

Effective 5/7/2025

Chapter 11 Weapons

Part 1 General Provisions

76-11-101 Definitions.

As used in this chapter:

- (1)
 - (a) "Antique firearm" means:
 - (i) any firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898;
 - (ii) a firearm that is a replica of any firearm described in this Subsection (1)(a), if the replica:
 - (A) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or
 - (B) uses rimfire or centerfire fixed ammunition that is no longer manufactured in the United States and is not readily available in ordinary channels of commercial trade; or
 - (iii)
 - (A) that is a muzzle loading rifle, shotgun, or pistol; and
 - (B) is designed to use black powder, or a black powder substitute, and cannot use fixed ammunition.
 - (b) "Antique firearm" does not include:
 - (i) a weapon that incorporates a firearm frame or receiver;
 - (ii) a firearm that is converted into a muzzle loading weapon; or
 - (iii) a muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the:
 - (A) barrel;
 - (B) bolt;
 - (C) breechblock; or
 - (D) any combination of Subsection (1)(b)(iii)(A), (B), or (C).
- (2) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201 within the Department of Public Safety.
- (3)
 - (a) "Dangerous weapon" means:
 - (i) a firearm; or
 - (ii) an object that in the manner of its use or intended use is capable of causing death or serious bodily injury.
 - (b) The following factors are used in determining whether any object, other than a firearm, is a dangerous weapon:
 - (i) the location and circumstances in which the object was used or possessed;
 - (ii) the primary purpose for which the object was made;
 - (iii) the character of the wound, if any, produced by the object's unlawful use;
 - (iv) the manner in which the object was unlawfully used;
 - (v) whether the manner in which the object is used or possessed constitutes a potential imminent threat to public safety; and
 - (vi) the lawful purposes for which the object may be used.

- (c) "Dangerous weapon" does not include an explosive, chemical, or incendiary device as defined by Section 76-15-210.
- (4) "Firearm" means:
 - (a) a pistol, revolver, shotgun, short barreled shotgun, rifle, or short barreled rifle; or
 - (b) a device that could be used as a dangerous weapon from which a projectile is expelled by an explosive action.
- (5) "Handgun" means a pistol, revolver, or other firearm of any description, from which a shot, bullet, or other missile can be discharged, the length of which, not including any revolving, detachable, or magazine breech, does not exceed 12 inches.
- (6) "Minor" means an individual under 18 years old.
- (7)
 - (a) "Short barreled rifle" means a rifle having a barrel or barrels of fewer than 16 inches in length.
 - (b) "Short barreled rifle" includes a dangerous weapon made from a rifle by alteration, modification, or otherwise, if the weapon as modified has an overall length of fewer than 26 inches.
- (8)
 - (a) "Short barreled shotgun" means a shotgun having a barrel or barrels of fewer than 18 inches in length.
 - (b) "Short barreled shotgun" includes a dangerous weapon made from a shotgun by alteration, modification, or otherwise, if the weapon as modified has an overall length of fewer than 26 inches.
- (9) "Shotgun" means a smooth bore firearm designed to fire cartridges containing pellets or a single slug.
- (10) "Slug" means a single projectile discharged from a shotgun shell.
- (11) "Violent felony" means the same as that term is defined in Section 76-3-203.5.

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

76-11-102 When a firearm is considered to be loaded.

- (1) For the purpose of this chapter:
 - (a) a firearm is considered to be loaded when there is an unexpended cartridge, shell, or projectile in the firing position;
 - (b) handguns are also considered to be loaded when an unexpended cartridge, shell, or projectile is in a position whereby the manual operation of any mechanism once would cause the unexpended cartridge, shell, or projectile to be fired; and
 - (c) a muzzle loading firearm is considered loaded when the muzzle loading firearm is capped or primed and has a powder charge and ball or shot in the barrel or cylinders.
- (2) If a provision of this chapter does not specify that the firearm in the prohibited or allowed conduct is loaded or unloaded, the prohibited or allowed conduct includes if the firearm is either loaded or unloaded.

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Part 2

General Weapons Violations

76-11-201 Definitions.

As used in this part:

- (1) "Enter" means intrusion of the entire body.
- (2) "Fully automatic weapon" means a firearm that fires, is designed to fire, or can be readily restored to fire, automatically more than one shot without manual reloading by a single function of the trigger.
- (3) "House of worship" means a church, temple, synagogue, mosque, or other building set apart primarily for the purpose of worship in which religious services are held and the main body of which is kept for that use and not put to any other use inconsistent with the building's primary purpose.
- (4) "Machinegun firearm attachment" means any part or combination of parts added to a semiautomatic firearm that allows the firearm to fire as a fully automatic weapon.
- (5)
 - (a) "Readily accessible for immediate use" means that a firearm or other dangerous weapon is carried on an individual's person or within such close proximity and in such a manner that it can be retrieved and used as readily as if carried on the individual's person.
 - (b) "Readily accessible for immediate use" does not include a securely encased firearm.
- (6)
 - (a) "Securely encased firearm" means a firearm that is not readily accessible for immediate use.
 - (b) "Securely encased firearm" includes a loaded or unloaded firearm located in a gun rack, in a closed locked or unlocked case or container, or in a trunk or other storage area of a motor vehicle.
 - (c) "Securely encased firearm" does not include a firearm in a glove box or console box unless the firearm is also in a holster or other case which covers the trigger mechanism.

Enacted by Chapter 173, 2025 General Session

76-11-202 Unlawful carrying of a concealed firearm by an individual under 21 years old.

