

1st Sub. H.B. 268
DANGEROUS WEAPONS AMENDMENTS

Representative **Brian M. Greene** proposes 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.

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~~
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.