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AIRPORT WEAPON POSSESSION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Gricius

Senate Sponsor: David P. Hinkins

into the custody of the law enforcement agency to be retrieved at a later date;

requires a law enforcement agency to take certain actions regarding the retrieval of a



26	dangerous weapon;
27	 provides limitations on certain local entities regarding criminal prosecution, civil
28	remedies, or other actions resulting from the possession of certain items at an
29	airport;
30	 provides procedures for the disposal of a firearm or other dangerous weapon by a
31	law enforcement agency; and
32	provides technical and conforming changes.
33	Money Appropriated in this Bill:
34	None
35	Other Special Clauses:
36	This bill provides a special effective date.
37	Utah Code Sections Affected:
38	AMENDS:
39	63I-2-253 (Superseded 07/01/24), as last amended by Laws of Utah 2023, Chapters 7,
40	21, 33, 142, 167, 168, 380, 383, and 467
41	63I-2-253 (Effective 07/01/24), as last amended by Laws of Utah 2023, Chapters 7, 21,
42	33, 142, 167, 168, 310, 380, 383, and 467
43	63I-2-276, as last amended by Laws of Utah 2023, Chapter 301
44	76-10-529, as last amended by Laws of Utah 2023, Chapter 422
45	77-11a-402, as last amended by Laws of Utah 2023, Chapters 397, 422 and renumbered
46	and amended by Laws of Utah 2023, Chapter 448
47	77-11d-101, as renumbered and amended by Laws of Utah 2023, Chapter 448
48	77-11d-105, as renumbered and amended by Laws of Utah 2023, Chapter 448
49	ENACTS:
50	53-25-102, Utah Code Annotated 1953
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52	Be it enacted by the Legislature of the state of Utah:
53	Section 1. Section 53-25-102 is enacted to read:
54	53-25-102. Airport dangerous weapon possession reporting requirements.
55	(1) As used in this section, "commission" means the State Commission on Criminal
56	and Juvenile Justice created in Section 63M-7-201.

57	(2) Beginning on January 1, 2026, a law enforcement agency having law enforcement
58	jurisdiction over an airport shall annually, on or before April 30, submit a report to the
59	commission detailing:
60	(a) for an offense described in Subsection 76-10-529(2)(a)(i):
61	(i) the number of issued written warnings;
62	(ii) the number of issued citations;
63	(iii) the number of referrals to a detective; and
64	(iv) the number of referrals to a prosecutor; and
65	(b) for an offense described in Subsection 76-10-529(2)(a)(ii):
66	(i) the number of issued written warnings; and
67	(ii) if applicable, the number of issued citations, including the number of individuals
68	who have received more than one citation for the offense.
69	(3) The commission shall:
70	(a) develop a standardized format for reporting the data described in Subsection (2);
71	(b) compile the data submitted under Subsection (2); and
72	(c) annually on or before August 1, publish a report of the data described in Subsection
73	(2) on the commission's website.
74	Section 2. Section 63I-2-253 (Superseded 07/01/24) is amended to read:
75	63I-2-253 (Superseded 07/01/24). Repeal dates: Titles 53 through 53G.
76	(1) Section 53-1-118 is repealed on July 1, 2024.
77	(2) Section 53-1-120 is repealed on July 1, 2024.
78	(3) Section 53-7-109 is repealed on July 1, 2024.
79	(4) Section 53-22-104 is repealed December 31, 2023.
80	(5) Section <u>53-25-102</u> is repealed on December 31, 2031.
81	[(5)] <u>(6)</u> Section 53B-6-105.7 is repealed July 1, 2024.
82	[(6)] (7) Section 53B-7-707 regarding performance metrics for technical colleges is
83	repealed July 1, 2023.
84	[(7)] (8) Section 53B-8-114 is repealed July 1, 2024.
85	[(8)] (9) The following provisions, regarding the Regents' scholarship program, are
86	repealed on July 1, 2023:
87	(a) in Subsection 53B-8-105(12), the language that states, "or any scholarship

