

HB0084S02 compared with HB0084S01

~~Omitted text~~ shows text that was in HB0084S01 but was omitted in HB0084S02
inserted text shows text that was not in HB0084S01 but was inserted into HB0084S02

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LONG TITLE

General Description:

This bill addresses the carrying of dangerous weapons at an institution of higher education.

Highlighted Provisions:

This bill:

- {repeals Section 76-11-205.5, Carrying} amends the offense of carrying a dangerous weapon at an institution of higher education{;} by excluding from the offense individuals 21 years or older who may lawfully conceal a firearm without a concealed carry permit in other locations; and
 - {clarifies that an individual 18 years old but younger than 21 years old may carry, in an open manner, an unloaded firearm in any public location not prohibited by state statute or federal law;}
 - {prohibits individuals 18 to 20 years old who do not have a concealed firearms permit from carrying a loaded firearm on the grounds of a state institution of higher education; and}
 - makes technical and conforming changes.

Money Appropriated in this Bill:

None

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14 **Other Special Clauses:**

15 None

16 **Utah Code Sections Affected:**

17 AMENDS:

23 ~~{47-3-305, as last amended by Laws of Utah 2025, Chapters 173, 208}~~

18 **53-5a-102.2** , as enacted by Laws of Utah 2025, Chapter 208

25 ~~{53H-3-902, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 8}~~

19 **76-11-205.5 , as enacted by Laws of Utah 2025, Chapter 208**

27 ~~{76-11-220, as enacted by Laws of Utah 2025, Chapter 208}~~

REPEALS:

29 ~~{76-11-205.5, as enacted by Laws of Utah 2025, Chapter 208}~~

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

32 ~~{Section 1. Section 47-3-305 is amended to read: }~~

33 **47-3-305. Exceptions and prohibitions.**

34 (1) This part does not apply to:

35 (a) shooting ranges that are otherwise open to the public;

36 (b) shooting ranges that are operated as a public shooting range staffed by and operated by Division of Wildlife Resources;

38 (c) the Utah National Guard ranges located at Camp Williams and the Salt Lake International Airport;

40 (d) Department of Corrections ranges; and

41 (e) ranges owned, operated, or currently leased as of March 26, 2013, by a state or local public safety agency.

43 (2) Firearms may not be allowed in a school building, except under the provision of Section 76-11-205[or 76-11-205.5], unless there is an outdoor entrance to the shooting range and the most direct access to the range is used. An outdoor entrance to a shooting range may not be blocked by fences, structures, or gates for the purpose of blocking the outdoor entrance.

48 (3) Only air guns may be used in public ranges where the ventilation systems do not meet current [OSHA] Occupational Safety and Health Administration standards as applied to the duration of

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exposure of the participants. For the purposes of this part, an air gun does not include larger caliber pneumatic weapons, paintball guns, or air shotguns.

(4) Group range use is a lawful, approved activity under Subsection 76-11-205(4)(f) or 76-11-205.5(4)(g).

Section 1. Section **53-5a-102.2** is amended to read:

53-5a-102.2. Open and concealed carry of a firearm outside of an individual's residence.

(1) To effectuate the Second Amendment to the United States Constitution and Utah Constitution, Article I, Section 6, that prohibit the infringement of the right of the people of Utah to keep and bear arms for security and defense of self, family, others, property, or the state, as well as for other lawful purposes, and consistent with the Legislature's ability to define the lawful use of arms:

(a) subject to Subsections (2)(a) and (b), an individual 18 years old or older but younger than 21 years old without a provisional carry permit issued under Section 53-5a-305 may only carry in an open manner:

(i) an unloaded rifle, shotgun, or muzzle-loading rifle in a vehicle in which the individual is lawfully present;

(ii) an unloaded or loaded handgun in a vehicle in which the individual is lawfully present; and

(iii) an unloaded firearm that the individual may otherwise lawfully carry {F} {P} {+} {
(A)} {f} {P} on a public street {; or
(B)} in any other public location not prohibited by, or in accordance with, state statute or federal law};

(b) subject to Subsections (2)(a) and (b), an individual 21 years old or older may open or conceal carry, without a conceal carry permit:

