

WEAPONS ON PUBLIC TRANSPORTATION

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the prohibition on carrying a firearm on a bus.

Highlighted Provisions:

This bill:

- ▶ eliminates the prohibition of carrying a firearm on a bus with no criminal intent.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-10-1504, as last amended by Laws of Utah 2007, Chapter 310

76-10-1507, as last amended by Laws of Utah 2007, Chapter 310

77-23a-8, as last amended by Laws of Utah 2013, Chapter 196

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

Section 1. Section **76-10-1504** is amended to read:

76-10-1504. Bus hijacking -- Assault with intent to commit hijacking -- Use of a dangerous weapon -- Penalties.

(1) (a) A person is guilty of bus hijacking if the person seizes or exercises control, by



28 force or violence or threat of force or violence, of a bus within the state.

29 (b) Bus hijacking is a first degree felony.

30 (2) (a) A person is guilty of assault with the intent to commit bus hijacking if the
31 person intimidates, threatens, or commits assault or battery toward a driver, attendant, guard, or
32 any other person in control of a bus so as to interfere with the performance of duties by the
33 person.

34 (b) Assault with the intent to commit bus hijacking is a second degree felony.

35 (3) A person who, in the commission of assault with intent to commit bus hijacking,
36 uses a dangerous weapon, as defined in Section 76-1-601, is guilty of a first degree felony.

37 ~~[(4) (a) A person who boards a bus with a concealed dangerous weapon or firearm
38 upon his person or effects is guilty of a third degree felony.]~~

39 ~~[(b) The prohibition of Subsection (4)(a) does not apply to:]~~

40 ~~[(i) individuals listed in Subsections 76-10-523(1)(a), (b), (c), (d), and (e);]~~

41 ~~[(ii) a person licensed to carry a concealed weapon; or]~~

42 ~~[(iii) persons in possession of weapons or firearms with the consent of the owner of the
43 bus or the owner's agent, or the lessee or bailee of the bus.]~~

44 Section 2. Section 76-10-1507 is amended to read:

45 **76-10-1507. Exclusion of persons without bona fide business from terminal --**
46 **Dangerous materials -- Surveillance devices and seizure of offending materials --**
47 **Detention of violators -- Private security personnel.**

48 (1) (a) In order to provide for the safety, welfare and comfort of passengers, a bus
49 company may refuse admission to terminals to a person not having bona fide business within
50 the terminal.

51 (b) The refusal may not be inconsistent or contrary to state or federal laws or
52 regulations, or to an ordinance of the political subdivision in which the terminal is located.

53 (c) An authorized bus company representative may require a person in a terminal to
54 identify himself and state his business.

55 (d) Failure to comply with a request under Subsection (1)(c) or to state an acceptable
56 business purpose is grounds for the representative to request that the person depart the
57 terminal.

58 (e) A person who refuses to comply with a request made under Subsection (1)(d) is

59 guilty of a class C misdemeanor.

60 (2) (a) A person who carries [~~a concealed dangerous weapon, firearm, or~~] any highly
61 inflammable or hazardous [~~materials or devices~~] material or device into a terminal or aboard a
62 bus is guilty of a third degree felony.

63 [~~(b) The prohibition of Subsection (2)(a) does not apply to individuals listed in~~
64 ~~Subsection 76-10-1504(4).]~~

65 [(~~e~~)] (b) The bus company may employ reasonable means, including mechanical,
66 electronic or x-ray devices to detect the items concealed in baggage or upon the person of a
67 passenger.

68 [(~~d~~)] (c) Upon the discovery of an item referred to in Subsection (2)(a), the company
69 may obtain possession and retain custody of the item until it is transferred to a peace officer.

70 (3) (a) An authorized bus company representative may detain within a terminal or bus
71 any person violating the provisions of this section for a reasonable time until law enforcement
72 authorities arrive.

73 (b) The detention does not constitute unlawful imprisonment and neither the bus
74 company nor the representative is civilly or criminally liable upon grounds of unlawful
75 imprisonment or assault, provided that only reasonable and necessary force is exercised against
76 the detained person.

77 (4) (a) A bus company may employ or contract for private security personnel.

78 (b) The personnel may:

79 (i) detain within a terminal or bus a person violating this section for a reasonable time
80 until law enforcement authorities arrive; and

81 (ii) use reasonable and necessary force in subduing or detaining the person.

82 Section 3. Section **77-23a-8** is amended to read:

83 **77-23a-8. Court order to authorize or approve interception -- Procedure.**

84 (1) The attorney general of the state, any assistant attorney general specially designated
85 by the attorney general, any county attorney, district attorney, deputy county attorney, or deputy
86 district attorney specially designated by the county attorney or by the district attorney, may
87 authorize an application to a judge of competent jurisdiction for an order for an interception of
88 wire, electronic, or oral communications by any law enforcement agency of the state, the
89 federal government or of any political subdivision of the state that is responsible for

90 investigating the type of offense for which the application is made.

