

DANGEROUS WEAPONS RESTRICTIONS

AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David P. Hinkins

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Weapons Part of the Utah Criminal Code regarding persons who are restricted from possessing, purchasing, transferring, or using dangerous weapons.

Highlighted Provisions:

This bill:

- ▶ provides that a person who has been formally charged with a felony is a Category II restricted person for the purpose of criminal penalties prescribed for purchasing, transferring, possessing, using, or having under the person's custody or control a firearm or other dangerous weapon.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-10-503, as last amended by Laws of Utah 2003, Chapters 203 and 235

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

Section 1. Section **76-10-503** is amended to read:



28 **76-10-503. Restrictions on possession, purchase, transfer, and ownership of**
29 **dangerous weapons by certain persons.**

30 (1) For purposes of this section:

31 (a) A Category I restricted person is a person who:

32 (i) has been convicted of any violent felony as defined in Section 76-3-203.5;

33 (ii) is on probation or parole for any felony;

34 (iii) is on parole from a secure facility as defined in Section 62A-7-101; or

35 (iv) within the last 10 years has been adjudicated delinquent for an offense which if

36 committed by an adult would have been a violent felony as defined in Section 76-3-203.5.

37 (b) A Category II restricted person is a person who:

38 (i) has been convicted of or [~~is under indictment for any~~] has been formally charged
39 with a felony;

40 (ii) within the last seven years has been adjudicated delinquent for an offense which if
41 committed by an adult would have been a felony;

42 (iii) is an unlawful user of a controlled substance as defined in Section 58-37-2;

43 (iv) is in possession of a dangerous weapon and is knowingly and intentionally in
44 unlawful possession of a Schedule I or II controlled substance as defined in Section 58-37-2;

45 (v) has been found not guilty by reason of insanity for a felony offense;

46 (vi) has been found mentally incompetent to stand trial for a felony offense;

47 (vii) has been adjudicated as mentally defective as provided in the Brady Handgun
48 Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993), or has been committed
49 to a mental institution;

50 (viii) is an alien who is illegally or unlawfully in the United States;

51 (ix) has been dishonorably discharged from the armed forces; or

52 (x) has renounced his citizenship after having been a citizen of the United States.

53 (2) A Category I restricted person who intentionally or knowingly agrees, consents,
54 offers, or arranges to purchase, transfer, possess, use, or have under his custody or control, or
55 who intentionally or knowingly purchases, transfers, possesses, uses, or has under his custody
56 or control:

57 (a) any firearm is guilty of a second degree felony; or

58 (b) any dangerous weapon other than a firearm is guilty of a third degree felony.

59 (3) A Category II restricted person who purchases, transfers, possesses, uses, or has
60 under his custody or control:

61 (a) any firearm is guilty of a third degree felony; or

62 (b) any dangerous weapon other than a firearm is guilty of a class A misdemeanor.

63 (4) A person may be subject to the restrictions of both categories at the same time.

64 (5) If a higher penalty than is prescribed in this section is provided in another section
65 for one who purchases, transfers, possesses, uses, or has under this custody or control any
66 dangerous weapon, the penalties of that section control.

67 (6) It is an affirmative defense to a charge based on the definition in Subsection
68 (1)(b)(iv) that the person was:

69 (a) in possession of a controlled substance pursuant to a lawful order of a practitioner
70 for use of a member of the person's household or for administration to an animal owned by the
71 person or a member of the person's household; or

72 (b) otherwise authorized by law to possess the substance.

Legislative Review Note
as of 1-8-10 9:16 AM

Office of Legislative Research and General Counsel

S.B. 98 - Dangerous Weapons Restrictions Amendments

Fiscal Note

2010 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.
