

An Act

ENROLLED SENATE
BILL NO. 397

By: Newhouse, Brecheen, Dahm
and Bergstrom of the Senate

and

Babinec, Coody, Bennett
(John), Faught, Gann and
Roberts (Sean) of the House

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

SUBJECT: Bus passenger safety

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

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

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

1. "Bus" ~~shall be defined as provided in Section 1-105 of Title 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;

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

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

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

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

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

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

B. In addition, no person shall intimidate, threaten, assault or batter any driver, attendant, guard or passenger of any bus with intent to violate subsection A of this section. Any person violating this subsection shall be guilty of a felony~~7~~ and shall,

upon conviction, be ~~imprisoned~~ punished by imprisonment in the custody of the Department for not more than ten (10) years, or fined by a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

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

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

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

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

Section 1904. It shall be unlawful to remove any baggage, cargo or other item transported upon a bus or stored in a terminal without consent of the owner of such property or the company, or its duly authorized representative. Any person violating this section shall be guilty of a felony and, upon conviction, shall be punished by a fine of not more than Ten Thousand Dollars (\$10,000.00), or

imprisoned by imprisonment in the custody of the Department of Corrections for not more than five (5) years, or by both such fine and imprisonment.

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

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

Passed the Senate the 11th day of May, 2017.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of April, 2017.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____