

Ken Ivory proposes the following substitute bill:

Firearm Immunity Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill addresses immunity for certain firearm discharges.

Highlighted Provisions:

This bill:

- grants governmental immunity for an injury or damage resulting from a firearm discharge by an individual when firearm possession is allowed on government-owned, leased, or controlled property in accordance with law, policy, or practice;

- creates an exception to the immunity described above if the governmental entity or the governmental entity's officers or employees affirmatively encourage or aid a firearm discharge for an unlawful purpose;

- expands the class of tenants who are immune from liability for injury or harm resulting from a firearm discharge by an individual on the tenant's property by amending the definition of "property occupant" to:

- remove the requirement that the property be privately owned; and
- include legal entities, rather than only an individual, who has the right to occupy property under an agreement; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-5a-103, as last amended by Laws of Utah 2025, Chapter 208

63G-7-201, as last amended by Laws of Utah 2025, First Special Session, Chapter 15

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

Section 1. Section **53-5a-103** is amended to read:

53-5a-103 . Liability for discharge of a firearm on property.

(1) As used in this section:

(a) "Firearm possessor" means an individual who may lawfully possess a firearm.

(b) "Property occupant" means:

(i) a private property owner; or

(ii) ~~[an individual]~~ a person who has the right to occupy~~[a private]~~ property under an agreement.

(2) Except as provided under Subsection (3), a property occupant, who knowingly allows a firearm possessor to lawfully bring a firearm onto the property occupant's property, is not civilly or criminally liable for any damage or harm resulting from the discharge of the firearm by the firearm possessor while on the property occupant's property.

(3) Subsection (2) does not apply if the property occupant solicits, requests, commands, encourages, or intentionally aids the firearm possessor in discharging the firearm while on the property occupant's property for a purpose other than the lawful defense of an individual on the property.

(4) This section does not alter the responsibilities a tenant owes to a landlord under the terms of the lease agreement entered into between the tenant and landlord.

Section 2. Section **63G-7-201** is amended to read:

63G-7-201 . Immunity of governmental entities and employees from suit.

(1) Except as otherwise provided in this chapter, each governmental entity and each employee of a governmental entity are immune from suit for any injury that results from the exercise of a governmental function.

(2) Notwithstanding the waiver of immunity provisions of Section 63G-7-301, a governmental entity, its officers, and its employees are immune from suit:

(a) as provided in Section 78B-4-517; ~~[and]~~

(b) for any injury or damage resulting from the implementation of or the failure to implement measures to:

(i) control the causes of epidemic and communicable diseases and other conditions significantly affecting the public health or necessary to protect the public health as set out in Title 26A, Chapter 1, Local Health Departments;

(ii) investigate and control suspected bioterrorism and disease as set out in Sections

- 26B-7-316 through 26B-7-324;
- (iii) respond to a national, state, or local emergency, a public health emergency as defined in Section 26B-7-301, or a declaration by the [President] president of the United States or other federal official requesting public health related activities, including the use, provision, operation, and management of:
- (A) an emergency shelter;
- (B) housing;
- (C) a staging place; or
- (D) a medical facility; and
- (iv) adopt methods or measures, in accordance with Section 26B-1-202, for health care providers, public health entities, and health care insurers to coordinate among themselves to verify the identity of the individuals they serve[-] ; and
- (c)(i) for any injury or damage resulting from the discharge of a firearm by an individual who may lawfully possess a firearm, if the injury or damage arises out of or in connection with, or results from the governmental entity, officer, or employee allowing firearm possession, in accordance with law, policy, or practice, on property owned, leased, or controlled by the governmental entity.
- (ii) Subsection (2)(c)(i) does not apply if the governmental entity, officer, or employee solicits, requests, commands, encourages, or intentionally aids the individual in discharging the firearm for an unlawful purpose.
- (3)(a) A governmental entity, its officers, and its employees are immune from suit, and immunity is not waived, for any injury if the injury arises out of or in connection with, or results from:
- (i) a latent dangerous or latent defective condition of:
- (A) any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge, or viaduct; or
- (B) another structure located on any of the items listed in this Subsection (3)(a)(i); or
- (ii) a latent dangerous or latent defective condition of any public building, structure, dam, reservoir, or other public improvement.
- (b)(i) As used in this Subsection (3)(b):
- (A) "Contaminated land" means the same as that term is defined in Section 11-58-102.
- (B) "Contamination" means the condition of land that results from the placement,

disposal, or release of hazardous matter on, in, or under the land, including any seeping or escaping of the hazardous matter from the land.

(C) "Damage" means any property damage, personal injury, or other injury or any loss of any kind, however denominated.

(D) "Environmentally compliant" means, as applicable, obtaining a certificate of completion from the Department of Environmental Quality under Section 19-8-111 following participation in a voluntary cleanup under Title 19, Chapter 8, Voluntary Cleanup Program, obtaining an administrative letter from the Department of Environmental Quality for a discrete phase of a voluntary cleanup that is conducted under a remedial action plan as defined in Section 11-58-605, or complying with the terms of an environmental covenant, as defined in Section 57-25-102, signed by an agency, as defined in Section 57-25-102, and duly recorded in the office of the recorder of the county in which the contaminated land is located.

(E) "Government owner" means a governmental entity, including an independent entity, as defined in Section 63E-1-102, that acquires an ownership interest in land that was contaminated land before the governmental entity or independent entity acquired an ownership interest in the land.

(F) "Hazardous matter" means hazardous materials, as defined in Section 19-6-302, hazardous substances, as defined in Section 19-6-302, or landfill material, as defined in Section 11-58-102.