- (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
- (2) An actor commits unlawful carrying of a concealed firearm by an individual under 21 years old if:
 - (a) the actor is younger than 21 years old;
 - (b) the actor does not have a provisional concealed carry permit issued in accordance with Section 53-5a-304 or a concealed carry permit lawfully issued by or in another state;
 - (c) the actor conceals a firearm in a covered, hidden, or secreted manner that the public would not be aware of the firearm's presence;
 - (d) the firearm described in Subsection (2)(c) is readily accessible for immediate use by the actor; and
 - (e) the actor is in a location that is not:
 - (i) the actor's residence;
 - (ii) the actor's real property;
 - (iii) a vehicle that the actor is lawfully present in; or
 - (iv) a business under the actor's control.
- (3)

- (a) Except as provided in Subsection (3)(b) or (3)(c), a violation of Subsection (2) is a class B misdemeanor.
 - (b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a class A misdemeanor if the firearm was loaded at the time of the violation.
 - (c) A violation of Subsection (2) is a second degree felony if the firearm was used in the commission of a violent felony and the actor was a party to the offense.
- (4) This section does not:
- (a) apply to an individual who is categorized as a restricted person under Section 76-11-302 or 76-11-303 and may not possess a firearm in any manner or location and is subject to the penalties described in Part 3, Persons Restricted Regarding Dangerous Weapons;
 - (b) prohibit an individual engaged in the lawful taking of protected or unprotected wildlife as defined in Title 23A, Wildlife Resources Act, from carrying a concealed firearm while performing an act to take the wildlife if the taking of wildlife does not occur:
 - (i) within the limits of a municipality in violation of that municipality's ordinances; or
 - (ii) upon the highways of the state as defined in Section 41-6a-102;
 - (c) apply to an individual who is not a restricted person as described in Section 76-11-302 or 76-11-303 or 18 U.S.C. Sec. 922(g) and is issued a protective order under Subsection 78B-7-404(1)(b) or 78B-7-603(1)(b), for a period of 120 days after the day on which the individual is issued the protective order; or
 - (d) prohibit the owner or lawful possessor of a vehicle from prohibiting another individual from carrying a firearm in the owner's or lawful possessor's vehicle.
- (5) An actor is lawfully present in a vehicle while carrying a firearm under this section if:
- (a) the vehicle is in the lawful possession of the actor; or
 - (b) the actor has the consent of the person lawfully in possession of the vehicle to carry the firearm in the vehicle.

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Renumbered and Amended by Chapter 208, 2025 General Session

76-11-203 Concealing an unlawfully possessed short barreled shotgun or short barreled rifle.

- (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
- (2) An actor commits concealing an unlawfully possessed short barreled shotgun or short barreled rifle if:
 - (a) the actor unlawfully possesses a short barreled shotgun or short barreled rifle;
 - (b) the actor conceals the unlawfully possessed short barreled shotgun or short barreled rifle in a covered, hidden, or secreted manner that the public would not be aware of the short barreled shotgun's or short barreled rifle's presence; and
 - (c) the short barreled shotgun or short barreled rifle is readily accessible for immediate use by the actor.
- (3) A violation of Subsection (2) is a second degree felony.

Enacted by Chapter 208, 2025 General Session

76-11-204 Unlawfully carrying a firearm in a vehicle.

- (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
- (2) An actor commits unlawfully carrying a firearm in a vehicle if the actor:
 - (a) is 18 years old or older; and

- (b)
 - (i)
 - (A) is carrying a firearm that is readily accessible by the actor for immediate use; and
 - (B) is in a vehicle in which the actor is not lawfully present; or
 - (ii) is carrying a loaded rifle, shotgun, or muzzle-loading rifle in any vehicle.
- (3) A violation of Subsection (2) is a class B misdemeanor.
- (4) This section does not prohibit the owner or lawful possessor of a vehicle from prohibiting another individual who may otherwise lawfully carry a firearm from carrying a firearm in the owner's or lawful possessor's vehicle.
- (5) An actor is lawfully present in a vehicle while carrying a firearm under this section if:
 - (a) the vehicle is in the lawful possession of the actor; or
 - (b) the actor has the consent of the person lawfully in possession of the vehicle to carry the firearm in the vehicle.
- (6) This section does not apply if the actor has a concealed carry permit issued under Section 53-5a-303, a temporary concealed carry permit issued under Section 53-5a-304, a provisional concealed carry permit issued under Section 53-5a-305, or a concealed carry permit lawfully issued by or in another state.

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

76-11-205 Carrying a dangerous weapon at an elementary school or secondary school.

- (1)
 - (a) As used in this section, "on or about school premises" means:
 - (i) in a public or private elementary school or secondary school; or
 - (ii) on the grounds of a private elementary school or secondary school.
 - (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 an elementary school or secondary school if the actor:
 - (a) is not an individual listed in Subsection (4);
 - (b) carries a dangerous weapon on or about school premises; and
 - (c) knows or reasonably believes that the actor is on or about school premises at the time the actor carries 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 exempt from certain weapons laws as described in Section 53-5a-108;
 - (b) the actor is 21 years old or older and has a concealed carry permit as described in Section 53-5a-303;
 - (c) the actor is 21 years old or older and has a temporary concealed carry permit issued under Section 53-5a-305;
 - (d) the actor is carrying the dangerous weapon at the actor's place of residence or on the actor's real property;

- (e) the possession of the dangerous weapon is approved by the responsible school administrator;
 - (f) 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;
 - (g) the actor is an armed school security guard as described in Section 53G-8-704; 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 school or used by the school to transport students.
- (5) This section does not:
- (a) prohibit prosecution of another criminal offense that may occur on or about school premises; or
 - (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; or
 - (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).

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76-11-205.5 Carrying a dangerous weapon at an institution of higher education.

- (1) As used in this section, "on or about school premises" means:
- (a) in a public or private institution of higher education; or
 - (b) on the grounds of a public or private institution of higher education.
- (2) An actor commits carrying a dangerous weapon at an institution of higher education if the actor:
- (a) is not an individual listed in Subsection (4);
 - (b) carries a dangerous weapon on or about school premises; and
 - (c) knows or reasonably believes that the actor is on or about school premises at the time the actor carries 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 exempt 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 possession of the dangerous weapon is approved by the responsible school 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 school or used by the school to transport students.
- (5) This section does not prohibit prosecution of another criminal offense that may occur on or about school premises.

