

1 **HIGHER EDUCATION - CONCEALED**

2 **FIREARMS RESTRICTIONS**

3 2007 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Gregory S. Bell**

6 House Sponsor: Melvin R. Brown

7

LONG TITLE

8 **General Description:**

9 This bill modifies provisions related to the possession and carrying of concealed
10 firearms at institutions of higher education.
11

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ provides that an institution of higher education may enact a rule prohibiting
15 concealed firearms in specified faculty and staff offices at the institution;
- 16 ▶ provides for posting of a notice of the prohibition at a staff or faculty office;
- 17 ▶ requires a reasonably proximate secure storage facility for storing concealed
18 firearms outside of designated offices; and
- 19 ▶ authorizes a higher education institution to make a rule that allows a dormitory
20 resident to have only roommates who are not licensed to carry a concealed firearm
21 under Section 53-5-704 or 53-5-705.

22 **Monies Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:



28 **53-5-710**, as last amended by Chapter 366, Laws of Utah 1999
 29 **53B-3-103**, as last amended by Chapter 323, Laws of Utah 2002
 30 **76-10-505.5**, as last amended by Chapter 203, Laws of Utah 2003



31
 32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **53-5-710** is amended to read:

34 **53-5-710. Cross-references to concealed firearm permit restrictions.**

35 A person with a permit to carry a concealed firearm may not carry a concealed firearm
 36 in the following locations:

37 (1) [~~any~~] a secure area prescribed in Section 76-10-523.5 in which firearms are
 38 prohibited and notice of the prohibition posted;

39 (2) in [~~any~~] an airport secure area as provided in Section 76-10-529; [~~or~~]

40 (3) in [~~any~~] a house of worship or in [~~any~~] a private residence where dangerous
 41 weapons are prohibited as provided in Section 76-10-530[-]; or

42 (4) at specific offices located on a higher education campus as provided in Subsection
 43 76-10-505.5(4).

44 Section 2. Section **53B-3-103** is amended to read:

45 **53B-3-103. Power of board to adopt rules and enact regulations.**

46 (1) The board may enact regulations governing the conduct of university and college
 47 students, faculty, and employees.

48 (2) (a) The board may:

49 (i) enact and authorize higher education institutions to enact traffic, parking, and
 50 related regulations governing all individuals on campuses and other facilities owned or
 51 controlled by the institutions or the board; [~~and~~]

52 (ii) authorize higher education institutions to establish no more than one secure area at
 53 each institution as a hearing room as prescribed in Section 76-8-311.1, but not otherwise
 54 restrict the lawful possession or carrying of firearms[-] except as provided in Subsection
 55 76-10-505.5(4); and

56 (iii) authorize a higher education institution to make a rule that allows a resident of a
 57 dormitory located at the institution to have only roommates who are not licensed to carry a
 58 concealed firearm under Section 53-5-704 or 53-5-705.

59 (b) In addition to the requirements and penalty prescribed in Subsections
60 76-8-311.1(3), (4), (5), and (6), the board shall make rules to ensure that:

61 (i) reasonable means such as mechanical, electronic, x-ray, or similar devices are used
62 to detect firearms, ammunition, or dangerous weapons contained in the personal property of or
63 on the person of any individual attempting to enter a secure area hearing room;

64 (ii) an individual required or requested to attend a hearing in a secure area hearing
65 room is notified in writing of the requirements related to entering a secured area hearing room
66 under this Subsection (2)(b) and Section 76-8-311.1;

67 (iii) the restriction of firearms, ammunition, or dangerous weapons in the secure area
68 hearing room is in effect only during the time the secure area hearing room is in use for
69 hearings and for a reasonable time before and after its use; and

70 (iv) reasonable space limitations are applied to the secure area hearing room as
71 warranted by the number of individuals involved in a typical hearing.

72 (3) The board and institutions may enforce these rules and regulations in any
73 reasonable manner, including the assessment of fees, fines, and forfeitures, the collection of
74 which may be by withholding from moneys owed the violator, the imposition of probation,
75 suspension, or expulsion from the institution, the revocation of privileges, the refusal to issue
76 certificates, degrees, and diplomas, through judicial process or any reasonable combination of
77 these alternatives.

78 Section 3. Section **76-10-505.5** is amended to read:

79 **76-10-505.5. Possession of a dangerous weapon, firearm, or sawed-off shotgun on**
80 **or about school premises -- Penalties.**

81 (1) A person may not possess any dangerous weapon, firearm, or sawed-off shotgun, as
82 those terms are defined in Section 76-10-501, at a place that the person knows, or has
83 reasonable cause to believe, is on or about school premises as defined in Subsection
84 76-3-203.2(1).

85 (2) (a) Possession of a dangerous weapon on or about school premises is a class B
86 misdemeanor.

87 (b) Possession of a firearm or sawed-off shotgun on or about school premises is a class
88 A misdemeanor.

89 (3) This section does not apply if:

90 (a) except as otherwise provided in Subsection (4), the person is authorized to possess
91 a firearm as provided under Section 53-5-704, 53-5-705, 76-10-511, or 76-10-523, or as
92 otherwise authorized by law;

93 (b) the possession is approved by the responsible school administrator;

94 (c) the item is present or to be used in connection with a lawful, approved activity and
95 is in the possession or under the control of the person responsible for its possession or use; or

96 (d) the possession is:

97 (i) at the person's place of residence or on the person's property;

98 (ii) in any vehicle lawfully under the person's control, other than a vehicle owned by
99 the school or used by the school to transport students; or

100 (iii) at the person's place of business which is not located in the areas described in
101 Subsection 76-3-203.2(1)(a)(i), (ii), or (iv).

102 (4) (a) Acknowledging that the Legislature has the authority to regulate, by law,
103 firearms at institutions of higher education and as an exception to Subsection (3)(a), as it
104 pertains to the nonapplication of this section to a person authorized to carry a concealed firearm
105 under Section 53-5-704 or 53-5-705, an institution of higher education may enact a rule
106 prohibiting a person authorized to carry a concealed firearm under Section 53-5-704 or
107 53-5-705 from carrying a concealed firearm into the office of a faculty or staff member:

108 (i) who has requested of the institution, in writing, the prohibition of concealed
109 firearms in the individual's office; and

110 (ii) has had a sign posted of the prohibition outside of the individual's office which is
111 reasonably likely to come to the attention of persons entering the office.

112 (b) The rule shall include a provision requiring that a reasonably proximate secure
113 storage facility be made available outside of an office referred to in Subsection (4)(a) where a
114 person authorized to carry a concealed firearm shall store the firearm prior to entering the
115 office.

116 [~~4~~] (5) This section does not prohibit prosecution of a more serious weapons offense
117 that may occur on or about school premises.

Legislative Review Note
as of 2-5-07 5:18 PM

Office of Legislative Research and General Counsel

S.B. 251 - Higher Education - Concealed Firearms Restrictions

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
