

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1721

By: Babinec and Moore of the
House

and

Loveless of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to crimes and punishments; amending
12 21 O.S. 2011, Sections 1902, 1903 and 1904, which
13 relate to the Bus Passenger Safety Act; modifying
14 certain definitions; updating penalty language;
15 deleting certain prohibited act and corresponding
16 penalty; providing exception to certain prohibited
17 act; and providing an effective date.

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

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

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

22 1. "Bus" ~~shall be defined as provided in Section 1-105 of Title~~
23 47 means a vehicle designed to carry passengers that is part of a
24 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 ~~carried~~ 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~~ means all weapons
6 listed in ~~Sections~~ Section 1287 and ~~1289.3 through 1289.5~~ of this
7 title, and any other weapon capable of inflicting serious bodily
8 injury; provided, however, this shall not include a weapon carried
9 for lawful self-defense pursuant to the provisions of the Oklahoma
10 Self-Defense Act;

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

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

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

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, upon conviction, be
4 guilty of a felony, ~~and shall, upon conviction, be imprisoned~~
5 punishable by imprisonment in the custody of the Department of
6 Corrections for not more than twenty (20) years, or ~~fined~~ by a fine
7 of not more than Twenty Thousand Dollars (\$20,000.00), or by both
8 such fine and 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, upon conviction, be guilty of a
13 felony, ~~and shall, upon conviction, be imprisoned~~ punishable by
14 imprisonment in the custody of the Department of Corrections for not
15 more than ten (10) years, or ~~fined~~ by a fine of not more than Five
16 Thousand Dollars (\$5,000.00), or by 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, upon conviction,
19 be guilty of a felony, ~~and shall, upon conviction, be imprisoned~~
20 punishable by imprisonment in the custody of the Department of
21 Corrections for not more than twenty (20) years, or ~~fined~~ by a fine
22 of not more than Twenty Thousand Dollars (\$20,000.00), or by both
23 such fine and imprisonment.

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 upon conviction, be guilty of a felony ~~and, upon conviction, shall~~
2 ~~be punished~~ punishable by a fine of not more than Ten Thousand
3 Dollars (\$10,000.00), or imprisoned by imprisonment in the custody
4 of the Department of Corrections for not more than five (5) years,
5 or by both such fine 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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10 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/16/2017 -
11 DO PASS, As Amended and Coauthored.