

HB0076S01 compared with HB0076

~~{deleted text}~~ shows text that was in HB0076 but was deleted in HB0076S01.

inserted text shows text that was not in HB0076 but was inserted into HB0076S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative John G. Mathis proposes the following substitute bill:

CONCEALED WEAPON CARRY AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John G. Mathis

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions of Title 76, Chapter 10, Part 5, Weapons, related to conduct involving the carrying of a concealed ~~{dangerous weapon}~~ firearm.

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

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Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

(a) in or on a vehicle, unless:

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

(ii) the person is carrying the loaded firearm in a vehicle with the consent of the person

lawfully in possession of the vehicle;

(b) on a public street; or

(c) in a posted prohibited area.

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

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

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

Section ~~76-10-505~~2. Section 76-10-505.5 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

(4) This section does not apply if:

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

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

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

(d) the possession is:

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

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

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

Section ~~§2~~3. Section **76-10-523** is amended to read:

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

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

(a) a United States marshal;

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

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

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

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

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

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merchandise; or

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

(i) unloaded; and

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

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

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

(b) by another state or county.

(3) ~~The provisions of {Subsections} Section 76-10-504(1) {and (2)} and Section 76-10-505 do~~ does not apply to a person 21 years of age or older who may lawfully possess a dangerous weapon.

Legislative Review Note

~~as of 12-31-12 1:07 PM~~

~~Office of Legislative Research and General Counsel;~~ firearm, as long as the firearm is not loaded.