- ▶ creates a defense for the possession of a ~~{firearm}~~ handgun at an airport under certain circumstances; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

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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.

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

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

(iii) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.

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

(b) Terms defined in ~~{Section}~~ Sections 76-1-101.5 and 76-10-501 apply to this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) ~~An individual may avoid criminal liability;~~ (a) It is a defense to prosecution under this section if:

~~(a)~~ the individual:

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

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

~~(b)(iii)~~ the individual immediately leaves the screening checkpoint with the individual's ~~firearm~~ handgun and other possessions following:

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

~~(ii)~~ B completion of required ~~transportation~~ security screening processes.

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

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

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