(i) an unloaded or loaded firearm:

(A) on a public street; or

(B) in any other place not prohibited by, or pursuant to, state statute or federal law;

(ii) an unloaded or loaded handgun in a vehicle in which the individual is lawfully present; and

(iii) an unloaded rifle, shotgun, or muzzle-loading rifle in a vehicle in which the individual is lawfully present; and

(c) subject to Subsections (2)(c) and (d), an individual 18 years old or older with a concealed carry permit issued under Section 53-5a-303, a temporary concealed carry permit issued under Section 53-5a-304, a provisional concealed carry permit issued under Section 53-5a-305, or a concealed

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carry permit lawfully issued by or in another state, may open or conceal carry a loaded or unloaded firearm:

- 87 (i) in a vehicle in which the individual is lawfully present;
- 88 (ii) on a public street; or
- 89 (iii) in any other place not prohibited by, or pursuant to, state statute or federal law.
- 90 (2)
 - (a) An individual openly carrying a firearm under Subsection (1)(a) or (b) without a concealed carry permit may not carry the firearm:
 - 92 (i) in a secure area established in accordance with Section 76-8-311.1 in which dangerous weapons are prohibited and notice of the prohibition is posted;
 - 94 (ii) on or about the premises of a public or private elementary school or secondary school as described in Section 76-11-205;
 - 96 {f(iii)} on or about the premises of an institution of higher education as described in Section 76-11-205.5;}
 - 98 {f(iv){}} {f(iii){}} on or about the premises of a daycare as described in Section 76-11-206;
 - 99 {f(v){}} {f(iv){}} in an airport secure area as described in Section 76-11-218;
 - 100 {f(vi){}} {f(v){}} in a house of worship or in any private residence where dangerous weapons are prohibited as described in Section 76-11-219; or
 - 102 {f(vii){}} {f(vi){}} in any other place prohibited by, or pursuant to, another state statute or federal law.
 - 104 (b) An individual 21 years old or older concealing a firearm without a concealed carry permit under Subsection (1)(b) may not carry the firearm:
 - 106 (i) in a secure area established in accordance with Section 76-8-311.1 in which dangerous weapons are prohibited and notice of the prohibition is posted;
 - 108 (ii) on or about the school premises of a public or private elementary school or secondary school as described in Section 76-11-205;
 - 110 [f(iii)] on or about the premises of an institution of higher education as described in Section 76-11-205.5;
 - 112 [f(iv)] (iii) on or about a daycare premises as described in Section 76-11-206;
 - 113 [f(v)] (iv) in an airport secure area as described in Section 76-11-218;
 - 114 [f(vi)] (v) in a house of worship or in any private residence where dangerous weapons are prohibited as described in Section 76-11-219; or

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116 [({vii})] (vi) in any other place prohibited by, or pursuant to, another state statute or federal law.

118 (c) Subject to Subsection (2)(d), an individual with a concealed carry permit under Subsection (1)(c) may not carry the firearm in any manner:

120 (i) in a secure area established in accordance with Section 76-8-311.1 in which dangerous weapons are prohibited and notice of the prohibition posted;

122 (ii) in an airport secure area as described in Section 76-11-218;

123 (iii) in a house of worship or in any private residence where dangerous weapons are prohibited as described in Section 76-11-219; or

125 (iv) in any other place prohibited by, or pursuant to, another state statute or federal law.

127 (d) In addition to the locations described in Subsection (2)(c):

128 (i) an individual 18 years old but younger than 21 years old with a provisional concealed carry permit under Section 53-5a-304 may not carry the firearm in any manner on or about the premises of a public or private elementary school or secondary school as described in Section 76-11-205; and

132 (ii) an individual concealing a firearm only with a concealed carry permit lawfully issued by or in another state may not carry the firearm in any manner:

134 (A) on or about the premises of a public or private elementary school or secondary school as described in Section 76-11-205; or

136 [~~(B) on or about the premises of an institution of higher education as described in Section 76-11-205.5; or~~]

138 [~~(C)~~] (B) on or about the premises of a daycare as described in Section 76-11-206.