Enacted by Chapter 208, 2025 General Session

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

76-11-207 Threatening with or using a dangerous weapon in a fight or quarrel.

- (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
- (2) An actor commits threatening with or using a dangerous weapon in a fight or quarrel if the actor, in the presence of two or more individuals:
 - (a) unlawfully draws or exhibits a dangerous weapon in an angry and threatening manner; or
 - (b) unlawfully uses a dangerous weapon in a fight or quarrel.
- (3) A violation of Subsection (2) is a class A misdemeanor.
- (4) This section does not apply to:
 - (a) 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:
 - (i) threatens the use of a dangerous weapon; or
 - (ii) draws or exhibits a dangerous weapon; or
 - (b) an individual exempted from certain weapons laws as described in Subsections 53-5a-108(1) (a) through (f) acting in performance of the individual's duties.
- (5) For purposes of this section, the following conduct by an actor does not constitute drawing or exhibiting a dangerous weapon in an angry and threatening manner as described in Subsection (2):
 - (a) possession of a dangerous weapon, whether visible or concealed, without additional threatening behavior; or
 - (b)
 - (i) informing another individual of the actor's possession of a dangerous weapon to prevent what the actor reasonably perceives as a possible use of unlawful force by the individual; and
 - (ii) the actor is not engaged in any activity described in Subsection 76-2-402(3)(a).

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76-11-208 Possession of a dangerous weapon with criminal intent.

- (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
- (2) An actor commits possession of a dangerous weapon with criminal intent if the actor possesses a dangerous weapon with the intent to use the dangerous weapon to commit a criminal offense.
- (3) A violation of Subsection (2) is a class A misdemeanor.

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Renumbered and Amended by Chapter 208, 2025 General Session

76-11-209 Improper discharging of a dangerous weapon.

- (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
- (2) An actor commits improper discharging of a dangerous weapon if the actor discharges a dangerous weapon:
 - (a) from a vehicle;
 - (b) from, upon, or across a highway;
 - (c) at a road sign placed on a state highway;
 - (d) at communications equipment or property of public utilities including facilities, lines, poles, or devices of transmission or distribution;
 - (e) at railroad equipment or facilities including a sign or signal;

- (f) within a Utah State Park building, designated camp or picnic sites, overlooks, golf courses, boat ramps, and developed beaches; or
- (g) without written permission to discharge the dangerous weapon from the owner or person in charge of the property within 600 feet of:
 - (i) a house, dwelling, or other building; or
 - (ii) a structure in which a domestic animal is kept or fed, including a barn, poultry yard, corral, feeding pen, or stockyard.
- (3) A violation of Subsection (2) is a class B misdemeanor.
- (4) In addition to any other penalties, 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 who:
 - (a) discharges a dangerous weapon in the lawful defense of the actor or another individual;
 - (b) 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 provided by law;
 - (c) 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 ; or
 - (d) acting under a farm custom slaughter license, discharges a firearm or other dangerous weapon in accordance with Subsection 4-32-108(3).
- (6) It is a defense to a charge for violating this section that the actor had actual permission of the person in charge of the property at the time the actor discharged the dangerous weapon as described in Subsection (2).

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Renumbered and Amended by Chapter 208, 2025 General Session

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).

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76-11-211 Possession of a dangerous weapon by a minor.

- (1)
 - (a) As used in this section, "responsible adult" means an individual:
 - (i) who is 18 years old or older; and
 - (ii) who may lawfully possess a dangerous weapon.
 - (b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
- (2) An actor commits possession of a dangerous weapon by a minor if the actor:
 - (a) is a minor; and
 - (b) possesses a dangerous weapon.
- (3)
 - (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is:
 - (i) a class B misdemeanor for a first offense; and
 - (ii) a class A misdemeanor for each subsequent offense.
 - (b) A violation of Subsection (2) is a third degree felony if the dangerous weapon is:
 - (i) a handgun;

- (ii) a short barreled rifle;
 - (iii) a short barreled shotgun;
 - (iv) a fully automatic weapon; or
 - (v) a machinegun firearm attachment.
- (4) For an actor who is younger than 14 years old, this section does not apply if the actor:
- (a) possesses a dangerous weapon;
 - (b) has permission from the actor's parent or guardian to possess the dangerous weapon;
 - (c) is accompanied by the actor's parent or guardian, or a responsible adult, while the actor has the dangerous weapon in the actor's possession; and
 - (d) does not use the dangerous weapon in the commission of a crime.
- (5) For an actor who is 14 years old or older but younger than 18 years old, this section does not apply if the actor:
- (a) possesses a dangerous weapon;
 - (b) has permission from the actor's parent or guardian to possess the dangerous weapon; and
 - (c) does not use the dangerous weapon in the commission of a crime.
- (6) This section does not apply to the following minors who are otherwise complying with Subsection (4) or (5):
- (a) a minor who is a patron at an amusement park, pier, or similar location and is possessing a firearm to participate in lawfully operated target concessions if the firearm to be used is firmly chained or affixed to the counters;
 - (b) a minor attending a hunter's safety course or a firearms safety course and possessing a weapon as part of the course;
 - (c) a minor using a firearm at an established range or other area where the discharge of a firearm is not prohibited by state or local law;
 - (d) a minor participating in an organized competition involving the use of a firearm, or practicing for the competition;
 - (e) a minor who is on real property with the permission of the owner, licensee, or lessee of the property and who has the permission of a parent or legal guardian or the owner, licensee, or lessee of the property to possess a firearm not otherwise in violation of law;
 - (f) a minor who has a valid hunting license and is possessing a firearm to lawfully engage in hunting; or
 - (g) a minor traveling to or from an activity described in Subsections (6)(a) through (f) with an unloaded firearm in the minor's possession.

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76-11-212 Transferring a handgun, short barreled rifle, short barreled shotgun, or fully automatic weapon to a minor.

