

HB0223S01 compared with HB0223

~~deleted text~~ shows text that was in HB0223 but was deleted in HB0223S01.

inserted text shows text that was not in HB0223 but was inserted into HB0223S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Stephanie Gricius proposes the following substitute bill:

AIRPORT WEAPON POSSESSION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: {} Stephanie Gricius

Senate Sponsor: { _____ } David P. Hinkins

LONG TITLE

General Description:

This bill concerns weapon possession at an airport.

Highlighted Provisions:

This bill:

- ▶ establishes, with a sunset date, law enforcement reporting requirements concerning the possession of certain types of dangerous weapons in a secure area of an airport;
- ▶ requires the State Commission on Criminal and Juvenile Justice to receive, compile, and publish data concerning offenses involving the possession of a dangerous weapon in a secure area of an airport;
- ▶ adds criminal negligence as a culpable mental state for the possession of a dangerous weapon in a secure area of an airport;
- ▶ provides limitations on the punishment for certain violations resulting from the

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possession of a dangerous weapon in a secure area of an airport;

- ▶ provides, under certain circumstances, that an actor in possession of a dangerous weapon in a secure area of the airport may return to a non-secure area of the airport with the dangerous weapon or may ~~{check}~~ temporarily surrender the dangerous weapon 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 dangerous weapon;
- ▶ provides limitations on certain local entities regarding criminal prosecution, civil remedies, or other actions resulting from the possession of certain items at an airport;
- ▶ provides procedures for the disposal of a firearm or other dangerous weapon by a law enforcement agency; and
- ▶ provides technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

63I-2-253 (Superseded 07/01/24), as last amended by Laws of Utah 2023, Chapters 7, 21, 33, 142, 167, 168, 380, 383, and 467

63I-2-253 (Effective 07/01/24), as last amended by Laws of Utah 2023, Chapters 7, 21, 33, 142, 167, 168, 310, 380, 383, and 467

63I-2-276, as last amended by Laws of Utah 2023, Chapter 301

76-10-529, as last amended by Laws of Utah 2023, Chapter 422

77-11a-402, as last amended by Laws of Utah 2023, Chapters 397, 422 and renumbered and amended by Laws of Utah 2023, Chapter 448

77-11d-101, as renumbered and amended by Laws of Utah 2023, Chapter 448

77-11d-105, as renumbered and amended by Laws of Utah 2023, Chapter 448

ENACTS:

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53-25-102, Utah Code Annotated 1953

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

Section 1. Section **53-25-102** is enacted to read:

53-25-102. Airport dangerous weapon possession reporting requirements.

(1) As used in this section, "commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.

(2) Beginning on January 1, 2026, a law enforcement agency having law enforcement jurisdiction over an airport shall annually, on or before April 30, submit a report to the commission detailing:

(a) for an offense described in Subsection 76-10-529(2)(a)(i):

(i) the number of issued written warnings;

(ii) the number of issued citations;

(iii) the number of referrals to a detective; and

(iv) the number of referrals to a prosecutor; and

(b) for an offense described in Subsection 76-10-529(2)(a)(ii):

(i) the number of issued written warnings; and

(ii) if applicable, the number of issued citations, including the number of individuals who have received more than one citation for the offense.

(3) The commission shall:

(a) develop a standardized format for reporting the data described in Subsection (2);

(b) compile the data submitted under Subsection (2); and

(c) annually on or before August 1, publish a report of the data described in Subsection (2) on the commission's website.