139 (3) This section does not prohibit:

140 (a) the owner or lawful possessor of a vehicle from prohibiting another individual from carrying a firearm in the owner or lawful possessor's vehicle; or

142 (b) except as provided in Section 53-5a-102.3, the owner or lawful lessee of private real property from prohibiting another individual from possessing a firearm on the property.

145 (4) An individual is lawfully present in a vehicle while carrying a firearm under this section if:

147 (a) the vehicle is in the lawful possession of the individual; or

148 (b) the individual has the consent of the person lawfully in possession of the vehicle to carry the firearm in the vehicle.

150 {Section 3. Section 53H-3-902 is amended to read: }

151 **53H-3-902. Power of board and institutions to adopt rules and enact regulations.**

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152 (1) As used in this section, "face covering" means the same as that term is defined in Section
53G-9-210.

154 (2)

156 (a) The board may enact regulations governing the conduct of university and college students, faculty,
and employees.

158 (b) A president in consultation with the board of trustees, may enact policies governing the conduct of
university and college students, faculty, and employees.

160 (3)

163 (a) An institution may enact traffic, parking, and related policies governing all individuals on campus
and facilities owned or controlled by the institution.

165 (b)

167 (i) The board and an institution may not require proof of vaccination as a condition for enrollment or
attendance within the system of higher education unless the board or an institution allows for the
following exemptions:

169 (A) a medical exemption if the student provides to the institution a statement that the claimed
exemption is for a medical reason; and

171 (B) a personal exemption if the student provides to the institution a statement that the claimed
exemption is for a personal or religious belief.

173 (ii) An institution that offers both remote and in-person learning options may not deny a student who
is exempt from a requirement to receive a vaccine under Subsection (3)(b)(i) to participate in an in-
person learning option based upon the student's vaccination status.

175 (iii) Subsections (3)(b)(i) and (ii) do not apply to a student studying in a medical setting at an institution
of higher education.

177 (iv) Nothing in this section restricts a state or local health department from acting under applicable law
to contain the spread of an infectious disease.

179 (c)

181 (i) The board or an institution may not require an individual to wear a face covering as a condition
of attendance for in-person instruction, institution-sponsored athletics, institution-sponsored
extracurricular activities, in dormitories, or in any other place on a campus of an institution within
the system of higher education at any time after the end of the spring semester in 2021.

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- (ii) Subsection (3)(c)(i) does not apply to an individual in a medical setting at an institution of higher education.
- (4) The board shall enact regulations that require all testimony be given under oath during an employee grievance hearing for a non-faculty employee of an institution of higher education if the grievance hearing relates to the non-faculty employee's:
 - (a) demotion; or
 - (b) termination.
- (5) Acknowledging that the Legislature has the authority to regulate, by law, firearms at higher education institutions, the board may:
 - (a) authorize higher education institutions to establish no more than one secure area at each institution as a hearing room in accordance with Section 76-8-311.1, but not otherwise restrict the lawful possession or carrying of firearms; and
 - (b) authorize a higher education institution to make a policy that allows a resident of a dormitory located at the institution to request only roommates who ~~are not licensed to carry a concealed firearm under Section 53-5a-303 or Section 53-5a-305~~ choose not to lawfully possess firearms in the resident's dormitory as allowed in Section 53-5a-102.3.
- (6) In addition to the requirements and penalty prescribed in Sections 76-8-311.1 and 76-8-311.2, the board shall make rules to ensure:
 - (a) the use of reasonable means such as mechanical, electronic, x-ray, or similar devices, to detect firearms, ammunition, or dangerous weapons contained in the personal property of or on the person of any individual attempting to enter a secure area hearing room;
 - (b) that an individual required or requested to attend a hearing in a secure area hearing room is notified in writing of the requirements related to entering a secure area hearing room under this Subsection (6)(b) and Section 76-8-311.1;
 - (c) that the restriction of firearms, ammunition, or dangerous weapons in the secure area hearing room is in effect only during the time the secure area hearing room is in use for hearings and for a reasonable time before and after the hearing; and
 - (d) the application of reasonable space limitations to the secure area hearing room as the number of individuals involved in a typical hearing warrants.
- (7) The board and institutions may enforce the rules, regulations, and policies described in this section in any reasonable manner, including the assessment of fees, fines, and forfeitures, through:

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214 (a) withholding from money owed the violator;
215 (b) the imposition of probation, suspension, or expulsion from the institution;
216 (c) the revocation of privileges;
217 (d) the refusal to issue certificates, degrees, and diplomas;
218 (e) judicial process; or
219 (f) any reasonable combination of the alternatives described in this Subsection (7).