91 (2) The judge may grant the order in conformity with the required procedures when the
92 interception sought may provide or has provided evidence of the commission of:

93 (a) any act:

94 (i) prohibited by the criminal provisions of:

95 (A) Title 58, Chapter 37, Utah Controlled Substances Act;

96 (B) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or

97 (C) Title 58, Chapter 37d, Clandestine Drug Lab Act; and

98 (ii) punishable by a term of imprisonment of more than one year;

99 (b) any act prohibited by the criminal provisions of Title 61, Chapter 1, Utah Uniform
100 Securities Act, and punishable by a term of imprisonment of more than one year;

101 (c) an offense:

102 (i) of:

103 (A) attempt, Section 76-4-101;

104 (B) conspiracy, Section 76-4-201;

105 (C) solicitation, Section 76-4-203; and

106 (ii) punishable by a term of imprisonment of more than one year;

107 (d) a threat of terrorism offense punishable by a maximum term of imprisonment of
108 more than one year, Section 76-5-107.3;

109 (e) (i) aggravated murder, Section 76-5-202;

110 (ii) murder, Section 76-5-203; or

111 (iii) manslaughter, Section 76-5-205;

112 (f) (i) kidnapping, Section 76-5-301;

113 (ii) child kidnapping, Section 76-5-301.1;

114 (iii) aggravated kidnapping, Section 76-5-302;

115 (iv) human trafficking or human smuggling, Section 76-5-308; or

116 (v) aggravated human trafficking or aggravated human smuggling, Section 76-5-310;

117 (g) (i) arson, Section 76-6-102; or

118 (ii) aggravated arson, Section 76-6-103;

119 (h) (i) burglary, Section 76-6-202; or

120 (ii) aggravated burglary, Section 76-6-203;

- 121 (i) (i) robbery, Section 76-6-301; or
122 (ii) aggravated robbery, Section 76-6-302;
123 (j) an offense:
124 (i) of:
125 (A) theft, Section 76-6-404;
126 (B) theft by deception, Section 76-6-405; or
127 (C) theft by extortion, Section 76-6-406; and
128 (ii) punishable by a maximum term of imprisonment of more than one year;
129 (k) an offense of receiving stolen property that is punishable by a maximum term of
130 imprisonment of more than one year, Section 76-6-408;
131 (l) a financial card transaction offense punishable by a maximum term of imprisonment
132 of more than one year, Section 76-6-506.2, 76-6-506.3, 76-6-506.5, or 76-6-506.6;
133 (m) bribery of a labor official, Section 76-6-509;
134 (n) bribery or threat to influence a publicly exhibited contest, Section 76-6-514;
135 (o) a criminal simulation offense punishable by a maximum term of imprisonment of
136 more than one year, Section 76-6-518;
137 (p) criminal usury, Section 76-6-520;
138 (q) a fraudulent insurance act offense punishable by a maximum term of imprisonment
139 of more than one year, Section 76-6-521;
140 (r) a violation of Title 76, Chapter 6, Part 7, Utah Computer Crimes Act, punishable by
141 a maximum term of imprisonment of more than one year, Section 76-6-703;
142 (s) bribery to influence official or political actions, Section 76-8-103;
143 (t) misusing public money, Section 76-8-402;
144 (u) tampering with a witness or soliciting or receiving a bribe, Section 76-8-508;
145 (v) retaliation against a witness, victim, or informant, Section 76-8-508.3;
146 (w) tampering with a juror, retaliation against a juror, Section 76-8-508.5;
147 (x) extortion or bribery to dismiss criminal proceeding, Section 76-8-509;
148 (y) obstruction of justice, Section 76-8-306;
149 (z) destruction of property to interfere with preparation for defense or war, Section
150 76-8-802;
151 (aa) an attempt to commit crimes of sabotage, Section 76-8-804;

- 152 (bb) conspiracy to commit crimes of sabotage, Section 76-8-805;
- 153 (cc) advocating criminal syndicalism or sabotage, Section 76-8-902;
- 154 (dd) assembly for advocating criminal syndicalism or sabotage, Section 76-8-903;
- 155 (ee) riot punishable by a maximum term of imprisonment of more than one year,
156 Section 76-9-101;
- 157 (ff) dog fighting, training dogs for fighting, or dog fighting exhibitions punishable by a
158 maximum term of imprisonment of more than one year, Section 76-9-301.1;
- 159 (gg) possession, use, or removal of an explosive, chemical, or incendiary device and
160 parts, Section 76-10-306;
- 161 (hh) delivery to a common carrier or mailing of an explosive, chemical, or incendiary
162 device, Section 76-10-307;
- 163 (ii) exploiting prostitution, Section 76-10-1305;
- 164 (jj) aggravated exploitation of prostitution, Section 76-10-1306;
- 165 (kk) bus hijacking[;] or assault with intent to commit hijacking, [~~dangerous weapon or~~
166 ~~firearm,~~] Section 76-10-1504;
- 167 (ll) discharging firearms and hurling missiles, Section 76-10-1505;
- 168 (mm) violations of [~~the~~] Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity
169 Act, and the offenses listed under the definition of unlawful activity in the act, including the
170 offenses not punishable by a maximum term of imprisonment of more than one year when
171 those offenses are investigated as predicates for the offenses prohibited by the act, Section
172 76-10-1602;
- 173 (nn) communications fraud, Section 76-10-1801;
- 174 (oo) money laundering, Sections 76-10-1903 and 76-10-1904; or
- 175 (pp) reporting by a person engaged in a trade or business when the offense is
176 punishable by a maximum term of imprisonment of more than one year, Section 76-10-1906.