

Effective 5/7/2025

76-11-206 Carrying a dangerous weapon at a daycare.

- (1)
 - (a) As used in this section:
 - (i) "Daycare" means a preschool or child care center.
 - (ii) "On or about daycare premises" means:
 - (A) inside the building where a daycare is being held, if the entire building is being used for the operation of the daycare; or
 - (B) if only a portion of a building is being used to operate a daycare, in the room or rooms where the daycare operation is being held.
 - (b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
- (2) An actor commits carrying a dangerous weapon at a daycare if the actor:
 - (a) is not an individual listed in Subsection (4);
 - (b) carries a dangerous weapon on or about daycare premises; and
 - (c) has reasonable cause to believe that the actor is on or about daycare premises at the time the actor carried the dangerous weapon.
- (3)
 - (a) A violation of Subsection (2) is a class B misdemeanor if the dangerous weapon carried by the actor is not a firearm.
 - (b) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon carried by the actor is a firearm.
- (4) This section does not apply if:
 - (a) the actor is an individual exempted from certain weapons laws as described in Section 53-5a-108;
 - (b) the actor has a concealed carry permit as described in Section 53-5a-303;
 - (c) the actor has a provisional concealed carry permit as described in Section 53-5a-304;
 - (d) the actor has a temporary concealed carry permit issued under Section 53-5a-305;
 - (e) the actor is carrying the dangerous weapon at the actor's place of residence or on the actor's real property;
 - (f) the actor's carrying of the dangerous weapon is approved by the responsible daycare administrator;
 - (g) the 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 dangerous weapon's possession or use; or
 - (h) the actor is carrying the dangerous weapon in a vehicle lawfully under the actor's control, not including a vehicle owned by the daycare or used by the daycare to transport minors enrolled in the daycare.
- (5) This section does not prohibit the prosecution of another criminal offense that may occur on or about daycare premises.

Enacted by Chapter 208, 2025 General Session