

1 **DANGEROUS WEAPONS AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Brian M. Greene**

5 Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

7 **General Description:**

8 This bill exempts archery equipment from the definition of dangerous weapon.

9 **Highlighted Provisions:**

10 This bill:

- 11 ▶ exempts archery equipment from the definition of dangerous weapon when being
- 12 used for hunting or recreation.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 AMENDS:

19 **76-10-501**, as last amended by Laws of Utah 2013, Chapters 278 and 301

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

21 Section 1. Section **76-10-501** is amended to read:

22 **76-10-501. Definitions.**

23 As used in this part:

24 (1) (a) "Antique firearm" means:

- 25 (i) any firearm, including any firearm with a matchlock, flintlock, percussion cap, or



28 similar type of ignition system, manufactured in or before 1898; or

29 (ii) a firearm that is a replica of any firearm described in this Subsection (1)(a), if the  
30 replica:

31 (A) is not designed or redesigned for using rimfire or conventional centerfire fixed  
32 ammunition; or

33 (B) uses rimfire or centerfire fixed ammunition which is:

34 (I) no longer manufactured in the United States; and

35 (II) is not readily available in ordinary channels of commercial trade; or

36 (iii) (A) that is a muzzle loading rifle, shotgun, or pistol; and

37 (B) is designed to use black powder, or a black powder substitute, and cannot use fixed  
38 ammunition.

39 (b) "Antique firearm" does not include:

40 (i) a weapon that incorporates a firearm frame or receiver;

41 (ii) a firearm that is converted into a muzzle loading weapon; or

42 (iii) a muzzle loading weapon that can be readily converted to fire fixed ammunition by  
43 replacing the:

44 (A) barrel;

45 (B) bolt;

46 (C) breechblock; or

47 (D) any combination of Subsection (1)(b)(iii)(A), (B), or (C).

48 (2) "Bureau" means the Bureau of Criminal Identification created in Section [53-10-201](#)  
49 within the Department of Public Safety.

50 (3) (a) "Concealed dangerous weapon" means a dangerous weapon that is:

51 (i) covered, hidden, or secreted in a manner that the public would not be aware of its  
52 presence; and

53 (ii) readily accessible for immediate use.

54 (b) A dangerous weapon is not a concealed dangerous weapon if it is a firearm which is  
55 unloaded and is securely encased.

56 (4) "Criminal history background check" means a criminal background check  
57 conducted by a licensed firearms dealer on every purchaser of a handgun, except a Federal  
58 Firearms Licensee, through the bureau or the local law enforcement agency where the firearms

59 dealer conducts business.

60 (5) "Curio or relic firearm" means a firearm that:

61 (a) is of special interest to a collector because of a quality that is not associated with  
62 firearms intended for:

63 (i) sporting use;

64 (ii) use as an offensive weapon; or

65 (iii) use as a defensive weapon;

66 (b) (i) was manufactured at least 50 years before the current date; and

67 (ii) is not a replica of a firearm described in Subsection (5)(b)(i);

68 (c) is certified by the curator of a municipal, state, or federal museum that exhibits  
69 firearms to be a curio or relic of museum interest;

70 (d) derives a substantial part of its monetary value:

71 (i) from the fact that the firearm is:

72 (A) novel;

73 (B) rare; or

74 (C) bizarre; or

75 (ii) because of the firearm's association with an historical:

76 (A) figure;

77 (B) period; or

78 (C) event; and

79 (e) has been designated as a curio or relic firearm by the director of the United States  
80 Treasury Department Bureau of Alcohol, Tobacco, and Firearms under 27 C.F.R. Sec. 478.11.

81 (6) (a) "Dangerous weapon" means an item that in the manner of its use or intended use  
82 is capable of causing death or serious bodily injury.

83 (b) The following factors shall be used in determining whether a knife, or another item,  
84 object, or thing not commonly known as a dangerous weapon is a dangerous weapon:

85 (i) the character of the instrument, object, or thing;

86 (ii) the character of the wound produced, if any;

87 (iii) the manner in which the instrument, object, or thing was used; and

88 (iv) the other lawful purposes for which the instrument, object, or thing may be used.

89 (c) "Dangerous weapon" does not include:

90 (i) an explosive, chemical, or incendiary device as defined by Section [76-10-306](#)[-]; or  
91 (ii) archery equipment when being used for hunting or recreation.

92 (7) "Dealer" means a person who is:

93 (a) licensed under 18 U.S.C. Sec. 923; and

94 (b) engaged in the business of selling, leasing, or otherwise transferring a handgun,  
95 whether the person is a retail or wholesale dealer, pawnbroker, or otherwise.

96 (8) "Enter" means intrusion of the entire body.

97 (9) "Federal Firearms Licensee" means a person who:

98 (a) holds a valid Federal Firearms License issued under 18 U.S.C. Sec. 923; and

99 (b) is engaged in the activities authorized by the specific category of license held.

100 (10) (a) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle or  
101 short barreled rifle, or a device that could be used as a dangerous weapon from which is  
102 expelled a projectile by action of an explosive.

103 (b) As used in Sections [76-10-526](#) and [76-10-527](#), "firearm" does not include an  
104 antique firearm.

105 (11) "Firearms transaction record form" means a form created by the bureau to be  
106 completed by a person purchasing, selling, or transferring a handgun from a dealer in the state.

107 (12) "Fully automatic weapon" means a firearm which fires, is designed to fire, or can  
108 be readily restored to fire, automatically more than one shot without manual reloading by a  
109 single function of the trigger.

110 (13) (a) "Handgun" means a pistol, revolver, or other firearm of any description, loaded  
111 or unloaded, from which a shot, bullet, or other missile can be discharged, the length of which,  
112 not including any revolving, detachable, or magazine breech, does not exceed 12 inches.

113 (b) As used in Sections [76-10-520](#), [76-10-521](#), and [76-10-522](#), "handgun" and "pistol  
114 or revolver" do not include an antique firearm.

115 (14) "House of worship" means a church, temple, synagogue, mosque, or other  
116 building set apart primarily for the purpose of worship in which religious services are held and  
117 the main body of which is kept for that use and not put to any other use inconsistent with its  
118 primary purpose.

119 (15) "Prohibited area" means a place where it is unlawful to discharge a firearm.

120 (16) "Readily accessible for immediate use" means that a firearm or other dangerous

121 weapon is carried on the person or within such close proximity and in such a manner that it can  
122 be retrieved and used as readily as if carried on the person.

123 (17) "Residence" means an improvement to real property used or occupied as a primary  
124 or secondary residence.

125 (18) "Securely encased" means not readily accessible for immediate use, such as held  
126 in a gun rack, or in a closed case or container, whether or not locked, or in a trunk or other  
127 storage area of a motor vehicle, not including a glove box or console box.

128 (19) "Short barreled shotgun" or "short barreled rifle" means a shotgun having a barrel  
129 or barrels of fewer than 18 inches in length, or in the case of a rifle, having a barrel or barrels  
130 of fewer than 16 inches in length, or a dangerous weapon made from a rifle or shotgun by  
131 alteration, modification, or otherwise, if the weapon as modified has an overall length of fewer  
132 than 26 inches.

133 (20) "State entity" means a department, commission, board, council, agency,  
134 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,  
135 unit, bureau, panel, or other administrative unit of the state.

136 (21) "Violent felony" has the same meaning as defined in Section [76-3-203.5](#).

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**Legislative Review Note**  
as of 1-15-14 6:42 AM

**Office of Legislative Research and General Counsel**