116 **Section 2. Section 76-11-205.5 is amended to read:**

117 **76-11-205.5. Carrying a dangerous weapon at an institution of higher education.**

118 (1) As used in this section, "on or about school premises" means:
119 (a) in a public or private institution of higher education; or
120 (b) on the grounds of a public or private institution of higher education.
121 (2) An actor commits carrying a dangerous weapon at an institution of higher education if the actor:
123 (a) is not an individual listed in Subsection (4);
124 (b) carries a dangerous weapon on or about school premises; and
125 (c) knows or reasonably believes that the actor is on or about school premises at the time the actor
carries the dangerous weapon.
127 (3)
129 (a) A violation of Subsection (2) is a class B misdemeanor if the dangerous weapon carried by the actor
is not a firearm.
131 (b) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon carried by the actor
is a firearm.
132 (4) This section does not apply if:
134 (a) the actor is an individual exempt from certain weapons laws as described in Section 53-5a-108;
135 (b) the actor has a concealed carry permit as described in Section 53-5a-303;
136 (c) the actor has a provisional concealed carry permit as described in Section 53-5a-304;
137 (d) the actor has a temporary concealed carry permit issued under Section 53-5a-305;
138 (e) the actor is an individual who may conceal a dangerous weapon without a concealed carry permit
under Subsection 53-5a-102.2(1)(b);
139 [(e)] (f) the actor is carrying the dangerous weapon at the actor's place of residence or on the actor's real
property;
141 [(f)] (g) the possession of the dangerous weapon is approved by the responsible school administrator;

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143 [({g})] (h) the dangerous weapon is present or to be used in connection with a lawful, approved activity
144 and is in the possession or under the control of the actor responsible for the dangerous weapon's
145 possession or use; or
146 [({h})] (i) the actor is carrying the dangerous weapon in a vehicle lawfully under the actor's control, not
147 including a vehicle owned by the school or used by the school to transport students.
148 (5) This section does not prohibit prosecution of another criminal offense that may occur on or about
149 school premises.

220 {Section 4. Section 76-11-220 is amended to read: }

76-11-220. Carrying a loaded firearm on a public street or public campus of higher education by an 18 to 20 year old.

221 (1)
222 (a) As used in this section:
223 (i) "On or about campus premises" means:
224 (A) in a state institution of higher education; or
225 (B) on the grounds of a state institution of higher education.
226 (ii) "State institution of higher education" means an institution listed in Section 53B-1-102.
227 (b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
228 (2) [An] Under circumstances not amounting to an offense under Section 76-11-202, Unlawful carrying
229 of a concealed firearm by an individual under 21 years old, an actor commits carrying a loaded
230 firearm on a public street or public campus of higher education by an 18 to 20 year old if the actor:
231 (a) is 18 years old or older but younger than 21 years old; and
232 (b)
233 (i) carries a loaded firearm on a public street[.] ; or
234 (ii)
235 (A) carries a loaded firearm on or about campus premises; and
236 (B) knows or reasonably believes that the actor is on or about campus premises at the time the actor
237 carries the loaded firearm.
238 (3) A violation of Subsection (2) is a class B misdemeanor.
239 (4) This section does not apply if the actor has a provisional concealed carry permit issued under
240 Section 53-5a-305.

151 Section 3. Effective date.

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Effective Date.

This bill takes effect on May 6, 2026.

Section 7. **Repealer.**

This Bill Repeals:

245

Section **76-11-205.5, Carrying a dangerous weapon at an institution of higher education.**

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