

HB0187S02 compared with HB0187

~~{Omitted text}~~ shows text that was in HB0187 but was omitted in HB0187S02

inserted text shows text that was not in HB0187 but was inserted into HB0187S02

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1 **Imitation Firearm Amendments**

. 2025 GENERAL SESSION

. STATE OF UTAH

. **Chief Sponsor: Jake Fitisemanu**

. Senate Sponsor:

2

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses imitation firearms that have been altered to have the appearance of a
6 firearm.

7 **Highlighted Provisions:**

8 This bill:

9 ▶ ~~{creates the criminal offense of unlawful alteration of a toy, look-alike, or imitation
firearm, which prohibits an individual from removing or substantially altering certain federally
required markings; and}~~

12 ▶ creates the criminal offense of a minor possessing an ~~{unlawfully}~~ altered toy, look-alike, or
imitation firearm by a minor, which prohibits a minor from possessing a toy, look-alike, or imitation
firearm that has ~~{had certain federally required markings removed or}~~ been altered to have the
appearance of an actual firearm.

12 **Money Appropriated in this Bill:**

13 None

14 None

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17 ENACTS:

18 **76-10-533** , Utah Code Annotated 1953 , Utah Code Annotated 1953

23 ~~**76-10-534** , Utah Code Annotated 1953 , Utah Code Annotated 1953~~

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

21 Section 1. Section 1 is enacted to read:

22 **76-10-533.** ~~{Unlawful alteration}~~ Possession of {a} an altered toy, look-alike, or imitation
firearm by a minor.

28 (1)

. (a) As used in this section:

25 (i) "Altered toy, look-alike, or imitation firearm" means a toy, look-alike, or imitation firearm that
has been altered so that a reasonable person would believe that the toy, look-alike, or imitation
firearm is an actual firearm.

28 (ii)

. (A) "Public place" means any location or structure to which the public or a substantial group of the
public has access, and includes:

30 (I) a sidewalk, street, or highway;

31 (II) a public park, public recreation facility, or any other area open to the public;

32 (III) a shopping mall, sports facility, stadium, arena, theater, movie house, or playhouse, or the
parking lot or structure adjacent to any of these; and

34 (IV) the common areas of schools, hospitals, apartment houses, office buildings, transport facilities,
and businesses.

36 (B) "Public place" includes the lobbies, hallways, elevators, restaurants and other dining areas, and
restrooms of any of the locations or structures under Subsection (1)(a)(ii)(A).

. ~~{(a)}~~ (iii) ~~{As used in this section, "toy"}~~ "Toy, look-alike, or imitation firearm" means a non-firearm
device regulated under 16 C.F.R. Part 1272.

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

31 (2) An actor commits ~~{unlawful alteration}~~ possession of {a} an altered toy, look-alike, or imitation
firearm by a minor if:

44 (a) the actor is younger than 18 years old;

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- {(a)} (b) the actor intentionally or knowingly ~~{removes}~~ possesses a toy, look-alike, or ~~{otherwise substantially alters:}~~ imitation firearm in a public place;
- 33 ~~{(i) {the orange color solid plug that is affixed to the muzzle end of the barrel of a toy, look-alike, or imitation firearm in accordance with 16 C.F.R. Secs. 1272.1, 1272.2, and 1272.3(a);}~~
- 36 ~~{(ii) {the orange color marking that is affixed to the exterior surface of the barrel of a toy, look-alike, or imitation firearm in accordance with 16 C.F.R. Secs. 1272.1, 1272.2, and 1272.3(b);}~~
- 39 ~~{(iii) {the transparent or translucent materials of a toy, look-alike, or imitation firearm that permit the observation of the toy, look-alike, or imitation firearm's complete contents that are used on the toy, look-alike, or imitation firearm in accordance with 16 C.F.R. Secs. 1272.1, 1272.2, and 1272.3(e); or}~~
- 43 ~~{(iv)}~~ (c) the ~~{white or bright coloration of the entire exterior surface of the}~~ possessed toy, look-alike, or imitation firearm ~~{that}~~ described in Subsection (2)(b) is ~~{applied to the}~~ an altered toy, look-alike, or imitation firearm ~~{in accordance with 16 C.F.R. Secs. 1272.1, 1272.2, and 1272.3(d)}~~; and
- 46 ~~{(b)}~~ (d) ~~{as a result of}~~ the actor knows the ~~{removal}~~ toy, look-alike, or ~~{other substantial alteration}~~ imitation firearm possessed by the actor as described in Subsection ~~{(2)(a), a reasonable person would determine that the}~~ (2)(b) is an altered toy, look-alike, or imitation ~~{firearm has the appearance of a}~~ firearm.
- 49 (3) A violation of Subsection (2) is an ~~{class C misdemeanor}~~ infraction.
- 52 (4) An actor may not be referred to the juvenile court or prosecuting attorney under this section unless the actor has previously received a written warning from a law enforcement officer for conduct described in Subsection (2).

50 Section 2. Section 2 is enacted to read:

51 **76-10-534. Possession of an unlawfully altered toy, look-alike, or imitation firearm by a minor.**

53 (1)

(a) As used in this section, "toy, look-alike, or imitation firearm" means the same as that term is defined in Section 76-10-533.

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

56 (2) An actor commits possession of an unlawfully altered toy, look-alike, or imitation firearm by a minor if the actor:

58 (a) is younger than 18 years old; and

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59 (b) intentionally or knowingly possesses a toy, look-alike, or imitation firearm that has been unlawfully
altered in violation of Section 76-10-533.

61 (3) A violation of Subsection (2) is an infraction.

55 Section 2. **Effective date.**

This bill takes effect on May 7, 2025.

2-7-25 3:56 PM