

76-10-505.5 Possession of a dangerous weapon, firearm, or short barreled shotgun on or about school premises -- Penalties.

- (1) As used in this section, "on or about school premises" means:
 - (a)
 - (i) in a public or private elementary or secondary school; or
 - (ii) on the grounds of any of those schools;
 - (b)
 - (i) in a public or private institution of higher education; or
 - (ii) on the grounds of a public or private institution of higher education; and
 - (iii)
 - (A) inside the building where a preschool or child care is being held, if the entire building is being used for the operation of the preschool or child care; or
 - (B) if only a portion of a building is being used to operate a preschool or child care, in that room or rooms where the preschool or child care operation is being held.
- (2) A person may not possess any dangerous weapon, firearm, or short barreled shotgun, as those terms are defined in Section 76-10-501, at a place that the person knows, or has reasonable cause to believe, is on or about school premises as defined in this section.
- (3)
 - (a) Possession of a dangerous weapon on or about school premises is a class B misdemeanor.
 - (b) Possession of a firearm or short barreled shotgun on or about school premises is a class A misdemeanor.
- (4) This section does not apply if:
 - (a) the person is authorized to possess a firearm as provided under Section 53-5-704, 53-5-705, 76-10-511, or 76-10-523, or as otherwise authorized by law;
 - (b) the possession is approved by the responsible school administrator;
 - (c) the item is present or to be used in connection with a lawful, approved activity and is in the possession or under the control of the person responsible for its possession or use; or
 - (d) the possession is:
 - (i) at the person's place of residence or on the person's property; or
 - (ii) in any vehicle lawfully under the person's control, other than a vehicle owned by the school or used by the school to transport students.
- (5) This section does not prohibit prosecution of a more serious weapons offense that may occur on or about school premises.

Amended by Chapter 301, 2013 General Session