- (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
- (2) An actor is guilty of transferring a handgun, short barreled rifle, short barreled shotgun, or fully automatic weapon to a minor if:
- (a) the actor transfers:
 - (i) a handgun to a minor; or
 - (ii) a short barreled rifle, short barreled shotgun, or fully automatic weapon to a minor; and
 - (b) the transferring of the firearm described in Subsection (2)(a):
 - (i) would result in the minor committing a violation of Section 76-11-211, Possession of a dangerous weapon by a minor; or

- (ii) is in violation of any other applicable state or federal law.
- (3) A violation of Subsection (2)(a) is:
 - (a) if the violation is the result of transferring a handgun:
 - (i) a class B misdemeanor upon the first offense; and
 - (ii) a class A misdemeanor for each subsequent offense; or
 - (b) a third degree felony if the violation is the result of transferring a short barreled rifle, short barreled shotgun, or fully automatic weapon to a minor.

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

76-11-213 Parent or guardian providing a firearm to a violent minor.

- (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
- (2) An actor is guilty of a parent or guardian providing a firearm to a violent minor if:
 - (a) the actor intentionally or knowingly provides a firearm to, or permits the possession of a firearm by, a minor;
 - (b) the minor is the actor's biological or adopted child or the actor is the legal guardian of the minor; and
 - (c) the minor has previously been:
 - (i) convicted of a violent felony; or
 - (ii) adjudicated in juvenile court for an offense which would constitute a violent felony if the minor were an adult.
- (3) A violation of Subsection (2) is:
 - (a) a class A misdemeanor upon the first offense; and
 - (b) a third degree felony for each subsequent offense.

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

76-11-214 Parent or guardian knowing a minor is in possession of a dangerous weapon.

- (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
- (2) An actor is guilty of parent or guardian knowing a minor is in possession of a dangerous weapon if:
 - (a) the actor knows a minor is in possession of a dangerous weapon in violation of Section 76-11-211, Possession of a dangerous weapon by a minor;
 - (b) the minor is the actor's biological or adopted child or the actor is the legal guardian of the minor; and
 - (c) the actor fails to make reasonable efforts to remove the dangerous weapon from the minor's possession.
- (3) A violation of Subsection (2) is a class B misdemeanor.

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

76-11-215 Selling a firearm to a minor.

- (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
- (2) An actor commits selling a firearm to a minor if:
 - (a) the actor sells a firearm to a minor; and

- (b) at the time the actor sells the weapon to a minor, the minor is not accompanied by a parent of the minor or a legal guardian of the minor.
- (3) A violation of Subsection (2) is a third degree felony.

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

76-11-216 Prohibited conduct in the sale of a dangerous weapon.

- (1)
 - (a) As used in this section, "materially false information" means information that portrays an illegal dangerous weapon transaction as legal or a legal dangerous weapon transaction as illegal.
 - (b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
- (2) An actor commits prohibited conduct in the sale of a dangerous weapon if the actor:
 - (a)
 - (i) knowingly solicits, persuades, encourages, or entices a person to sell, transfer, or otherwise provide a dangerous weapon to the actor or another individual; and
 - (ii) knows that the sale, transfer, or providing of the dangerous weapon to the actor or other individual would be a violation of state or federal law; or
 - (b)
 - (i) provides information that the actor knows is materially false information to a person; and
 - (ii) knowingly provides the materially false information to the person with intent to deceive the person about the lawfulness of a sale, transfer, or providing of a dangerous weapon to the actor or another individual.
- (3)
 - (a) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon sold, transferred, or provided is not a firearm.
 - (b) A violation of Subsection (2) is a third degree felony if the dangerous weapon sold, transferred, or provided is a firearm.

Enacted by Chapter 208, 2025 General Session

76-11-217 Carrying a dangerous weapon while under the influence of alcohol or drugs.

- (1) 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 while under the influence of alcohol or drugs if the actor:
 - (a) carries a dangerous weapon that is readily accessible by the actor for immediate use; and
 - (b) is under the influence of:
 - (i) alcohol as determined by the actor's blood or breath alcohol concentration in accordance with Subsections 41-6a-502(1)(a) through (c); or
 - (ii) a controlled substance as defined in Section 58-37-2.
- (3) A violation of Subsection (2) is a class B misdemeanor.
- (4) This section does not apply to:
 - (a) an actor who uses or threatens to use force in compliance with Section 76-2-402;
 - (b) an actor carrying a dangerous weapon in the actor's residence or the residence of another individual with the consent of the individual who is lawfully in possession of the residence;

- (c) an actor under the influence of cannabis or a cannabis product, as those terms are defined in Section 26B-4-201, if the actor's use of the cannabis or cannabis product complies with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; or
- (d) an actor who:
 - (i) has a valid prescription for a controlled substance;
 - (ii) takes the controlled substance described in Subsection (4)(d)(i) as prescribed; and
 - (iii) after taking the controlled substance, the actor:
 - (A) is not a danger to the actor or another individual; or
 - (B) is capable of safely handling a dangerous weapon.
- (5) It is not a defense to prosecution under this section that the actor:
 - (a) is licensed in the pursuit of wildlife of any kind;
 - (b) has a concealed carry permit as described in Section 53-5a-303;
 - (c) has a provisional concealed carry permit as described in Section 53-5a-304;
 - (d) has a temporary concealed carry permit issued under Section 53-5a-305;
 - (e) has a concealed carry permit lawfully issued by or in another state; or
 - (f) is 21 years old or older and may otherwise lawfully possess a concealed loaded firearm without a concealed carry permit as described in Section 53-5a-101.5.

Renumbered and Amended by Chapter 208, 2025 General Session

76-11-218 Possession of a dangerous weapon in an airport secure area -- Reporting requirements.

