

1 **CONCEALED WEAPON CARRY AMENDMENTS**

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: John G. Mathis**

5 Senate Sponsor: Allen M. Christensen

6	Cosponsors:	Ronda Rudd Menlove	Ryan D. Wilcox
7	Jacob L. Anderegg	Curtis Oda	
8	Brian M. Greene	Paul Ray	

9

10 **LONG TITLE**

11 **General Description:**

12 This bill amends provisions of Title 76, Chapter 10, Part 5, Weapons, related to conduct
13 involving the carrying of a concealed firearm.

14 **Highlighted Provisions:**

15 This bill:

- 16 ▶ provides an exemption for a person, who is 21 years of age or older and who may
- 17 lawfully possess a firearm, from certain criminal provisions related to the carrying
- 18 of an unloaded concealed firearm.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **76-10-505**, as last amended by Laws of Utah 2009, Chapter 362

26 **76-10-505.5**, as last amended by Laws of Utah 2011, Chapter 91

27 **76-10-523**, as last amended by Laws of Utah 2009, Chapter 362

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

30 Section 1. Section **76-10-505** is amended to read:

31 **76-10-505. Carrying loaded firearm in vehicle or on street.**

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

33 (a) in or on a vehicle, unless:

34 (i) the vehicle is in the person's lawful possession; or

35 (ii) the person is carrying the loaded firearm in a vehicle with the consent of the person
36 lawfully in possession of the vehicle;

37 (b) on a public street; or

38 (c) in a posted prohibited area.

39 (2) Subsection (1)(a) does not apply to a minor under 18 years of age, since a minor
40 under 18 years of age may not carry a loaded firearm in or on a vehicle.

41 (3) Notwithstanding Subsection (1)(a)(i) and (ii), and Subsection 76-10-523(3), a
42 person may not possess a loaded rifle, shotgun, or muzzle-loading rifle in a vehicle.

43 (4) A violation of this section is a class B misdemeanor.

44 Section 2. Section **76-10-505.5** is amended to read:

45 **76-10-505.5. Possession of a dangerous weapon, firearm, or sawed-off shotgun on**
46 **or about school premises -- Penalties.**

47 (1) As used in this section, "on or about school premises" means:

48 (a) (i) in a public or private elementary or secondary school; or

49 (ii) on the grounds of any of those schools;

50 (b) (i) in a public or private institution of higher education; or

51 (ii) on the grounds of a public or private institution of higher education; and

52 (iii) (A) inside the building where a preschool or child care is being held, if the entire
53 building is being used for the operation of the preschool or child care; or

54 (B) if only a portion of a building is being used to operate a preschool or child care, in
55 that room or rooms where the preschool or child care operation is being held.

56 (2) A person may not possess any dangerous weapon, firearm, or sawed-off shotgun, as

57 those terms are defined in Section 76-10-501, at a place that the person knows, or has
58 reasonable cause to believe, is on or about school premises as defined in this section.

59 (3) (a) Possession of a dangerous weapon on or about school premises is a class B
60 misdemeanor.

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

63 (4) This section does not apply if:

64 (a) the person is authorized to possess a firearm as provided under Section 53-5-704,
65 53-5-705, 76-10-511, or Subsection 76-10-523(1) or (2), or as otherwise authorized by law;

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

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

69 (d) the possession is:

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

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

73 (5) This section does not prohibit prosecution of a more serious weapons offense that
74 may occur on or about school premises.

75 Section 3. Section **76-10-523** is amended to read:

76 **76-10-523. Persons exempt from weapons laws.**

77 (1) This part and Title 53, Chapter 5, Part 7, Concealed Weapon Act, do not apply to
78 any of the following:

79 (a) a United States marshal;

80 (b) a federal official required to carry a firearm;

81 (c) a peace officer of this or any other jurisdiction;

82 (d) a law enforcement official as defined and qualified under Section 53-5-711;

83 (e) a judge as defined and qualified under Section 53-5-711;

84 (f) a common carrier while engaged in the regular and ordinary transport of firearms as

85 merchandise; or

86 (g) a nonresident traveling in or through the state, provided that any firearm is:

87 (i) unloaded; and

88 (ii) securely encased as defined in Section 76-10-501.

89 (2) The provisions of Subsections 76-10-504(1) and (2), and Section 76-10-505 do not
90 apply to any person to whom a permit to carry a concealed firearm has been issued:

91 (a) pursuant to Section 53-5-704; or

92 (b) by another state or county.

93 (3) The provisions of Subsection 76-10-504(1) does not apply to a person 21 years of
94 age or older who may lawfully possess a firearm, as long as the firearm is not loaded.