

**Effective 5/1/2024**

**Renumbered 5/7/2025**

**76-10-505.5 Possession of a dangerous weapon, firearm, or short barreled shotgun on or about school premises -- Penalties.**

- (1) As used in this section, "on or about school premises" means:
  - (a)
    - (i) in a public or private elementary or secondary school; or
    - (ii) on the grounds of any of those schools;
  - (b)
    - (i) in a public or private institution of higher education; or
    - (ii) on the grounds of a public or private institution of higher education; or
  - (c)
    - (i) 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
    - (ii) 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.
- (2) An actor who is 18 years old or older may not possess 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.
- (3)
  - (a) Possession of a dangerous weapon on or about school premises is a class B misdemeanor.
  - (b) Possession of a firearm or short barreled shotgun on or about school premises is a class A misdemeanor.
- (4) This section does not apply if:
  - (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;
  - (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);
  - (c) the possession is approved by the responsible school administrator;
  - (d) the item 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 possession or use;
  - (e) the actor is an armed school security guard as described in Section 53G-8-704; or
  - (f) the possession is:
    - (i) at the actor's place of residence or on the actor's property; or
    - (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.
- (5) This section does not :
  - (a) prohibit prosecution of a more serious weapons offense that may occur on or about school premises;
  - (b) prevent an actor from securely storing a firearm on the grounds of a school if the actor:
    - (i) participates in:
      - (A) the school guardian program created in Section 53-22-105; and
      - (B) the Educator-Protector Program created in Section 53-22-107; and
    - (ii) complies with the requirements for securely storing the firearm described in Subsection 53-22-107(5)(a); or
  - (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.

