

Superseded 5/13/2014

76-10-508.1 Felony discharge of a firearm -- Penalties.

- (1) Except as provided under Subsection (2) or (3), a person who discharges a firearm is guilty of a third degree felony punishable by imprisonment for a term of not less than three years nor more than five years if:
 - (a) the actor discharges a firearm in the direction of any person or persons, knowing or having reason to believe that any person may be endangered by the discharge of the firearm;
 - (b) the actor, with intent to intimidate or harass another or with intent to damage a habitable structure as defined in Section 76-6-101, discharges a firearm in the direction of any person or habitable structure; or
 - (c) the actor, with intent to intimidate or harass another, discharges a firearm in the direction of any vehicle.
- (2) A violation of Subsection (1) which causes bodily injury to any person is a second degree felony punishable by imprisonment for a term of not less than three years nor more than 15 years.
- (3) A violation of Subsection (1) which causes serious bodily injury to any person is a first degree felony.
- (4) In addition to any other penalties for a violation of this section, the court shall:
 - (a) notify the Driver License Division of the conviction for purposes of any revocation, denial, suspension, or disqualification of a driver license under Subsection 53-3-220(1)(a)(xi); and
 - (b) specify in court at the time of sentencing the length of the revocation under Subsection 53-3-225(1)(c).
- (5) This section does not apply to a person:
 - (a) who discharges any kind of firearm when that person is in lawful defense of self or others;
 - (b) who is performing official duties as provided in Section 23-20-1.5 or 76-10-523 or as otherwise authorized by law; or
 - (c) who discharges a dangerous weapon or firearm from an automobile or other vehicle, if:
 - (i) the discharge occurs at a firing range or training ground;
 - (ii) at no time after the discharge does the projectile that is discharged cross over or stop at a location other than within the boundaries of the firing range or training ground described in Subsection (5)(c)(i);
 - (iii) the discharge is made as practice or training for a lawful purpose;
 - (iv) the discharge and the location, time, and manner of the discharge are approved by the owner or operator of the firing range or training ground prior to the discharge; and
 - (v) the discharge is not made in violation of Subsection (1).