~~{ 77-11a-402. Disposition of seized property and contraband -- Return of seized property.~~

~~—— (1) (a) Except as provided in Subsection (1)(b) a prosecuting attorney determines that seized property no longer needs to be retained as evidence under Chapter 11c, Retention of Evidence, the prosecuting attorney may:~~

~~—— (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;~~

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- ~~—— (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~~
- ~~—— (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 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:~~
- ~~—— (a) permission to apply the property or the proceeds to public interest use; and~~
- ~~—— (b) the designation and approval of the public interest use of the property or the proceeds.~~

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~~—— (5) If a peace officer seizes property that at the time of seizure is held by a pawn or secondhand business in the course of the pawn or secondhand business's business, the provisions of Section 13-32a-116 shall apply to the disposition of the property.~~

~~77-11d-101. Definitions.~~

~~—— As used in this chapter:~~

~~—— (1) "Interest holder" means the same as that term is defined in Section 77-11a-101.~~

~~—— (2) "Lost or mislaid property":~~

~~—— (a) means any property that comes into the possession of a peace officer or law enforcement agency:~~

~~—— (i) that is not claimed by anyone who is identified as the owner of the property; or~~

~~—— (ii) for which no owner or interest holder can be found after a reasonable and diligent search;~~

~~—— (b) includes any property received by a peace officer or law enforcement agency from a person claiming to have found the property; and~~

~~—— (c) does not include property seized by a peace officer in accordance with Chapter 11a, Seizure of Property and Contraband.~~

~~—— (3) "Owner" means the same as that term is defined in Section 77-11a-101.~~

~~—— (4) "Public interest use" means:~~

~~—— (a) use by a governmental agency as determined by the agency's legislative body; or~~

~~—— (b) donation to a nonprofit charity registered with the state.~~

~~77-11d-105. Disposition of unclaimed property.~~

~~—— (1) (a) If the owner of any lost or mislaid property cannot be determined or notified, or if the owner of the property is determined and notified, and fails to appear and claim the property after three months of the property's receipt by the local law enforcement agency, the agency shall:~~

~~—— (i) publish notice of the intent to dispose of the unclaimed property on Utah's Public Legal Notice Website established in Subsection 45-1-101(2)(b);~~

~~—— (ii) post a similar notice on the public website of the political subdivision within which the law enforcement agency is located; and~~

~~—— (iii) post a similar notice in a public place designated for notice within the law enforcement agency.~~

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- ~~—— (b) The notice shall:~~
- ~~—— (i) give a general description of the item; and~~
- ~~—— (ii) the date of intended disposition.~~
- ~~—— (c) The agency may not dispose of the lost or mislaid property until at least eight days after the date of publication and posting.~~
- ~~—— (2) (a) If no claim is made for the lost or mislaid property within nine days of publication and posting, the agency shall notify the person who turned the property over to the local law enforcement agency, if it was turned over by a person under Section 77-11d-103.~~
- ~~—— (b) Except as provided in Subsection (4), if that person has complied with the provisions of this chapter, the person may take the lost or mislaid property if the person:~~
- ~~—— (i) pays the costs incurred for advertising and storage; and~~
- ~~—— (ii) signs a receipt for the item.~~
- ~~—— (3) If the person who found the lost or mislaid property fails to take the property under the provisions of this chapter, the agency shall:~~
- ~~—— (a) apply the property to a public interest use as provided in Subsection (4);~~
- ~~—— (b) sell the property at public auction and apply the proceeds of the sale to a public interest use; or~~
- ~~—— (c) destroy the property if it is unfit for a public interest use or sale.~~
- ~~—— (4) Before applying the lost or mislaid property to a public interest use, the agency having possession of the property shall obtain from the agency's legislative body:~~
- ~~—— (a) permission to apply the property to a public interest use; and~~
- ~~—— (b) the designation and approval of the public interest use of the property.~~
- ~~—— (5) Any person employed by a law enforcement agency who finds property may not claim or receive property under this section.~~

‡ Section 2. Section **63I-2-253 (Superseded 07/01/24)** is amended to read:

63I-2-253 (Superseded 07/01/24). Repeal dates: Titles 53 through 53G.

- (1) Section 53-1-118 is repealed on July 1, 2024.
- (2) Section 53-1-120 is repealed on July 1, 2024.
- (3) Section 53-7-109 is repealed on July 1, 2024.
- (4) Section 53-22-104 is repealed December 31, 2023.
- (5) Section 53-25-102 is repealed on December 31, 2031.

