



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
P.O. BOX 145030 • SALT LAKE CITY, UTAH 84114-5030 • (801) 538-1029

February 21, 2014

Madam Speaker:

The Judiciary Committee reports a favorable recommendation on **1st Sub. H.B. 268**, DANGEROUS WEAPONS AMENDMENTS, by Representative B. Greene, with the following amendments:

1. *Page 1, Lines 9 through 16:*

9 This bill redefines dangerous weapon ~~{and exempts}~~ , clarifies restrictions
relating to dangerous weapons, and establishes exemptions for the use of
archery equipment ~~{from the~~
10 definition} for hunting and target shooting .

11 Highlighted Provisions:

12 This bill:

13 ▶ defines dangerous weapon as a firearm or an object which is used unlawfully to
14 inflict serious bodily injury;

15 ▶ ~~{exempts archery equipment, including crossbows, from the definition of~~
dangerous

16 weapon} clarifies the criminal culpability of transferring a dangerous weapon to
a restricted person ;

▶ provides that a restricted person may own, possess, or have under the
person's custody or control, archery equipment, including crossbows, for the purpose
of lawful hunting and target shooting; and

2. *Page 4, Lines 88 through 101:*

88 (6) (a) "Dangerous weapon" means;

89 (i) a firearm; or

90 (ii) an ~~{item}~~ object that in the manner of its ~~{unlawful}~~ use or
intended ~~{unlawful}~~ use is capable

91 of causing death or serious bodily injury.

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92 (b) The following factors ~~[shall be]~~ are used in determining whether ~~[a knife, or~~
93 ~~another item] any~~ ~~{instrument,}~~ object ~~{,or thing}~~ ~~[not commonly known as a~~
~~dangerous weapon]~~
94 other than a firearm is a dangerous weapon:
95 (i) the ~~{character of the instrument,}~~ location and circumstances in which
the object ~~{,or thing}~~ was used or possessed;
(ii) the primary purpose for which the object was made ;
96 ~~{(ii)}~~ (iii) the character of the wound, ~~if any,~~ produced~~[-if any]~~ by
~~{its}~~ the object's unlawful use;
97 ~~{(iii)}~~ (iv) the manner in which the ~~{instrument,}~~ object ~~{,or~~
thing} was unlawfully used; and
98 ~~{(iv)}~~ (v) the ~~[other]~~ lawful purposes for which the ~~{instrument,}~~
object ~~{,or thing}~~ may be used.
99 ~~{(c) Unless specifically identified elsewhere in this code, nothing other than a~~
firearm is
100 considered a de facto dangerous weapon, and a determination made pursuant to
Subsection
101 (6)(b) may be made only after an instrument, object or thing is used in an unlawful
manner.}

3. Page 6, Line 179 through Page 7, Line 187:

179 (b) physically possesses, uses, or has under the person's immediate custody or control
180 any dangerous weapon other than a firearm ~~{while committing any felony or other~~
violent
181 criminal offense} in a manner that constitutes a potential imminent threat to
public safety is guilty of a third degree felony.
182 (3) A Category II restricted person who intentionally or knowingly:
183 (a) purchases, transfers, possesses, uses, or has under the person's custody or
control[:
184 (a) any firearm is guilty of a third degree felony; or
185 (b) physically possesses, uses, or has under the person's immediate custody or control
186 any dangerous weapon other than a firearm ~~{while committing any felony or other~~
violent

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187 ~~criminal offense~~} in a manner that constitutes a potential imminent threat to
public safety is guilty of a class A misdemeanor.

4. Page 9, Lines 266 through 268:

266 (2) It is not a violation of ~~this chapter~~ Subsection 76-10-503(2) or (3)
for a person defined in Section 76-10-503(1) to own, possess, or have under the
267 person's custody or control, archery equipment, including crossbows, for the purpose of
lawful
268 hunting ~~or~~ and lawful target shooting.

Respectfully,

Kay L. McIff
Committee Chair

Voting: 6-2-1

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