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       established under Sections 53B-8-202 through 53B-8-205";
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               (b) Section 53B-8-202;
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               (c) Section 53B-8-203;
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               (d) Section 53B-8-204; and
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               (e) Section 53B-8-205.
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               [9] (10) Section 53B-10-101 is repealed on July 1, 2027.
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               [\frac{(10)}{(11)}] (11) Subsection 53E-1-201(1)(s) regarding the report by the Educational
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       Interpretation and Translation Services Procurement Advisory Council is repealed July 1, 2024.
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               [(11)] (12) Section 53E-1-202.2, regarding a Public Education Appropriations
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       Subcommittee evaluation and recommendations, is repealed January 1, 2024.
               [(12)] (13) Section 53F-2-209, regarding local education agency budgetary flexibility.
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       is repealed July 1, 2024.
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               [<del>(13)</del>] (14) Subsection 53F-2-314(4), relating to a one-time expenditure between the
       at-risk WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.
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               [(14)] (15) Section 53F-2-524, regarding teacher bonuses for extra work assignments.
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       is repealed July 1, 2024.
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               [(15)] (16) Section 53F-5-221, regarding a management of energy and water pilot
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       program, is repealed July 1, 2028.
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               [\frac{(16)}{(17)}] (17) Section 53F-9-401 is repealed on July 1, 2024.
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               [\frac{(17)}{(18)}] (18) Section 53F-9-403 is repealed on July 1, 2024.
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               [(18)] (19) On July 1, 2023, when making changes in this section, the Office of
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       Legislative Research and General Counsel shall, in addition to the office's authority under
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       Section 36-12-12, make corrections necessary to ensure that sections and subsections identified
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       in this section are complete sentences and accurately reflect the office's perception of the
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       Legislature's intent.
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               Section 3. Section 63I-2-253 (Effective 07/01/24) is amended to read:
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               63I-2-253 (Effective 07/01/24). Repeal dates: Titles 53 through 53G.
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               (1) Subsection 53-1-104(1)(b), regarding the Air Ambulance Committee, is repealed
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       July 1, 2024.
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               (2) Section 53-1-118 is repealed on July 1, 2024.
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               (3) Section 53-1-120 is repealed on July 1, 2024.
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119 (4) Section 53-2d-107, regarding the Air Ambulance Committee, is repealed July 1, 120 2024. 121 (5) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection 122 53-2d-702(1)(a) is amended to read: 123 "(a) provide the patient or the patient's representative with the following information 124 before contacting an air medical transport provider: 125 (i) which health insurers in the state the air medical transport provider contracts with; 126 (ii) if sufficient data is available, the average charge for air medical transport services 127 for a patient who is uninsured or out of network; and 128 (iii) whether the air medical transport provider balance bills a patient for any charge not 129 paid by the patient's health insurer; and". 130 (6) Section 53-7-109 is repealed on July 1, 2024. 131 (7) Section 53-22-104 is repealed December 31, 2023. 132 (8) Section 53-25-102 is repealed on December 31, 2031. [(8)] (9) Section 53B-6-105.7 is repealed July 1, 2024. 133 134 [(9)] (10) Section 53B-7-707 regarding performance metrics for technical colleges is 135 repealed July 1, 2023. 136 [(10)] (11) Section 53B-8-114 is repealed July 1, 2024. 137 [(11)] (12) The following provisions, regarding the Regents' scholarship program, are 138 repealed on July 1, 2023: 139 (a) in Subsection 53B-8-105(12), the language that states, "or any scholarship established under Sections 53B-8-202 through 53B-8-205"; 140 141 (b) Section 53B-8-202; 142 (c) Section 53B-8-203; 143 (d) Section 53B-8-204; and 144 (e) Section 53B-8-205. 145 $[\frac{(12)}{(13)}]$ (13) Section 53B-10-101 is repealed on July 1, 2027. 146 [(13)] (14) Subsection 53E-1-201(1)(s) regarding the report by the Educational 147 Interpretation and Translation Services Procurement Advisory Council is repealed July 1, 2024. 148 [(14)] (15) Section 53E-1-202.2, regarding a Public Education Appropriations 149 Subcommittee evaluation and recommendations, is repealed January 1, 2024.

