

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 397

6 By: Loveless of the Senate

7 and

8 Babinec of the House

9 COMMITTEE SUBSTITUTE

10 An Act relating to the Bus Passenger Safety Act;  
11 amending 21 O.S. 2011, Section 1902, which relates to  
12 definitions regarding public bus transportation;  
13 modifying definitions; amending 21 O.S. 2011, Section  
14 1903, which relates to unlawful acts; removing  
15 certain prohibitions; making exception; amending 21  
16 O.S. 2011, Section 1904, which relates to  
17 unauthorized removal on public bus transportation;  
18 clarifying language; and providing an effective date.

19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1902, is  
21 amended to read as follows:

22 Section 1902. As used in ~~this act~~ the Bus Passenger Safety Act:

23 1. "Bus" ~~shall be defined as provided in Section 1-105 of Title~~  
24 47 means a vehicle designed to carry passengers that is part of a  
network of passenger vehicles for use by the public, running on a  
regular schedule of routes, times and fares;

1           2. "Bus transportation company" or "company" means any person  
2 or governmental entity providing for-hire transport to passengers or  
3 cargo by bus upon the roads, streets, highways and turnpikes of this  
4 state, ~~whether in interstate or intrastate travel;~~

5           3. "Deadly or dangerous weapon" includes all weapons listed in  
6 ~~Sections~~ Section 1287 and ~~1289.3 through 1289.5~~ of this title, and  
7 any other weapon capable of inflicting serious bodily injury, except  
8 for a weapon carried for lawful self-defense in compliance under the  
9 Oklahoma Self Defense Act;

10           4. "Passenger" means any person served by the bus  
11 transportation company ~~and in addition to the ordinary meaning of~~  
12 ~~passenger, the term shall include persons accompanying or meeting~~  
13 ~~another who is transported by this company, any person shipping or~~  
14 ~~receiving cargo and any person purchasing a ticket or receiving a~~  
15 ~~pass; and~~

16           5. "Terminal" means a bus station or depot or any facility  
17 operated or leased by or operated on behalf of a bus transportation  
18 company. This term shall include a reasonable area immediately  
19 adjacent to any designated stop along the route traveled by any  
20 ~~each~~ bus operated by a bus transportation company and parking lots  
21 or parking areas adjacent to a terminal.

22           SECTION 2.           AMENDATORY           21 O.S. 2011, Section 1903, is  
23 amended to read as follows:

24

1 Section 1903. A. No person shall by force or violence, or  
2 threat of force or violence, seize or exercise control of any bus.  
3 Any person violating this subsection shall be guilty of a felony<sup>7</sup>  
4 and shall, upon conviction, be ~~imprisoned~~ punished by imprisonment  
5 in the custody of the Department of Corrections for not more than  
6 twenty (20) years, or ~~fined~~ by a fine of not more than Twenty  
7 Thousand Dollars (\$20,000.00), or by both such fine and  
8 imprisonment.

9 B. In addition, no person shall intimidate, threaten, assault  
10 or batter any driver, attendant, guard or passenger of any bus with  
11 intent to violate subsection A of this section. Any person  
12 violating this subsection shall be guilty of a felony<sup>7</sup> and shall,  
13 upon conviction, be ~~imprisoned~~ punished by imprisonment in the  
14 custody of the Department for not more than ten (10) years, or ~~fined~~  
15 by a fine of not more than Five Thousand Dollars (\$5,000.00), or by  
16 both such fine and imprisonment.

17 C. In addition, any person violating subsection A or B of this  
18 section using a dangerous or deadly weapon shall be guilty of a  
19 felony, and shall, upon conviction, be ~~imprisoned~~ punished by  
20 imprisonment in the custody of the Department for not more than  
21 twenty (20) years, or ~~fined~~ by a fine of not more than Twenty  
22 Thousand Dollars (\$20,000.00), or by both such fine and  
23 imprisonment.

24

1       D. ~~No person, other than an authorized law enforcement officer,~~  
2 ~~shall board a bus with a dangerous or deadly weapon concealed upon~~  
3 ~~or about his person. Upon the discovery of any such item or~~  
4 ~~material, the company may obtain possession and retain custody of~~  
5 ~~such item or material until it is transferred to the custody of law~~  
6 ~~enforcement officers. Any person convicted of violating this~~  
7 ~~subsection shall be guilty of a felony, and shall, upon conviction,~~  
8 ~~be imprisoned for not more than ten (10) years, or fined not more~~  
9 ~~than Ten Thousand Dollars (\$10,000.00), or both.~~

10       ~~E.~~ It shall be unlawful for any person to discharge any firearm  
11 ~~or hurl or place in the path any missile at,~~ into or within any bus,  
12 terminal or other transportation facility, unless such action is  
13 determined to have been in defensive force resulting from reasonable  
14 fear of imminent peril of death or great bodily harm to himself or  
15 herself or another. Such person shall, upon conviction, be guilty  
16 of a felony punishable by a fine of not more than Five Thousand  
17 Dollars (\$5,000.00) or by imprisonment for not more than five (5)  
18 years, or both.

19       SECTION 3.       AMENDATORY       21 O.S. 2011, Section 1904, is  
20 amended to read as follows:

21       Section 1904. It shall be unlawful to remove any baggage, cargo  
22 or other item transported upon a bus or stored in a terminal without  
23 consent of the owner of such property or the company, or its duly  
24 authorized representative. Any person violating this section shall

1 be guilty of a felony and, upon conviction, shall be punished by a  
2 fine of not more than Ten Thousand Dollars (\$10,000.00), or  
3 ~~imprisoned~~ by imprisonment in the custody of the Department of  
4 Corrections for not more than five (5) years, or by both such fine  
5 and imprisonment.

6 The actual value of an item removed in violation of this section  
7 shall not be material to the crime herein defined.

8 SECTION 4. This act shall become effective November 1, 2017.

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