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~~[(5)]~~ (6) Section 53B-6-105.7 is repealed July 1, 2024.

~~[(6)]~~ (7) Section 53B-7-707 regarding performance metrics for technical colleges is repealed July 1, 2023.

~~[(7)]~~ (8) Section 53B-8-114 is repealed July 1, 2024.

~~[(8)]~~ (9) The following provisions, regarding the Regents' scholarship program, are repealed on July 1, 2023:

(a) in Subsection 53B-8-105(12), the language that states, "or any scholarship established under Sections 53B-8-202 through 53B-8-205";

(b) Section 53B-8-202;

(c) Section 53B-8-203;

(d) Section 53B-8-204; and

(e) Section 53B-8-205.

~~[(9)]~~ (10) Section 53B-10-101 is repealed on July 1, 2027.

~~[(10)]~~ (11) Subsection 53E-1-201(1)(s) regarding the report by the Educational Interpretation and Translation Services Procurement Advisory Council is repealed July 1, 2024.

~~[(11)]~~ (12) Section 53E-1-202.2, regarding a Public Education Appropriations Subcommittee evaluation and recommendations, is repealed January 1, 2024.

~~[(12)]~~ (13) Section 53F-2-209, regarding local education agency budgetary flexibility, is repealed July 1, 2024.

~~[(13)]~~ (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.

~~[(14)]~~ (15) Section 53F-2-524, regarding teacher bonuses for extra work assignments, is repealed July 1, 2024.

~~[(15)]~~ (16) Section 53F-5-221, regarding a management of energy and water pilot program, is repealed July 1, 2028.

~~[(16)]~~ (17) Section 53F-9-401 is repealed on July 1, 2024.

~~[(17)]~~ (18) Section 53F-9-403 is repealed on July 1, 2024.

~~[(18)]~~ (19) On July 1, 2023, when making changes in this section, the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Section 36-12-12, make corrections necessary to ensure that sections and subsections identified in this section are complete sentences and accurately reflect the office's perception of the

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Legislature's intent.

Section 3. Section **63I-2-253 (Effective 07/01/24)** is amended to read:

63I-2-253 (Effective 07/01/24). Repeal dates: Titles 53 through 53G.

(1) Subsection 53-1-104(1)(b), regarding the Air Ambulance Committee, is repealed July 1, 2024.

(2) Section 53-1-118 is repealed on July 1, 2024.

(3) Section 53-1-120 is repealed on July 1, 2024.

(4) Section 53-2d-107, regarding the Air Ambulance Committee, is repealed July 1, 2024.

(5) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection 53-2d-702(1)(a) is amended to read:

"(a) provide the patient or the patient's representative with the following information before contacting an air medical transport provider:

(i) which health insurers in the state the air medical transport provider contracts with;

(ii) if sufficient data is available, the average charge for air medical transport services for a patient who is uninsured or out of network; and

(iii) whether the air medical transport provider balance bills a patient for any charge not paid by the patient's health insurer; and".

(6) Section 53-7-109 is repealed on July 1, 2024.

(7) Section 53-22-104 is repealed December 31, 2023.

(8) Section 53-25-102 is repealed on December 31, 2031.

~~(8)~~ (9) Section 53B-6-105.7 is repealed July 1, 2024.

~~(9)~~ (10) Section 53B-7-707 regarding performance metrics for technical colleges is repealed July 1, 2023.

~~(10)~~ (11) Section 53B-8-114 is repealed July 1, 2024.

~~(11)~~ (12) The following provisions, regarding the Regents' scholarship program, are repealed on July 1, 2023:

(a) in Subsection 53B-8-105(12), the language that states, "or any scholarship established under Sections 53B-8-202 through 53B-8-205";

(b) Section 53B-8-202;

(c) Section 53B-8-203;

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(d) Section 53B-8-204; and

(e) Section 53B-8-205.