- (1)
 - (a) As used in this section:
 - (i) "Airport authority" has the same meaning as defined in Section 72-10-102.
 - (ii) "Explosive" is the same as defined for "explosive, chemical, or incendiary device" in Section 76-15-210.
 - (iii) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
 - (b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
- (2) Except as provided in Subsection (4), an actor commits possession of a dangerous weapon in an airport secure area if the actor, including an actor with a concealed firearm permit issued under Title 53, Chapter 5a, Part 3, Concealed Firearm Permits:
 - (a) intentionally or knowingly possesses a dangerous weapon within the secure area of an airport established under Subsection (5); or
 - (b) recklessly or with criminal negligence possesses a dangerous weapon within the secure area of an airport established under Subsection (5).
- (3)
 - (a) A violation of Subsection (2)(a) is a class A misdemeanor.
 - (b) Subject to Subsection (6), a violation of Subsection (2)(b) is an infraction.
- (4) Subsection (2) does not apply to:
 - (a) an individual exempted from certain weapons laws as described in Section 53-5a-108; or
 - (b) a member of the state or federal military forces while engaged in the performance of the member's official duties.
- (5)
 - (a) An airport authority, county, municipality, or other entity regulating an airport may:
 - (i) establish a secure area located beyond the main area where the public generally buys tickets, checks and retrieves luggage; and

- (ii) use reasonable means, including mechanical, electronic, x-ray, or another device, to detect firearms, other dangerous weapons, or explosives concealed in baggage or upon the person of an individual attempting to enter the secure area.
 - (b) At least one notice shall be prominently displayed at each entrance to a secure area in which a firearm, other dangerous weapon, or explosive is restricted.
 - (c) An actor who transports, possesses, distributes, or sells an explosive, chemical, or incendiary device within the secure area of an airport commits a violation of Section 76-15-210.
- (6)
- (a) An actor who violates Subsection (2)(b) on a first offense may receive a written warning for the offense and may not receive a citation or any other form of punishment.
 - (b) An actor who violates Subsection (2)(b) on a second or subsequent offense may receive a written warning or a citation.
- (7)
- (a) Except as provided in Subsection (7)(d), if a law enforcement officer issues a citation to an actor for an infraction as a result of the actor's conduct described in Subsection (2)(b), or provides an oral or written warning for that conduct, the law enforcement officer shall:
 - (i) if the law enforcement officer is able to confirm that the actor may lawfully possess the dangerous weapon, allow the actor, at the actor's option, to:
 - (A) temporarily surrender custody of the dangerous weapon into the custody of the law enforcement agency so that the dangerous weapon may be retrieved by the actor at a later date; or
 - (B) exit the secure area of the airport with the dangerous weapon; or
 - (ii) if the law enforcement officer is unable to confirm that the actor may lawfully possess the dangerous weapon, or the airport authority under Subsection (7)(d) prohibits the procedure described in Subsection (7)(a)(i), take temporary custody of the dangerous weapon so that the dangerous weapon may be retrieved by the actor at a later date if legally permitted to do so.
 - (b) If a law enforcement officer takes temporary custody of a dangerous weapon under Subsection (7)(a):
 - (i) at the time the dangerous weapon is obtained from the actor, the law enforcement officer, or another law enforcement officer, or an employee who works in the secure area of the airport, shall provide the actor with written instructions on how, when, and where the actor may retrieve the actor's dangerous weapon; and
 - (ii) within three business days from the time when the law enforcement officer receives the dangerous weapon, the law enforcement agency shall determine whether the actor is legally permitted to possess the dangerous weapon, and if so, ensure that the dangerous weapon is available for the actor to retrieve.
 - (c) An unclaimed dangerous weapon that is surrendered into the custody of a law enforcement agency under this Subsection (7) may be disposed of pursuant to Section 77-11d-105, disposition of unclaimed property.
 - (d) An airport authority may implement a policy that prohibits the law enforcement agency with jurisdiction over the airport from utilizing the procedure described in Subsection (7)(a)(i).
- (8)
- (a) An actor's firearm that is confiscated based on a violation of Subsection (2)(a) shall be returned to the actor in accordance with Subsection 77-11a-402(2).
 - (b) In accordance with Subsection 77-11b-102(5), a firearm seized under Subsection (2)(a) is not subject to forfeiture if the actor may lawfully possess the firearm.

- (c) In a prosecution brought under this section, a prosecutor may not condition a plea on the forfeiture of a firearm.
- (9) An airport authority, county, municipality, or other entity regulating an airport or with local jurisdiction over an airport may not:
 - (a) charge, cite, or prosecute an actor with a different offense under the Utah Code, local ordinance, or another state or local law or regulation for conduct described in Subsection (2) (b);
 - (b) assess a civil penalty for conduct described in Subsection (2); or
 - (c) enact a regulation, ordinance, or law covering conduct described in Subsection (2).
- (10) A law enforcement agency that issues a written warning, citation, or referral for prosecution under this section shall record and report the information as required under Section 53-25-103.

Renumbered and Amended by Chapter 208, 2025 General Session

76-11-219 Trespass with a firearm in a house of worship or a private residence.

- (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
- (2) An actor is guilty of trespass with a firearm in a house of worship or a private residence if the actor:
 - (a) has been given notice as described in Subsection (4) that firearms are prohibited in the house of worship or the private residence; and
 - (b) knowingly and intentionally:
 - (i) transports a firearm into the house of worship or private residence; or
 - (ii) while in possession of a firearm, enters or remains in the house of worship or private residence.
- (3) A violation of Subsection (2) is an infraction.
- (4) Notice that firearms are prohibited may be given by:
 - (a) personal communication to the actor by:
 - (i) the church or organization operating the house of worship;
 - (ii) the owner, lessee, or person with lawful right of possession of the private residence; or
 - (iii) a person with authority to act for the person or entity in Subsections (4)(a)(i) and (ii);
 - (b) posting of signs reasonably likely to come to the attention of persons entering the house of worship or private residence;
 - (c) announcement, by a person with authority to act for the church or organization operating the house of worship, in a regular congregational meeting in the house of worship;
 - (d) publication in a bulletin, newsletter, worship program, or similar document generally circulated or available to the members of the congregation regularly meeting in the house of worship; or
 - (e) publication:
 - (i) in a newspaper of general circulation in the county in which the house of worship is located or the church or organization operating the house of worship has its principal office in this state; and
 - (ii) as required in Section 45-1-101.
- (5) A church or organization operating a house of worship and giving notice that firearms are prohibited may:
 - (a) revoke the notice, with or without supersedure, by giving further notice in any manner provided in Subsection (4); and
 - (b) provide or allow exceptions to the prohibition as the church or organization considers advisable.
- (6)