(G) "Remediation" means the same as that term is defined in Section 11-58-102.

(ii)(A) A government owner and the government owner's officers and employees are immune from suit, and immunity is not waived, for any claim for damage that arises out of or in connection with, or results from, contamination of contaminated land.

(B) A government owner's ownership of contaminated land may not be the basis of a claim against the government owner for damage that arises out of or in connection with, or results from, contamination of contaminated land.

(iii) Subsection (3)(b)(ii) does not limit or affect:

(A) the liability of a person that placed, disposed of, or released hazardous matter on, in, or under the land; or

(B) a worker compensation claim of an employee of an entity that conducts work on or related to contaminated land.

(iv) Immunity under Subsection (3)(b)(ii)(A) is not affected by a government owner's remediation of contaminated land if the government owner is environmentally compliant.

(4) A governmental entity, its officers, and its employees are immune from suit, and immunity is not waived, for any injury proximately caused by a negligent act or omission of an employee committed within the scope of employment, if the injury arises out of or in connection with, or results from:

- (a) the exercise or performance, or the failure to exercise or perform, a discretionary function, whether or not the discretion is abused;
- (b) except as provided in Subsections 63G-7-301(2)(j), (3), and (4), assault, battery, false imprisonment, false arrest, malicious prosecution, intentional trespass, abuse of process, libel, slander, deceit, interference with contract rights, infliction of mental anguish, or violation of civil rights;
- (c) the issuance, denial, suspension, or revocation of, or the failure or refusal to issue, deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar authorization;
- (d) a failure to make an inspection or making an inadequate or negligent inspection;
- (e) the institution or prosecution of any judicial or administrative proceeding, even if malicious or without probable cause;
- (f) a misrepresentation by an employee whether or not the misrepresentation is negligent or intentional;
- (g) a riot, unlawful assembly, public demonstration, mob violence, or civil disturbance;
- (h) the collection or assessment of taxes;
- (i) an activity of the Utah National Guard;
- (j) the incarceration of a person in a state prison, county or city jail, or other place of legal confinement;
- (k) a natural condition on publicly owned or controlled land;
- (l) a condition existing in connection with an abandoned mine or mining operation;
- (m) an activity authorized by the School and Institutional Trust Lands Administration or the Division of Forestry, Fire, and State Lands;
- (n) the operation or existence of a trail that is along a water facility, as defined in Section 73-1-8, stream, or river, regardless of ownership or operation of the water facility, stream, or river, if:
 - (i) the trail is designated under a general plan adopted by a municipality under

- 165 Section 10-20-401 or by a county under Section 17-79-401;
- 166 (ii) the trail right-of-way or the right-of-way where the trail is located is open to
- 167 public use as evidenced by a written agreement between:
- 168 (A) the owner or operator of the trail right-of-way or of the right-of-way where the
- 169 trail is located; and
- 170 (B) the municipality or county where the trail is located; and
- 171 (iii) the written agreement:
- 172 (A) contains a plan for operation and maintenance of the trail; and
- 173 (B) provides that an owner or operator of the trail right-of-way or of the
- 174 right-of-way where the trail is located has, at a minimum, the same level of
- 175 immunity from suit as the governmental entity in connection with or resulting
- 176 from the use of the trail;
- 177 (o) research or implementation of cloud management or seeding for the clearing of fog;
- 178 (p) the management of flood waters, earthquakes, or natural disasters;
- 179 (q) the construction, repair, or operation of flood or storm systems;
- 180 (r) the operation of an emergency vehicle, while being driven in accordance with the
- 181 requirements of Section 41-6a-212;
- 182 (s) the activity of:
- 183 (i) providing emergency medical assistance;
- 184 (ii) fighting fire;
- 185 (iii) regulating, mitigating, or handling hazardous materials or hazardous wastes;
- 186 (iv) an emergency evacuation;
- 187 (v) transporting or removing an injured person to a place where emergency medical
- 188 assistance can be rendered or where the person can be transported by a licensed
- 189 ambulance service; or
- 190 (vi) intervening during a dam emergency;
- 191 (t) the exercise or performance, or the failure to exercise or perform, any function in
- 192 accordance with Title 73, Chapter 10, Board of Water Resources - Division of Water
- 193 Resources;
- 194 (u) an unauthorized access to government records, data, or electronic information
- 195 systems by any person or entity;
- 196 (v) an activity of wildlife, as defined in Section 23A-1-101, that arises during the use of
- 197 a public or private road;
- 198 (w) a communication between employees of one or more law enforcement agencies

related to the employment, disciplinary history, character, professional competence, or physical or mental health of a peace officer, or a former, current, or prospective employee of a law enforcement agency, including any communication made in accordance with Section 53-14-103; or

(x) providing or failing to provide information under Section 53-27-102 or Subsection 41-1a-213(6), (7), or (8), 53-3-207(4), or 53-3-805(5).

(5) The following are immune from suit, and immunity is not waived for an action or failure to act within the scope of duties or employment, if the injury arises out of, in connection with, or results from the implementation of Section 17E-7-401 to the extent it addresses evaluating and classifying high risk wildland urban interface property, Section 31A-22-1310, or Title 65A, Chapter 8, Part 4, Wildland Urban Interface Property:

(a) the Division of Forestry, Fire, and State Lands;

(b) an officer, employee, or consultant of the Division of Forestry, Fire, and State Lands;

(c) a county;

(d) a wildland urban interface coordinator, as defined in Section 65A-8-401;

(e) the Insurance Department; or

(f) an officer, employee, or consultant of the Insurance Department.

Section 3. Effective Date.

This bill takes effect on May 6, 2026.