~~[(12)]~~ (13) Section 53B-10-101 is repealed on July 1, 2027.

~~[(13)]~~ (14) Subsection 53E-1-201(1)(s) regarding the report by the Educational Interpretation and Translation Services Procurement Advisory Council is repealed July 1, 2024.

~~[(14)]~~ (15) Section 53E-1-202.2, regarding a Public Education Appropriations Subcommittee evaluation and recommendations, is repealed January 1, 2024.

~~[(15)]~~ (16) Section 53F-2-209, regarding local education agency budgetary flexibility, is repealed July 1, 2024.

~~[(16)]~~ (17) 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.

~~[(17)]~~ (18) Section 53F-2-524, regarding teacher bonuses for extra work assignments, is repealed July 1, 2024.

~~[(18)]~~ (19) Section 53F-5-221, regarding a management of energy and water pilot program, is repealed July 1, 2028.

~~[(19)]~~ (20) Section 53F-9-401 is repealed on July 1, 2024.

~~[(20)]~~ (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 Legislative Research and General Counsel shall, in addition to the office's authority under Section 36-12-12, make corrections necessary to ensure that sections and subsections identified in this section are complete sentences and accurately reflect the office's perception of the Legislature's intent.

Section 4. Section **63I-2-276** is amended to read:

63I-2-276. Repeal dates: Title 76.

(1) Subsection 76-5-102.7(2)(b), regarding assault or threat of violence against an owner, employee, or contractor of a health facility, is repealed January 1, 2027.

(2) Section 76-7-305.7 is repealed January 1, 2023.

(3) Subsection 76-10-529(~~10~~9), regarding data collection requirements, is repealed on December 31, 2031.

Section 5. Section **76-10-529** is amended to read:

76-10-529. Possession of firearms, other dangerous weapons, or explosives in

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airport secure areas prohibited -- Punishment limitations -- Reporting requirement.

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

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

(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.

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

(2) (a) Within a secure area of an airport established pursuant to this section, [~~a person~~] an actor, including [~~a person~~] an actor 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~~] actor knowingly or intentionally possesses [~~any dangerous weapon or~~] a firearm or other dangerous weapon;

(ii) subject to Subsection (~~46-5~~), an infraction if the [~~person~~] actor recklessly or with criminal negligence possesses [~~any dangerous weapon or~~] a firearm or other dangerous weapon; or

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

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

(i) [~~persons~~] individuals exempted under Section 76-10-523; and

(ii) [~~members~~] a member of the state or federal military forces while engaged in the performance of [~~their~~] the member's official duties.

(3) An airport authority, county, [~~or~~] municipality, or other entity regulating [~~the~~] an airport may:

(a) establish [~~any~~] a 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~~] another device, to detect [~~dangerous weapons~~] firearms, other dangerous weapons, or explosives concealed in baggage or upon the person of [~~any~~] an individual attempting to enter the secure area.

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

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in which a [~~dangerous weapon,~~] firearm, other dangerous weapon, or explosive is restricted.

~~[(5) {} Upon {}~~ In accordance with Subsection (7), upon the discovery of ~~{}~~ any dangerous weapon, ~~{ a }~~ firearm, ~~{ other dangerous weapon. }~~ or explosive, the airport authority, county, ~~{}~~ or ~~{}~~ municipality, ~~{ or other entity regulating the airport, or }~~ 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 {} the item is transferred to law enforcement officers.]~~

~~{6}5~~ (a) An actor who violates Subsection (2)(a)(ii) on a first offense may receive a written warning for the offense and may not receive a citation or any other form of punishment.

(b) An actor who violates Subsection (2)(a)(ii) on a second or subsequent offense may receive a written warning or a citation.

