

Effective 5/7/2025

76-11-306 Category II restricted person participating in prohibited dangerous weapon conduct.

- (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-301 apply to this section.
- (2) An actor commits category II restricted person participating in prohibited dangerous weapon conduct if the actor:
 - (a) is a category II restricted person; and
 - (b) intentionally or knowingly:
 - (i) purchases a dangerous weapon;
 - (ii) transfers a dangerous weapon;
 - (iii) uses a dangerous weapon; or
 - (iv) carries or otherwise possesses a dangerous weapon.
- (3)
 - (a) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon is not a firearm.
 - (b) A violation of Subsection (2) is a third degree felony if the dangerous weapon is a firearm.
- (4) For purposes of this section using a dangerous weapon includes using an antique firearm for an activity regulated under Title 23A, Wildlife Resources Act.
- (5) It is an affirmative defense to:
 - (a) a prosecution under this section that is based on proving that an actor is a category II restricted person as a result of being in possession of a dangerous weapon while knowingly and intentionally being in unlawful possession of a schedule I controlled substance or a schedule II controlled substance as described in Subsection 76-11-303(6) that the actor was:
 - (i) in possession of the controlled substance pursuant to a lawful order of a practitioner for use of a member of the person's household or for administration to an animal owned by the person or a member of the person's household; or
 - (ii) otherwise authorized by law to possess the controlled substance; and
 - (b) a prosecution for transferring a dangerous weapon by an actor under Subsection (2) that the dangerous weapon:
 - (i) was possessed by the actor or was under the actor's custody or control before the actor became a restricted person;
 - (ii) was not used in or possessed during the commission of a crime or subject to disposition under Title 77, Chapter 11a, Part 4, Disposal of Seized Property and Contraband;
 - (iii) is not being held as evidence by a court or law enforcement agency;
 - (iv) was transferred to an individual not legally prohibited from possessing the weapon; and
 - (v) unless a different time is ordered by the court, was transferred within 10 days after the day on which the actor became a restricted person.
- (6)
 - (a) It is not a violation of this section for an actor who is a category II restricted person to own, carry, or otherwise possess, archery equipment, including crossbows, for the purpose of lawful hunting and lawful target shooting.
 - (b) Notwithstanding Subsection (6)(a), this section applies if the owning, carrying, or otherwise possessing of archery equipment, including crossbows, is prohibited by:
 - (i) a court, as a condition of pre-trial release or probation; or
 - (ii) the Board of Pardons and Parole, as a condition of parole.

Enacted by Chapter 208, 2025 General Session