

1 **WEAPONS AMENDMENTS**

2 2005 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Mark B. Madsen**

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**LONG TITLE**

6 **General Description:**

7 This bill modifies provisions of the Utah Criminal Code dealing with the possession  
8 and carrying of weapons.

9 **Highlighted Provisions:**

10 This bill:

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- 12 ▶ creates an exception to penalty provisions related to the carrying of a concealed  
13 dangerous weapon, which is not a firearm, to include carrying a concealed  
14 dangerous weapon in or on a vehicle lawfully under a person's control;
  - 15 ▶ removes the prohibition from carrying a loaded firearm in or on a vehicle,  
16 conditioned on the vehicle being lawfully under the person's control; and
  - 17 ▶ provides that a person may have a loaded firearm at the person's residence, on the  
18 person's property, in or on a vehicle legally under the person's control, and at a  
19 business under the person's control.

20 **Monies Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **76-10-504**, as last amended by Chapter 303, Laws of Utah 2000

27 **76-10-505**, as last amended by Chapter 328, Laws of Utah 1990



28           **76-10-511**, as last amended by Chapter 234, Laws of Utah 1993

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30 *Be it enacted by the Legislature of the state of Utah:*

31           Section 1. Section **76-10-504** is amended to read:

32           **76-10-504. Carrying concealed dangerous weapon -- Penalties.**

33           (1) Except as provided in Section 76-10-503 and in Subsections (2) and (3):

34           (a) a person who carries a concealed dangerous weapon, as defined in Section  
35 76-10-501, which is not a firearm on his person or one that is readily accessible for immediate  
36 use which is not securely encased, as defined in this part, in or on a place other than ~~[his]~~ the  
37 person's residence, property, a vehicle in the person's lawful possession, or a vehicle under the  
38 person's lawful control, or in or on a vehicle with the consent of the person lawfully in control  
39 or possession of the vehicle, or business under ~~[his]~~ the person's control is guilty of a class B  
40 misdemeanor; and

41           (b) a person without a valid concealed firearm permit who carries a concealed  
42 dangerous weapon in or on a place other than the person's residence, property, a vehicle in the  
43 person's lawful possession, a vehicle under the person's lawful control, or in or on a vehicle  
44 with the consent of the person lawfully in control or possession of the vehicle, or business  
45 under the person's control, which is a firearm and that contains no ammunition is guilty of a  
46 class B misdemeanor, but if the firearm contains ammunition the person is guilty of a class A  
47 misdemeanor.

48           (2) A person who carries concealed a sawed-off shotgun or a sawed-off rifle is guilty of  
49 a second degree felony.

50           (3) If the concealed firearm is used in the commission of a violent felony as defined in  
51 Section 76-3-203.5, and the person is a party to the offense, the person is guilty of a second  
52 degree felony.

53           (4) Nothing in Subsection (1) ~~[shall prohibit]~~ prohibits a person engaged in the lawful  
54 taking of protected or unprotected wildlife as defined in Title 23, Wildlife Resources Code,  
55 from carrying a concealed weapon or a concealed firearm with a barrel length of four inches or  
56 greater as long as the taking of wildlife does not occur:

57           (a) within the limits of a municipality in violation of that municipality's ordinances; or

58           (b) upon the highways of the state as defined in Section 41-6-1.

59 Section 2. Section **76-10-505** is amended to read:

60 **76-10-505. Carrying loaded firearm in a vehicle, on street, or in a posted**  
61 **prohibited area.**

62 (1) Unless otherwise authorized by law, a person may not carry a loaded firearm:

63 (a) in or on a vehicle, unless the vehicle is in the person's lawful possession or under  
64 the person's lawful control, or the person is carrying a loaded firearm in a vehicle with the  
65 consent of the person lawfully in control or possession of the vehicle;

66 (b) on ~~any~~ a public street; or

67 (c) in a posted prohibited area.

68 (2) A violation of this section is a class B misdemeanor.

69 Section 3. Section **76-10-511** is amended to read:

70 **76-10-511. Possession of loaded weapon authorized at specific locations.**

71 Except for persons described in Section 76-10-503, a person may have a loaded and/or  
72 concealed firearm:

73 (1) at ~~his~~ the person's place of residence, including any temporary residence or  
74 camp[-];

75 (2) on the person's property;

76 (3) in or on a vehicle lawfully in the person's lawful possession, or a vehicle under the  
77 person's lawful control, or a vehicle with the consent of the person lawfully in control or  
78 possession of the vehicle; or

79 (4) at a business under the person's control.

**Legislative Review Note**

as of 2-22-05 11:29 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number SB0175**

**Weapons Amendments**

*24-Feb-05*

*5:29 PM*

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**State Impact**

No State or local government fiscal impact.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**