

HB0132S01 compared with HB0132

~~{Omitted text}~~ shows text that was in HB0132 but was omitted in HB0132S01

inserted text shows text that was not in HB0132 but was inserted into HB0132S01

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~~{Firearm Storage Requirements}~~ Possession of a Dangerous Weapon by a Minor Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor:

LONG TITLE

General Description:

This bill addresses ~~{the storage of firearms}~~ allowing a minor to possess a dangerous weapon.

Highlighted Provisions:

This bill:

- ~~{defines terms; and}~~
- ~~{sets a criminal penalty in certain circumstances when an individual fails to lawfully store the individual's firearms and the firearm is then accessed by a minor in an unlawful manner.}~~
- amends the current offense of parent or guardian knowing of a minor's possession of dangerous weapon.

Money Appropriated in this Bill:

None

None

AMENDS:

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76-10-509.7 , as last amended by Laws of Utah 2024, Chapter 301 , as last amended by Laws of Utah 2024, Chapter 301

ENACTS:

~~{76-10-509.10 , Utah Code Annotated 1953 , Utah Code Annotated 1953}~~

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

Section 1. Section 76-10-509.7 is amended to read:

76-10-509.7. Parent or guardian recklessly allowing minor's possession of dangerous weapon.

Any parent or guardian of a minor who ~~[knows that the]~~ recklessly allows a minor ~~[is in possession of]~~ to possess a dangerous weapon in violation of Section 76-10-509.4 ~~[and fails to make reasonable efforts to remove the dangerous weapon from the minor's possession]~~ is guilty of a class B misdemeanor.

Section 1. Section 1 is enacted to read:

76-10-509.10. Failure to secure a firearm resulting in a minor gaining access.

(1)

(a) As used in this section:

(i) "Locked container" means a box, case, chest, locker, safe, or similar receptacle that is secured in such a manner so as to prevent an individual from accessing the contents of the container.

(ii) "Minor" means an individual under 16 years old.

(b) Terms defined in Sections 76-1-101.5 and 76-10-501 apply to this section.

(2) An actor commits failure to secure a firearm resulting in a minor gaining access if:

(a) the actor is 18 years old or older;

(b) the actor stores or leaves a loaded firearm at the actor's residence;

(c) the actor knows or reasonably should know that a minor is likely to obtain possession of the loaded firearm and the minor's possession would be in violation of Section 76-10-509.4, possession of a dangerous weapon by a minor;

(d) the actor does not:

(i) keep the loaded firearm in a locked container or in another location that a reasonable person would believe is secure; or

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(ii) secure the loaded firearm with a trigger lock or other device intended to prevent the use of the firearm;

40 (e) a minor obtains possession of the loaded firearm and the minor's possession of the firearm is a violation of Section 76-10-509.4, possession of a dangerous weapon by a minor; and

43 (f) the minor described in Subsection (2)(e):

44 (i) possesses, exhibits, or uses the firearm in a public place; or

45 (ii) draws, exhibits, or unlawfully uses the firearm in violation of Section 76-10-506, threatening with or using dangerous weapon in fight or quarrel.

47 (3) A violation of Subsection (2) is class C misdemeanor.

48 (4) An actor has an affirmative defense to a prosecution under this section if the actor took reasonable precautions to ensure that the firearm was properly secured and not accessible to a minor in violation of Section 76-10-509.4, possession of a dangerous weapon by a minor.

52 (5) This section does not apply if:

53 (a) a minor obtains a firearm as the result of an unlawful entry to the location where the firearm was located;

55 (b) a firearm is accessed in violation of Subsection (2) but is used in a lawful act of self-defense; or

57 (c) the actor described in Subsection (2) reports to a law enforcement officer that a minor has obtained the actor's firearm.

26 Section 2. **Effective date.**

This bill takes effect on May 7, 2025.

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