

Effective 5/14/2019

Renumbered 5/7/2025

76-10-506 Threatening with or using dangerous weapon in fight or quarrel.

- (1) As used in this section:
 - (a) "Dangerous weapon" means an item that in the manner of its use or intended use is capable of causing death or serious bodily injury. The following factors shall be used in determining whether an item, object, or thing is a dangerous weapon:
 - (i) the character of the instrument, object, or thing;
 - (ii) the character of the wound produced, if any; and
 - (iii) the manner in which the instrument, object, or thing was exhibited or used.
 - (b) "Threatening manner" does not include:
 - (i) the possession of a dangerous weapon, whether visible or concealed, without additional behavior which is threatening; or
 - (ii) informing another of the actor's possession of a deadly weapon to prevent what the actor reasonably perceives as a possible use of unlawful force by the other and the actor is not engaged in any activity described in Subsection 76-2-402(3)(a).
- (2) Except as otherwise provided in Section 76-2-402 and for an individual described in Section 76-10-503, an individual who, in the presence of two or more individuals, and not amounting to a violation of Section 76-5-103, draws or exhibits a dangerous weapon in an angry and threatening manner or unlawfully uses a dangerous weapon in a fight or quarrel is guilty of a class A misdemeanor.
- (3) This section does not apply to an individual who, reasonably believing the action to be necessary in compliance with Section 76-2-402, with purpose to prevent another's use of unlawful force:
 - (a) threatens the use of a dangerous weapon; or
 - (b) draws or exhibits a dangerous weapon.
- (4) This section does not apply to an individual listed in Subsections 76-10-523(1)(a) through (f) in performance of the individual's duties.