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in Section 76-10-306.

- 150 [(15)] (16) Section 53F-2-209, regarding local education agency budgetary flexibility, 151 is repealed July 1, 2024. 152 [(16)] (17) Subsection 53F-2-314(4), relating to a one-time expenditure between the 153 at-risk WPU add-on funding and previous at-risk funding, is repealed January 1, 2024. 154 [(17)] (18) Section 53F-2-524, regarding teacher bonuses for extra work assignments, 155 is repealed July 1, 2024. 156 [(18)] (19) Section 53F-5-221, regarding a management of energy and water pilot program, is repealed July 1, 2028. 157 158 $[\frac{(19)}{(19)}]$ (20) Section 53F-9-401 is repealed on July 1, 2024. 159 $[\frac{(20)}{(21)}]$ (21) Section 53F-9-403 is repealed on July 1, 2024. [(21)] (22) On July 1, 2023, when making changes in this section, the Office of 160 Legislative Research and General Counsel shall, in addition to the office's authority under 161 162 Section 36-12-12, make corrections necessary to ensure that sections and subsections identified 163 in this section are complete sentences and accurately reflect the office's perception of the 164 Legislature's intent. 165 Section 4. Section 63I-2-276 is amended to read: 166 **63I-2-276.** Repeal dates: Title 76. 167 (1) Subsection 76-5-102.7(2)(b), regarding assault or threat of violence against an 168 owner, employee, or contractor of a health facility, is repealed January 1, 2027. 169 (2) Section 76-7-305.7 is repealed January 1, 2023. (3) Subsection 76-10-529(9), regarding data collection requirements, is repealed on 170 171 December 31, 2031. 172 Section 5. Section **76-10-529** is amended to read: 173 76-10-529. Possession of firearms, other dangerous weapons, or explosives in 174 airport secure areas prohibited -- Punishment limitations -- Reporting requirement. 175 (1) (a) As used in this section: 176 (i) "Airport authority" has the same meaning as defined in Section 72-10-102. 177 (ii) "Explosive" is the same as defined for "explosive, chemical, or incendiary device"
- 179 (iii) "Law enforcement officer" means the same as that term is defined in Section 180 53-13-103.

181	(b) Terms defined in Sections 76-1-101.5 and 76-10-501 apply to this section.
182	(2) (a) Within a secure area of an airport established pursuant to this section, [a person]
183	an actor, including [a person] an actor licensed to carry a concealed firearm under Title 53,
184	Chapter 5, Part 7, Concealed Firearm Act, is guilty of:
185	(i) a class A misdemeanor if the [person] actor knowingly or intentionally possesses
186	[any dangerous weapon or] a firearm or other dangerous weapon;
187	(ii) subject to Subsection (5), an infraction if the [person] actor recklessly or with
188	<u>criminal negligence</u> possesses [any dangerous weapon or] a firearm or other dangerous
189	weapon; or
190	(iii) a violation of Section 76-10-306 if the [person] actor transports, possesses,
191	distributes, or sells [any] an explosive, chemical, or incendiary device.
192	(b) Subsection (2)(a) does not apply to:
193	(i) [persons] individuals exempted under Section 76-10-523; and
194	(ii) [members] a member of the state or federal military forces while engaged in the
195	performance of [their] the member's official duties.
196	(3) An airport authority, county, [or] municipality, or other entity regulating [the] an
197	airport may:
198	(a) establish $[any]$ \underline{a} secure area located beyond the main area where the public
199	generally buys tickets, checks and retrieves luggage; and
200	(b) use reasonable means, including mechanical, electronic, x-ray, or [any other]
201	another device, to detect [dangerous weapons,] firearms, other dangerous weapons, or
202	explosives concealed in baggage or upon the person of [any] an individual attempting to enter
203	the secure area.
204	(4) At least one notice shall be prominently displayed at each entrance to a secure area
205	in which a [dangerous weapon,] firearm, other dangerous weapon, or explosive is restricted.
206	[(5) Upon the discovery of any dangerous weapon, firearm, or explosive, the airport
207	authority, county, or municipality, the employees, or other personnel administering the secure
208	area may:]
209	[(a) require the individual to deliver the item to the air freight office or airline ticket
210	counter;]
211	[(b) require the individual to exit the secure area; or]

