

HB0128 compared with HB0128S01

20 AMENDS:

21 **76-10-505.5**, as last amended by Laws of Utah 2024, Chapters 21, 117 and 301, as last amended by
22 Laws of Utah 2024, Chapters 21, 117 and 301

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

24 Section 1. Section **76-10-505.5** is amended to read:

25 **76-10-505.5. Possession of a dangerous weapon on or about school premises.**

23 (1)

(a) As used in this section, "on or about school premises" means:

24 [(a)] (i)

[(i)] (A) in a public or private elementary or secondary school; or

25 [(ii)] (B) on the grounds of any of those schools;

26 [(b)] (ii)

[(i)] (A) in a public or private institution of higher education; or

27 [(ii)] (B) on the grounds of a public or private institution of higher education; or

28 [(c)] (iii)

[(i)] (A) inside the building where a preschool or child care is being held, if the entire building is being used for the operation of the preschool or child care; or

31 [(ii)] (B) if only a portion of a building is being used to operate a preschool or child care, in that room or rooms where the preschool or child care operation is being held.

34 (b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

36 (2) An actor ~~[who is 18 years old or older may not possess]~~ commits possession of a dangerous weapon on or about school premises if the actor possesses a dangerous weapon~~[- firearm, or short barreled shotgun]~~ at a place that the actor knows, or has reasonable cause to believe, is on or about school premises.

40 (3)

(a) ~~[Possession of a dangerous weapon on or about school premises is a class B misdemeanor.]~~ A violation of Subsection (2) is a class B misdemeanor if the dangerous weapon carried by the actor is not a firearm.

43

HB0128 compared with HB0128S01

(b) ~~[Possession of a firearm or short barreled shotgun on or about school premises is a class A misdemeanor.]~~ A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon carried by the actor is a firearm.

46 (4) This section does not apply if:

47 (a) the actor is authorized to possess a firearm as described in Section 53-5-704, 53-5-705, 76-10-511,
or 76-10-523, or as otherwise authorized by law;

49 (b) the actor is authorized to possess a firearm as described in Section 53-5-704.5, unless the actor is in
a location where the actor is prohibited from carrying a firearm under Subsection 53-5-710(2);

52 (c) the possession of the dangerous weapon is approved by the responsible school administrator;

54 (d) the ~~[item]~~ dangerous weapon is present or to be used in connection with a lawful, approved activity
and is in the possession or under the control of the actor responsible for the ~~[item's]~~ dangerous
weapon's possession or use;

57 (e) the actor is an armed school security guard as described in Section 53G-8-704; or

58 (f) the possession is:

59 (i) at the actor's place of residence or on the actor's property; or

60 (ii) in any vehicle lawfully under the actor's control, other than a vehicle owned by the school or used
by the school to transport students.

62 (5) This section does not~~[-:]~~ :

63 (a) prohibit prosecution of ~~[a more serious weapons]~~ another criminal offense that may occur on or
about school premises;

65 (b) prevent an actor from securely storing a firearm on the grounds of a school if the actor:

67 (i) participates in:

68 (A) the school guardian program created in Section 53-22-105; ~~[and]~~ or

69 (B) the Educator-Protector Program created in Section 53-22-107; and

70 (ii) complies with the requirements for securely storing the firearm described in Subsection
53-22-107(5)(a); or

72 (c) prohibit the prosecution of possession of a dangerous weapon by a minor, as described in Section
76-10-509.4, that occurs on or about school premises.

77 Section 2. **Effective date.**

This bill takes effect on May 7, 2025.

79 Section 3. **Coordinating H.B. 128 with H.B. 133.**

HB0128 compared with HB0128S01

If H.B. 128, Dangerous Weapon at a School Amendments, and H.B. 133, Dangerous Weapons Amendments, both pass and become law, the Legislature intends that, on May 7, 2025, the amendments to Section 76-11-205 (renumbered from Section 76-10-505.5) in H.B. 133 supersede the amendments to Section 76-10-505.5 in H.B. 128.

84 Section 4. **Coordinating H.B. 128 with H.B. 21 if both pass and become law and H.B. 133 does not pass and become law.**

If H.B. 128, Dangerous Weapon at a School Amendments, and H.B. 21, Criminal Code Recodification and Cross References, both pass and become law, and H.B. 133, Dangerous Weapons Amendments, does not pass and become law, the Legislature intends that, on May 7, 2025:

(1) the amendments to Section 76-10-505.5 in H.B. 128 supersede the amendments to Section 76-11-204 (renumbered from Section 76-10-505.5) in H.B. 21; and

(2) Section 76-10-505.5 in H.B. 128 be renumbered to Section 76-11-204.

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