~~{7}6~~ (a) ~~{ff}~~ Except as provided in Subsection (6)(d), if a law enforcement officer issues a citation to an actor for an infraction as a result of the actor's conduct described in Subsection (2)(a)(ii), or provides an oral or written warning for that conduct, the law enforcement officer shall:

(i) if the law enforcement officer is able to confirm that the actor may lawfully possess the firearm or other dangerous weapon, allow the actor, at the actor's option, to:

(A) ~~{check}~~ temporarily surrender custody of the firearm or other dangerous weapon into the custody of the law enforcement agency so that the firearm or other dangerous weapon may be retrieved by the actor at a later date; or

(B) exit the secure area of the airport with the firearm or other dangerous weapon; or

(ii) if the law enforcement officer is unable to confirm that the actor may lawfully possess the firearm or other dangerous weapon, ~~{check}~~ or the airport authority under Subsection (6)(d) prohibits the procedure described in Subsection (6)(a)(i), take temporary custody of the firearm or other dangerous weapon ~~{ into the custody of the law enforcement agency }~~ so that the firearm or other dangerous weapon may be retrieved by the actor at a later date if legally permitted to do so.

(b) If a law enforcement officer ~~{checks}~~ takes temporary custody of a firearm or other

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dangerous weapon ~~into the custody of a law enforcement agency~~ under Subsection ~~(77)6~~(a):

(i) at the time the firearm or other dangerous weapon is obtained from the actor, the law enforcement officer, or another law enforcement officer, or an employee who works in the secure area of the airport, shall provide the actor with written instructions on how, when, and where the actor may retrieve the actor's firearm or other dangerous weapon; and

(ii) within ~~72 hours~~ **three business days** from the time when the law enforcement officer receives the firearm or other dangerous weapon, the law enforcement agency shall determine whether the actor is legally permitted to possess the firearm or other dangerous weapon, and if so, ensure that the firearm or other dangerous weapon is available for the actor to retrieve.

(c) An unclaimed firearm or other dangerous weapon that is surrendered into the custody of a law enforcement agency under this Subsection (6) may be disposed of pursuant to Section 77-11d-105, disposition of unclaimed property.

(d) An airport authority may implement a policy that prohibits the law enforcement agency with jurisdiction over the airport from utilizing the procedure described in Subsection (6)(a)(i).

~~[(6)] ~~(78)7~~ (a) [An individual who is prosecuted for a violation of this section based on the possession of a firearm shall have the individual's firearm returned to the individual]~~ An actor's firearm that is confiscated based on a violation of Subsection (2)(a)(i) shall be returned to the actor in accordance with Subsection 77-11a-402(1)(b) ~~[if the individual may lawfully possess the firearm]~~.

(b) In accordance with Subsection 77-11b-102(5), a firearm seized under ~~[this section]~~ Subsection (2)(a)(i) is not subject to forfeiture if the ~~[charged individual]~~ actor may lawfully possess the firearm.

(c) In a prosecution brought under this section, a prosecutor may not condition a plea on the forfeiture of a firearm.

~~(79)8~~ An airport authority, county, municipality, or other entity regulating an airport or with local jurisdiction over an airport may not:

(a) charge, cite, or prosecute an actor with a different offense under the Utah Code, local ordinance, or another state or local law or regulation for conduct described in Subsection (2)(a)(ii);

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(b) assess a civil penalty for conduct described in Subsection (2)(a)(i) or (ii); or

(c) enact a regulation, ordinance, or law covering conduct described in Subsection (2).

(~~10~~9) A law enforcement agency that issues a written warning, citation, or referral for prosecution under this section shall record and report the information as required under Section 53-25-102.

Section 6. Section 77-11a-402 is amended to read:

77-11a-402. Disposition of seized property and contraband -- Return of seized property.

(1) (a) Except as provided in Subsection (1)(b), if a prosecuting attorney determines that seized property no longer needs to be retained as evidence under Chapter 11c, Retention of Evidence, the prosecuting attorney may:

(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

(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

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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:

(a) permission to apply the property or the proceeds to public interest use; and

(b) the designation and approval of the public interest use of the property or the proceeds.

