

1 **SENATE FLOOR VERSION**

2 February 16, 2017

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 397

6 By: Loveless of the Senate

7 and

8 Babinec of the House

9 [Bus Passenger Safety Act - public bus
10 transportation - prohibitions - unauthorized removal
11 - effective date]

12
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

17 1. "Bus" ~~shall be defined as provided in Section 1-105 of Title~~
18 47 means a vehicle designed to carry passengers that is part of a
19 network of passenger vehicles for use by the public, running on a
20 regular schedule of routes, times and fares;

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

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

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

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

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

20 Section 1903. A. No person shall by force or violence, or
21 threat of force or violence, seize or exercise control of any bus.
22 Any person violating this subsection shall be guilty of a felony,
23 and shall, upon conviction, be ~~imprisoned~~ punished by imprisonment
24 in the custody of the Department of Corrections for not more than

1 twenty (20) years, or ~~fined~~ by a fine of not more than Twenty
2 Thousand Dollars (\$20,000.00), or by both such fine and
3 imprisonment.

4 B. In addition, no person shall intimidate, threaten, assault
5 or batter any driver, attendant, guard or passenger of any bus with
6 intent to violate subsection A of this section. Any person
7 violating this subsection shall be guilty of a felony⁷ and shall,
8 upon conviction, be ~~imprisoned~~ punished by imprisonment in the
9 custody of the Department for not more than ten (10) years, or ~~fined~~
10 by a fine of not more than Five Thousand Dollars (\$5,000.00), or by
11 both such fine and imprisonment.

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

19 ~~D. No person, other than an authorized law enforcement officer,~~
20 ~~shall board a bus with a dangerous or deadly weapon concealed upon~~
21 ~~or about his person. Upon the discovery of any such item or~~
22 ~~material, the company may obtain possession and retain custody of~~
23 ~~such item or material until it is transferred to the custody of law~~
24 ~~enforcement officers. Any person convicted of violating this~~

1 ~~subsection shall be guilty of a felony, and shall, upon conviction,~~
2 ~~be imprisoned for not more than ten (10) years, or fined not more~~
3 ~~than Ten Thousand Dollars (\$10,000.00), or both.~~

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

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

15 Section 1904. It shall be unlawful to remove any baggage, cargo
16 or other item transported upon a bus or stored in a terminal without
17 consent of the owner of such property or the company, or its duly
18 authorized representative. Any person violating this section shall
19 be guilty of a felony and, upon conviction, shall be punished by a
20 fine of not more than Ten Thousand Dollars (\$10,000.00), or
21 imprisoned by imprisonment in the custody of the Department of
22 Corrections for not more than five (5) years, or by both such fine
23 and imprisonment.

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

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

4 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
5 February 16, 2017 - DO PASS AS AMENDED
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