212	[(c) obtain possession or retain custody of the item until it is transferred to law
213	enforcement officers.]
214	(5) (a) An actor who violates Subsection (2)(a)(ii) on a first offense may receive a
215	written warning for the offense and may not receive a citation or any other form of punishment.
216	(b) An actor who violates Subsection (2)(a)(ii) on a second or subsequent offense may
217	receive a written warning or a citation.
218	(6) (a) Except as provided in Subsection (6)(d), if a law enforcement officer issues a
219	citation to an actor for an infraction as a result of the actor's conduct described in Subsection
220	(2)(a)(ii), or provides an oral or written warning for that conduct, the law enforcement officer
221	shall:
222	(i) if the law enforcement officer is able to confirm that the actor may lawfully possess
223	the firearm or other dangerous weapon, allow the actor, at the actor's option, to:
224	(A) temporarily surrender custody of the firearm or other dangerous weapon into the
225	custody of the law enforcement agency so that the firearm or other dangerous weapon may be
226	retrieved by the actor at a later date; or
227	(B) exit the secure area of the airport with the firearm or other dangerous weapon; or
228	(ii) if the law enforcement officer is unable to confirm that the actor may lawfully
229	possess the firearm or other dangerous weapon, or the airport authority under Subsection (6)(d)
230	prohibits the procedure described in Subsection (6)(a)(i), take temporary custody of the firearm
231	or other dangerous weapon so that the firearm or other dangerous weapon may be retrieved by
232	the actor at a later date if legally permitted to do so.
233	(b) If a law enforcement officer takes temporary custody of a firearm or other
234	dangerous weapon under Subsection (6)(a):
235	(i) at the time the firearm or other dangerous weapon is obtained from the actor, the
236	law enforcement officer, or another law enforcement officer, or an employee who works in the
237	secure area of the airport, shall provide the actor with written instructions on how, when, and
238	where the actor may retrieve the actor's firearm or other dangerous weapon; and
239	(ii) within three business days from the time when the law enforcement officer receives
240	the firearm or other dangerous weapon, the law enforcement agency shall determine whether
241	the actor is legally permitted to possess the firearm or other dangerous weapon, and if so,
242	ensure that the firearm or other dangerous weapon is available for the actor to retrieve.