- (a)
 - (i) Within 30 days of giving or revoking any notice pursuant to Subsection (4)(c), (d), or (e), a church or organization operating a house of worship shall notify the division on a form and in a manner as the division shall prescribe.
 - (ii) The division shall post on its website a list of the churches and organizations operating houses of worship who have given notice under Subsection (6)(a)(i).
- (b) Any notice given pursuant to Subsection (4)(c), (d), or (e) shall remain in effect until revoked or for a period of one year from the date the notice was originally given, whichever occurs first.
- (7) This section does not permit an owner who has granted the lawful right of possession to a renter or lessee to restrict the renter or lessee from lawfully possessing a firearm in the residence.

Renumbered and Amended by Chapter 208, 2025 General Session

76-11-220 Carrying a loaded firearm on a public street by an 18 to 20 year old.

- (1) 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 loaded firearm on a public street by an 18 to 20 year old if the actor:
 - (a) is 18 years old or older but younger than 21 years old; and
 - (b) carries a loaded firearm on a public street.
- (3) A violation of Subsection (2) is a class B misdemeanor.
- (4) This section does not apply if the actor has a provisional concealed carry permit issued under Section 53-5a-305.

Enacted by Chapter 208, 2025 General Session

Part 3
Persons Restricted Regarding Dangerous Weapons

76-11-301 Definitions.

As used in this part:

- (1) "Adjudicated" means a judgment has been entered against a minor for an offense by a juvenile court under Section 80-6-701.
- (2) "Category I restricted person" means an individual described in Section 76-11-302.
- (3) "Category II restricted person" means an individual described in Section 76-11-303.
- (4) "Carry" means for an individual to have an item under the individual's custody or control.
- (5) "Controlled substance" means the same as that term is defined in Section 58-37-2.
- (6)
 - (a) "Dating relationship" means a romantic or intimate relationship between individuals.
 - (b) "Dating relationship" does not include a casual acquaintanceship or ordinary fraternization in a business or social context.
- (7) "Dealer" means a person who is:
 - (a) licensed under 18 U.S.C. Sec. 923; and
 - (b) engaged in the business of selling, leasing, or otherwise transferring a firearm, whether the person is a retail or wholesale dealer, pawnbroker, or other type of merchant or seller.

- (8) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- (9) "Intimate partner" means the same as that term is defined in 18 U.S.C. Sec. 921.
- (10) "Schedule I controlled substance" means a substance listed as a schedule I controlled substance in Section 58-37-4.
- (11) "Schedule II controlled substance" means a substance listed as a schedule II controlled substance in Section 58-37-4.
- (12) "Secure care" means the same as that term is defined in Section 80-1-102.
- (13) "Single criminal episode" means the same as that term is defined in Section 76-1-401.

Enacted by Chapter 173, 2025 General Session

76-11-302 Category I restricted person established.

Except as provided in Section 76-11-304, Exceptions, limitations, and exclusions to restricted person categories, an individual is categorized as a category I restricted person and subject to the restrictions and penalties described in Section 76-11-305:

- (1) if the individual has been convicted of a violent felony;
- (2) if the individual is on probation or parole for a felony;
- (3) if the individual is on parole from secure care;
- (4) for 10 years after the day on which the individual was adjudicated for an offense which if committed by an adult would have been a violent felony;
- (5) if the individual is an alien who is illegally or unlawfully in the United States, including an alien who has:
 - (a) submitted an asylum application in accordance with 8 U.S.C. Sec. 1158 and is waiting for a disposition on the application; or
 - (b) submitted a temporary protected status application in accordance with 8 U.S.C. Sec. 1254a and is waiting for a disposition on the application; or
- (6) if the individual is on probation for a conviction of possessing:
 - (a) a substance classified in Section 58-37-4 as a Schedule I or II controlled substance;
 - (b) a controlled substance analog; or
 - (c) a substance listed in Section 58-37-4.2.

Enacted by Chapter 208, 2025 General Session

76-11-303 Category II restricted person established.

Except as provided in Section 76-11-304, Exceptions, limitations, and exclusions to restricted person categories, an individual is categorized as a category II restricted person and subject to the restrictions and penalties described in Section 76-11-306:

- (1) if the individual has been convicted of:
 - (a) a domestic violence offense that is a felony; or
 - (b) multiple felonies that are not part of a single criminal episode;
- (2) if the individual has:
 - (a) been convicted of:
 - (i) a felony that is not a domestic violence offense or a violent felony; or
 - (ii) multiple felonies that are part of a single criminal episode and are not domestic violence offenses or violent felonies; and
 - (b) within seven years after completing the sentence for the conviction described in Subsection (2)(a), been convicted of, or charged with, another felony or class A misdemeanor;
- (3) for seven years after the day on which the individual completes a sentence for:

- (a) a conviction for a felony that is not a domestic violence offense or a violent felony; or
- (b) convictions for multiple felonies that are part of a single criminal episode and are not domestic violence offenses or violent felonies;
- (4) for seven years after the day on which the individual was an adjudicated delinquent for an offense which if committed by an adult would have been a felony;
- (5) if the individual is an unlawful user of a controlled substance;
- (6) if the individual is 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;
- (7) if the individual has been found not guilty by reason of insanity for a felony offense;
- (8) if the individual has been found mentally incompetent to stand trial for a felony offense;
- (9) if the individual has been adjudicated as mentally defective as provided in the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993), or having been committed to a mental institution;
- (10) if the individual has been dishonorably discharged from the armed forces;
- (11) if the individual has renounced the individual's citizenship after having been a citizen of the United States;
- (12) if the individual is a respondent or defendant subject to a protective order or child protective order that:
 - (a) is issued after a hearing for which the individual received actual notice and at which the individual had an opportunity to participate;
 - (b) restrains the individual from harassing, stalking, threatening, or engaging in other conduct that would place an intimate partner, or a child of the intimate partner, in reasonable fear of bodily injury to the intimate partner or child of the intimate partner; and
 - (c)
 - (i) includes a finding that the individual represents a credible threat to the physical safety of an intimate partner or the child of the intimate partner; or
 - (ii) explicitly prohibits the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily harm against an intimate partner or the child of an intimate partner; or
- (13) except as provided in Subsection 76-11-304(2), if the individual has been convicted of the commission or attempted commission of misdemeanor assault under Section 76-5-102, or aggravated assault under Section 76-5-103, against a victim:
 - (a) who is a current or former spouse, parent, or guardian of the individual;
 - (b) with whom the individual shares a child in common;
 - (c) who is cohabitating or has cohabitated with the individual as a spouse, parent, or guardian;
 - (d) involved in a dating relationship with the individual within the last five years; or
 - (e) similarly situated to a spouse, parent, or guardian of the individual.

Enacted by Chapter 208, 2025 General Session

76-11-304 Exceptions, limitations, and exclusions to restricted person categories -- Burden on defendant to prove exception.

- (1)
 - (a) Subject to Subsection (1)(c), an individual convicted of a felony, or adjudicated for an offense which would be a felony if committed by an adult, is not a category I restricted person, or a category II restricted person, if:

- (i) the felony or adjudication has, in accordance with the law of the jurisdiction in which the conviction or adjudication occurred, been:
 - (A) expunged;
 - (B) set aside;
 - (C) reduced to a misdemeanor by court order; or
 - (D) pardoned;
 - (ii) the individual has had the individual's civil rights that had been limited by the conviction or adjudication restored in accordance with the law of the jurisdiction in which the conviction or adjudication occurred; or
 - (iii) the felony or adjudication is an offense pertaining to antitrust violations, unfair trade practices, restraint of trade, or other similar offenses relating to the regulation of business practices not involving theft or fraud.
- (b) Subject to Subsection (1)(c), an individual convicted of a misdemeanor assault under Subsection 76-11-303(13) that qualifies to make the individual a category II restricted person is otherwise not a category II restricted person, if, in accordance with the law of the jurisdiction in which the conviction occurred:
- (i) the misdemeanor has been:
 - (A) expunged;
 - (B) set aside;
 - (C) reduced to an infraction by court order; or
 - (D) pardoned; or
 - (ii) the individual has had the individual's civil rights that had been limited by the conviction restored.
- (c) An individual who has received a pardon, reduction, expungement, setting aside, or restoration of civil rights as described in Subsection (1)(a) or (b) remains a category I or category II restricted person that corresponds with the individual's conviction if the pardon, reduction, expungement, setting aside, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.
- (2) An individual is not a category II restricted person resulting from a conviction for a misdemeanor assault committed against an individual involved in a dating relationship as described in Subsection 76-11-303(13)(d) if:
- (a) five years have elapsed from the later of:
 - (i) the day on which the conviction is entered;
 - (ii) the day on which the individual is released from incarceration following the conviction; or
 - (iii) the day on which the individual's probation for the conviction is successfully terminated;
 - (b) the individual only has a single conviction for misdemeanor assault as described in Subsection 76-11-303(12)(d); and
 - (c) the individual is not otherwise a category I restricted person or a category II restricted person.
- (3)
- (a) In a criminal case brought against the defendant in which the question of whether the defendant meets an exception, limitation, or exclusion under this section arises and therefore makes the defendant not a category I or category II restricted person, the defendant has the burden to provide evidence that an exception, limitation, or exclusion described in Subsection (1) or (2) applies.
 - (b) If the defendant satisfies the defendant's burden to provide evidence described in Subsection (3)(a), the burden shifts to the state to prove beyond a reasonable doubt that the defendant's conviction or adjudication is not subject to an exception, limitation, or exclusion described in Subsection (1) or (2).

Enacted by Chapter 208, 2025 General Session

76-11-305 Category I 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 I restricted person participating in prohibited dangerous weapon conduct if the actor:
 - (a) is a category I restricted person; and
 - (b) intentionally or knowingly:
 - (i) agrees, consents, offers, or arranges to:
 - (A) purchase a dangerous weapon;
 - (B) transfer a dangerous weapon;
 - (C) use a dangerous weapon; or
 - (D) carry or otherwise possess a dangerous weapon; or
 - (ii) purchases, transfers, uses, carries, or otherwise possesses a dangerous weapon.
- (3)
 - (a) A violation of Subsection (2) is a third degree felony if the dangerous weapon is not a firearm.
 - (b) A violation of Subsection (2) is a second 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 prosecution for transferring a dangerous weapon by an actor under Subsection (2) that the dangerous weapon:
 - (a) was possessed by the actor or was under the actor's custody or control before the actor became a restricted person;
 - (b) 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;
 - (c) is not being held as evidence by a court or law enforcement agency;
 - (d) was transferred to an individual not legally prohibited from possessing the weapon; and
 - (e) 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 I 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 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

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

76-11-307 Selling a dangerous weapon to a category I restricted person.

- (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-301 apply to this section.
- (2) An actor commits selling a dangerous weapon to a category I restricted person if the actor:
 - (a) sells, transfers, or otherwise provides a dangerous weapon to an individual who is a category I restricted person; and
 - (b) knows the individual that the actor has sold, transferred, or provided the dangerous weapon to is a category I restricted person.

