

**Effective 5/7/2025**

**76-11-210 Felony discharge of a firearm.**

- (1)
  - (a) As used in this section, "habitable structure" means the same as that term is defined in Section 76-6-101.
  - (b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
- (2) An actor commits felony discharge of a firearm if:
  - (a) the actor discharges a firearm in the direction of an individual, knowing or having reason to believe that an individual may be endangered by the discharge of the firearm;
  - (b) the actor, with intent to intimidate or harass another individual or with intent to damage a habitable structure, discharges a firearm in the direction of an individual or a habitable structure; or
  - (c) the actor, with intent to intimidate or harass another individual, discharges a firearm in the direction of a vehicle.
- (3)
  - (a) Except as provided in Subsection (3)(b) or (3)(c), a violation of Subsection (2) is a third degree felony punishable by a term of imprisonment of not less than three years nor more than five years.
  - (b) Except as provided in Subsection (3)(c), a violation of Subsection (2) that causes bodily injury to any individual is a second degree felony punishable by imprisonment for a term of not less than three years nor more than 15 years.
  - (c) A violation of Subsection (2) that causes serious bodily injury to an individual is a first degree felony.
- (4) In addition to any other penalties for a violation of this section, the court shall:
  - (a) notify the Driver License Division of the conviction for purposes of any revocation, denial, suspension, or disqualification of a driver license under Subsection 53-3-220(1)(a)(xi); and
  - (b) specify in court at the time of sentencing the length of the revocation under Subsection 53-3-225(1)(c).
- (5) This section does not apply to an actor:
  - (a) who discharges a firearm in the lawful defense of the actor or another individual;
  - (b) who is an individual listed in Subsections 53-5a-108(1)(a) through (f) and is performing official duties as provided in Section 23A-2-207 or 79-2-704, or as otherwise authorized by law;
  - (c) who discharges a dangerous weapon from an automobile or other vehicle, if:
    - (i) the discharge occurs at a firing range or training ground;
    - (ii) at no time after the discharge does the projectile that is discharged cross over or stop at a location other than within the boundaries of the firing range or training ground described in Subsection (5)(c)(i);
    - (iii) the discharge is made as practice or training for a lawful purpose;
    - (iv) the discharge and the location, time, and manner of the discharge are approved by the owner or operator of the firing range or training ground before the discharge; and
    - (v) the discharge is not made in violation of Subsection (2); or
  - (d) acting under a farm custom slaughter license, discharges a firearm or other dangerous weapon in accordance with Subsection 4-32-108(3).

Renumbered and Amended by Chapter 173, 2025 General Session  
Renumbered and Amended by Chapter 208, 2025 General Session