(5) If a peace officer seizes property that at the time of seizure is held by a pawn or secondhand business in the course of the pawn or secondhand business's business, the provisions of Section 13-32a-116 shall apply to the disposition of the property.

Section 7. Section 77-11d-101 is amended to read:

77-11d-101. Definitions.

As used in this chapter:

(1) "Interest holder" means the same as that term is defined in Section 77-11a-101.

(2) (a) "Lost or mislaid property":

[(a)] (i) means any property that comes into the possession of a peace officer or law enforcement agency:

[(i)] (A) that is not claimed by anyone who is identified as the owner of the property; or

[(ii)] (B) for which no owner or interest holder can be found after a reasonable and diligent search;

[(b)] (ii) includes any property received by a peace officer or law enforcement agency from a person claiming to have found the property; and

[(c)] (iii) does not include property seized by a peace officer in accordance with Chapter 11a, Seizure of Property and Contraband.

(b) "Lost or mislaid property" includes a firearm or other dangerous weapon received

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by a law enforcement agency at an airport under Subsection 76-10-529(6).

(3) "Owner" means the same as that term is defined in Section 77-11a-101.

(4) "Public interest use" means:

(a) use by a governmental agency as determined by the agency's legislative body; or

(b) donation to a nonprofit charity registered with the state.

Section 8. Section 77-11d-105 is amended to read:

77-11d-105. Disposition of unclaimed property.

~~[(1)(a) If]~~

(1) (a) Except as provided in Subsection (6), if the owner of any lost or mislaid property cannot be determined or notified, or if the owner of the property is determined and notified, and fails to appear and claim the property after three months of the property's receipt by the local law enforcement agency, the agency shall:

(i) publish notice of the intent to dispose of the unclaimed property on Utah's Public Legal Notice Website established in Subsection 45-1-101(2)(b);

(ii) post a similar notice on the public website of the political subdivision within which the law enforcement agency is located; and

(iii) post a similar notice in a public place designated for notice within the law enforcement agency.

(b) The notice shall:

(i) give a general description of the item; and

(ii) the date of intended disposition.

(c) The agency may not dispose of the lost or mislaid property until at least eight days after the date of publication and posting.

(2) (a) If no claim is made for the lost or mislaid property within nine days of publication and posting, the agency shall notify the person who turned the property over to the local law enforcement agency, if it was turned over by a person under Section 77-11d-103.

(b) Except as provided in Subsection (4), if that person has complied with the provisions of this chapter, the person may take the lost or mislaid property if the person:

(i) pays the costs incurred for advertising and storage; and

(ii) signs a receipt for the item.

(3) If the person who found the lost or mislaid property fails to take the property under

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the provisions of this chapter, the agency shall:

(a) apply the property to a public interest use as provided in Subsection (4);

(b) sell the property at public auction and apply the proceeds of the sale to a public interest use; or

(c) destroy the property if it is unfit for a public interest use or sale.

(4) Before applying the lost or mislaid property to a public interest use, the agency having possession of the property shall obtain from the agency's legislative body:

(a) permission to apply the property to a public interest use; and

(b) the designation and approval of the public interest use of the property.

(5) Any person employed by a law enforcement agency who finds property may not claim or receive property under this section.

(6) (a) If the lost or mislaid property is a firearm or other dangerous weapon received by a law enforcement agency under Subsection 76-10-529(6), the law enforcement agency may dispose of the firearm or other dangerous weapon three months after the property's receipt by the law enforcement agency if the owner of the firearm or other dangerous weapon, or the owner's agent:

(i) fails to retrieve the firearm or other dangerous weapon; or

(ii) is legally prohibited from possessing the firearm or other dangerous weapon.

(b) A law enforcement agency may dispose of a firearm under Subsection (6)(a) by following the procedures described in Section 77-11a-403, disposition of firearms no longer needed as evidence.

Section ~~6~~9. **Effective date.**

(1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

(2) The actions affecting Section 63I-2-253 (Effective 07/01/24) take effect on July 1, 2024.