243	(c) An unclaimed firearm or other dangerous weapon that is surrendered into the
244	custody of a law enforcement agency under this Subsection (6) may be disposed of pursuant to
245	Section 77-11d-105, disposition of unclaimed property.
246	(d) An airport authority may implement a policy that prohibits the law enforcement
247	agency with jurisdiction over the airport from utilizing the procedure described in Subsection
248	<u>(6)(a)(i).</u>
249	[(6)] (7) (a) [An individual who is prosecuted for a violation of this section based on
250	the possession of a firearm shall have the individual's firearm returned to the individual] An
251	actor's firearm that is confiscated based on a violation of Subsection (2)(a)(i) shall be returned
252	to the actor in accordance with Subsection 77-11a-402(1)(b) [if the individual may lawfully
253	possess the firearm].
254	(b) In accordance with Subsection 77-11b-102(5), a firearm seized under [this section]
255	Subsection (2)(a)(i) is not subject to forfeiture if the [charged individual] actor may lawfully
256	possess the firearm.
257	(c) In a prosecution brought under this section, a prosecutor may not condition a plea
258	on the forfeiture of a firearm.
259	(8) An airport authority, county, municipality, or other entity regulating an airport or
260	with local jurisdiction over an airport may not:
261	(a) charge, cite, or prosecute an actor with a different offense under the Utah Code,
262	local ordinance, or another state or local law or regulation for conduct described in Subsection
263	(2)(a)(ii);
264	(b) assess a civil penalty for conduct described in Subsection (2)(a)(i) or (ii); or
265	(c) enact a regulation, ordinance, or law covering conduct described in Subsection (2).
266	(9) A law enforcement agency that issues a written warning, citation, or referral for
267	prosecution under this section shall record and report the information as required under Section
268	<u>53-25-102.</u>
269	Section 6. Section 77-11a-402 is amended to read:
270	77-11a-402. Disposition of seized property and contraband Return of seized
271	property.
272	(1) (a) Except as provided in Subsection (1)(b), if a prosecuting attorney determines
273	that seized property no longer needs to be retained as evidence under Chapter 11c, Retention of

274 Evidence, the prosecuting attorney may:

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- (i) petition the court to apply the property that is money towards restitution, fines, fees, or monetary judgments owed by the owner of the property;
- (ii) petition the court for an order transferring ownership of weapons to the agency with custody for the agency's use and disposal in accordance with Section 77-11a-403 if the owner:
 - (A) is the individual who committed the offense for which the weapon was seized; or
- 280 (B) may not lawfully possess the weapon; or
 - (iii) notify the agency with custody of the property or contraband that:
 - (A) the property may be returned to the owner in accordance with Section 77-11a-301 if the owner may lawfully possess the property; or
 - (B) the contraband may be disposed of or destroyed.
 - (b) If a prosecuting attorney determines that a firearm seized from an individual as a result of an offense committed under [Section 76-10-529] Subsection 76-10-529(2)(a)(i) no longer needs to be retained for court proceedings, the prosecuting attorney shall notify the agency with custody of the firearm that the property shall be returned to the individual if the individual may lawfully possess the firearm.
 - (2) Before returning a firearm to an individual, the agency returning the firearm shall confirm, through the Bureau of Criminal Identification, that the individual is eligible to lawfully possess and receive firearms.
 - (3) (a) Except as provided in Subsection (3)(b), if the agency is unable to locate the owner of the property or the owner is not entitled to lawfully possess the property, the agency may:
 - (i) apply the property to a public interest use;
 - (ii) sell the property at public auction and apply the proceeds of the sale to a public interest use; or
 - (iii) destroy the property if the property is unfit for a public interest use or for sale.
 - (b) If the property described in Subsection (3)(a) is a firearm, the agency shall dispose of the firearm in accordance with Section 77-11a-403.
 - (4) Before applying the property or the proceeds from the sale of the property to a public interest use, the agency shall obtain from the legislative body of the agency's jurisdiction:

305	(a) permission to apply the property or the proceeds to public interest use; and
306	(b) the designation and approval of the public interest use of the property or the
307	proceeds.
308	(5) If a peace officer seizes property that at the time of seizure is held by a pawn or
309	secondhand business in the course of the pawn or secondhand business's business, the
310	provisions of Section 13-32a-116 shall apply to the disposition of the property.
311	Section 7. Section 77-11d-101 is amended to read:
312	77-11d-101. Definitions.
313	As used in this chapter:
314	(1) "Interest holder" means the same as that term is defined in Section 77-11a-101.
315	(2) (a) "Lost or mislaid property":
316	[(a)] (i) means any property that comes into the possession of a peace officer or law
317	enforcement agency:
318	[(i)] (A) that is not claimed by anyone who is identified as the owner of the property; or
319	[(ii)] (B) for which no owner or interest holder can be found after a reasonable and
320	diligent search;
321	[(b)] (ii) includes any property received by a peace officer or law enforcement agency
322	from a person claiming to have found the property; and
323	[(c)] (iii) does not include property seized by a peace officer in accordance with
324	Chapter 11a, Seizure of Property and Contraband.
325	(b) "Lost or mislaid property" includes a firearm or other dangerous weapon received
326	by a law enforcement agency at an airport under Subsection 76-10-529(6).
327	(3) "Owner" means the same as that term is defined in Section 77-11a-101.
328	(4) "Public interest use" means:
329	(a) use by a governmental agency as determined by the agency's legislative body; or
330	(b) donation to a nonprofit charity registered with the state.
331	Section 8. Section 77-11d-105 is amended to read:
332	77-11d-105. Disposition of unclaimed property.
333	$[\frac{(1)(a) \text{ If}}{(a)}]$
334	(1) (a) Except as provided in Subsection (6), if the owner of any lost or mislaid
335	property cannot be determined or notified, or if the owner of the property is determined and

336	notified, and fails to appear and claim the property after three months of the property's receipt
337	by the local law enforcement agency, the agency shall:
338	(i) publish notice of the intent to dispose of the unclaimed property on Utah's Public
339	Legal Notice Website established in Subsection 45-1-101(2)(b);
340	(ii) post a similar notice on the public website of the political subdivision within which
341	the law enforcement agency is located; and
342	(iii) post a similar notice in a public place designated for notice within the law
343	enforcement agency.
344	(b) The notice shall:
345	(i) give a general description of the item; and
346	(ii) the date of intended disposition.
347	(c) The agency may not dispose of the lost or mislaid property until at least eight days
348	after the date of publication and posting.
349	(2) (a) If no claim is made for the lost or mislaid property within nine days of
350	publication and posting, the agency shall notify the person who turned the property over to the
351	local law enforcement agency, if it was turned over by a person under Section 77-11d-103.
352	(b) Except as provided in Subsection (4), if that person has complied with the
353	provisions of this chapter, the person may take the lost or mislaid property if the person:
354	(i) pays the costs incurred for advertising and storage; and
355	(ii) signs a receipt for the item.
356	(3) If the person who found the lost or mislaid property fails to take the property under
357	the provisions of this chapter, the agency shall:
358	(a) apply the property to a public interest use as provided in Subsection (4);
359	(b) sell the property at public auction and apply the proceeds of the sale to a public
360	interest use; or
361	(c) destroy the property if it is unfit for a public interest use or sale.
362	(4) Before applying the lost or mislaid property to a public interest use, the agency
363	having possession of the property shall obtain from the agency's legislative body:
364	(a) permission to apply the property to a public interest use; and
365	(b) the designation and approval of the public interest use of the property.
366	(5) Any person employed by a law enforcement agency who finds property may not

367	claim or receive property under this section.
368	(6) (a) If the lost or mislaid property is a firearm or other dangerous weapon received
369	by a law enforcement agency under Subsection 76-10-529(6), the law enforcement agency may
370	dispose of the firearm or other dangerous weapon three months after the property's receipt by
371	the law enforcement agency if the owner of the firearm or other dangerous weapon, or the
372	owner's agent:
373	(i) fails to retrieve the firearm or other dangerous weapon; or
374	(ii) is legally prohibited from possessing the firearm or other dangerous weapon.
375	(b) A law enforcement agency may dispose of a firearm under Subsection (6)(a) by
376	following the procedures described in Section 77-11a-403, disposition of firearms no longer
377	needed as evidence.
378	Section 9. Effective date.
379	(1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.
380	(2) The actions affecting Section 63I-2-253 (Effective 07/01/24) take effect on July 1,
381	<u>2024.</u>