

# H.B. 14

## DISCHARGE OF FIREARM AMENDMENTS

Representative **Carl Wimmer** proposes the following amendments:

1. *Page 2, Line 32:*

32 76-10-508, as last amended by Laws of Utah 2005, Chapter 220

**ENACTS:**

**Section 76-10-508.1, Utah Code Annotated 1953**

2. *Page 3, Lines 65 through 67:*

65 (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that  
66 requires disqualification;

67 (xi) a felony violation of Section 76-10-508 **or 76-10-508.1** involving discharging or allowing the

3. *Page 3, Lines 83 through 86:*

83 (b) The division shall immediately revoke the license of a person upon receiving a  
84 record of an adjudication under Title 78, Chapter 3a, Juvenile Court Act of 1996, for [~~any of~~  
85 ~~the following offenses~~]:

86 (i) a felony violation of Section 76-10-508 **or 76-10-508.1** involving discharging or allowing the

4. *Page 6, Lines 165 through 166:*

165 (v) a felony violation of [~~Subsection~~] Section 76-10-508 [~~(2)~~] **or 76-10-508.1** regarding discharge of  
a  
166 firearm or dangerous weapon.

5. *Page 8, Lines 226 through 227:*

226 (b) It ~~{shall be}~~ **is** a defense to any ~~{+}~~ **charge for violating** ~~{+}~~ ~~{misdemeanor~~  
**violation of** } this

227 section that the person being accused had actual permission of the owner or person in charge of

6. *Page 8, Line 229 through Page 9, Line 250:*

229 (2) ~~{+}~~ A ~~{+}~~ ~~{Except as provided in Subsection (3), a}~~ violation of any provision of  
[~~this~~

230 ~~section~~] Subsection (1) is a class B misdemeanor [~~unless the actor discharges~~].

231 **{ (3) A person commits a felony offense subject to penalty under Subsection (4) if the**

232 ~~person violates any provision of Subsection (1) by discharging} {a firearm under any of the~~  
 233 ~~following circumstances not amounting to criminal homicide or attempted criminal homicide} [;~~  
 234 in which case it is a third degree felony and the convicted person shall be sentenced to an  
 235 enhanced minimum term of three years in prison] {:-  
 236 ~~—— (a) the actor discharges a firearm in the direction of any person or persons, knowing or~~  
 237 ~~having reason to believe that any person may be endangered;~~  
 238 ~~—— (b) the actor, with intent to intimidate or harass another or with intent to damage a~~  
 239 ~~habitable structure as defined in Subsection 76-6-101(2), discharges a firearm in the direction~~  
 240 ~~of any building; or~~  
 241 ~~—— (c) the actor, with intent to intimidate or harass another, discharges a firearm in the~~  
 242 ~~direction of any vehicle. }~~  
 243 {~~(4) A violation under Subsection (3):~~  
 244 ~~—— (a) is a felony of the third degree, punishable by imprisonment for a term of not less~~  
 245 ~~than three years nor more than five years, except as provided in Subsection (4)(b) or (c);~~  
 246 ~~—— (b) that results in bodily injury to another is a felony of the second degree, punishable~~  
 247 ~~by imprisonment for a term of not less than three years nor more than 15 years, except as~~  
 248 ~~provided in Subsection (4)(c); or~~  
 249 ~~—— (c) that results in serious bodily injury to another is a first degree felony, punishable by~~  
 250 ~~imprisonment for a term of not less than three years and which may be for life. }~~

7. Page 9, Lines 251 through 259:

251 {+} (3) {+} {~~(5)~~} {~~The~~} In addition to any other penalties, the court shall:  
 252 (a) notify the Driver License Division of the conviction for purposes of any revocation,  
 253 denial, suspension, or disqualification of a driver license under [Section] Subsection  
 254 53-3-220(1)(a)(xi); and  
 255 (b) specify in court at the time of sentencing the length of the revocation under  
 256 Subsection 53-3-225(1)(c).  
 257 {+} (4) {+} {~~(6)~~} This section does not apply to a person who:  
 258 (a) [~~who~~] discharges any kind of firearm when that person is in lawful defense of self  
 259 or others; [~~or~~]

8. Page 9, Lines 265 through 266:

265 stop at a location other than within the boundaries of the firing range or training ground  
 266 described in Subsection {~~(6)~~} (4) (c)(i);

9. Page 9, Line 270:

270 (v) the discharge is not made in violation of Subsection {~~(3)~~} (1) .  
Section 4. Section 76-10-508.1 is enacted to read:

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 under any of the circumstances not amounting to criminal homicide or attempted criminal homicide 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 injury to any person is a second degree felony punishable by imprisonment for a term of not less than three years nor more than fifteen 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 Sections 23-20-1.5 or 76-10-523 or as otherwise authorized by law;

(c) 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 (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).