- (3)
 - (a) A violation of Subsection (2) is a second degree felony if the dangerous weapon sold, transferred, or provided is a firearm.
 - (b) A violation of Subsection (2) is a third degree felony if the dangerous weapon sold, transferred, or provided is not a firearm and the actor knew that the recipient intended to use the dangerous weapon for an unlawful purpose.

Enacted by Chapter 208, 2025 General Session

76-11-308 Selling a dangerous weapon to a category II restricted person.

- (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-301 apply to this section.
- (2) An actor commits selling a dangerous weapon to a category II restricted person if the actor:
 - (a) sells, transfers, or otherwise provides a dangerous weapon to an individual who is a category II restricted person; and
 - (b) knows the individual that the actor has sold, transferred, or provided the dangerous weapon to is a category II restricted person.
- (3)
 - (a) A violation of Subsection (2) is a third degree felony if the dangerous weapon sold, transferred, or provided is a firearm.
 - (b) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon sold, transferred, or provided is not a firearm and the actor knew that the recipient intended to use the dangerous weapon for an unlawful purpose.

Enacted by Chapter 208, 2025 General Session

76-11-309 Firearm restriction notification requirement for restricted persons.

- (1) As used in this section:
 - (a) "Peace officer" means an officer described Section 53-13-102.
 - (b) "Restricted person" means an individual who is restricted from purchasing, transferring, using, or otherwise possessing a firearm under Section 76-11-302 or 76-11-303 or federal law.
- (2) A defendant intending to plead guilty or no contest to a criminal charge that will, upon conviction, cause the defendant to become a restricted person shall, before entering a plea before a court, sign an acknowledgment that states:
 - (a) the defendant's attorney or the prosecuting attorney has informed the defendant:
 - (i) that conviction of the charge will classify the defendant as a restricted person;
 - (ii) that a restricted person may not purchase, transfer, use, or otherwise possess a firearm; and
 - (iii) of the criminal penalties associated with purchasing, transferring, using, or otherwise possessing a firearm by a restricted person of the same category the defendant will become upon entering a plea for the criminal charge; and
 - (b) the defendant acknowledges and understands that, by pleading guilty or no contest to the criminal charge, the defendant:
 - (i) will be a restricted person;
 - (ii) upon conviction, shall forfeit possession of each firearm currently in the defendant's possession; and
 - (iii) will be in violation of federal and state law if the defendant purchases, transfers, uses, or otherwise possesses a firearm.

- (3) The prosecuting attorney or the defendant's attorney shall provide the acknowledgment described in Subsection (2) to the court before the defendant's entry of a plea, if the defendant pleads guilty or no contest.
- (4) A defendant who is convicted by trial of a criminal charge resulting in the defendant becoming a restricted person shall, at the time of sentencing:
 - (a) be verbally informed by the court, prosecuting attorney, or defendant's attorney:
 - (i) that the defendant is a restricted person;
 - (ii) that, as a restricted person, the defendant may not purchase, transfer, use, or otherwise possess a firearm; and
 - (iii) of the criminal penalties associated with purchasing, transferring, using, or otherwise possessing a firearm by a restricted person of the defendant's category; and
 - (b) sign an acknowledgment in the presence of the court attesting that the defendant acknowledges and understands that the defendant:
 - (i) is a restricted person;
 - (ii) shall forfeit possession of each firearm; and
 - (iii) will be in violation of federal and state law if the defendant purchases, transfers, uses, or otherwise possesses a firearm.
- (5) The prosecuting attorney and the defendant's attorney shall inform the court at the preliminary hearing if a charge filed against the defendant would qualify the defendant as a restricted person if the defendant is convicted of the charge.
- (6) The failure to inform or obtain a signed acknowledgment from the defendant may not render the plea invalid, form the basis for withdrawal of the plea, or create a basis to challenge a conviction or sentence.
- (7) An individual who becomes a restricted person as a result of being served with a pretrial protective order in accordance with Section 78B-7-803, a sentencing protective order in accordance with Section 77-36-5, or a continuous protective order in accordance with Section 77-36-5, shall, at the time of service of the protective order:
 - (a) be verbally informed by the court, prosecuting attorney, defendant's attorney, or, if a peace officer is serving the protective order, the peace officer:
 - (i) that the individual is a restricted person;
 - (ii) that, as a restricted person, the individual may not purchase, transfer, use, or otherwise possess a firearm; and
 - (iii) of the criminal penalties associated with purchasing, transferring, using, or otherwise possessing a firearm by a restricted person of the individual's category; and
 - (b) sign, in the presence of the court or, if a peace officer serves the protective order, in the presence of the peace officer, an acknowledgment contained within the protective order document attesting that the individual acknowledges and understands that the individual:
 - (i) is a restricted person;
 - (ii) is required to relinquish possession of each firearm in the individual's possession;
 - (iii) will be in violation of federal and state law if the individual purchases, transfers, uses, or otherwise possesses a firearm; and
 - (iv) may be eligible for an affirmative defense to a state-law prosecution for transferring a firearm under Section 76-11-305 or 76-11-306 if the individual lawfully transfers the individual's firearms within 10 days after the day on which the individual became a restricted person.

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

76-11-310 Removal from National Instant Check System database for certain category II restricted persons.

- (1) An individual who is subject to the restrictions in Subsection 76-11-303(7), (8), or (9), or 18 U.S.C. 922(d)(4) and (g)(4) based on a commitment, finding, or adjudication that occurred in this state may petition the district court in the county in which the commitment, finding, or adjudication occurred to remove the disability imposed.
- (2) The petition shall be filed in the district court in the county where the commitment, finding, or adjudication occurred and shall include:
 - (a) a listing of facilities, with their addresses, where the petitioner has ever received mental health treatment;
 - (b) a release signed by the petitioner to allow the prosecutor or county attorney to obtain the petitioner's mental health records;
 - (c) a verified report of a mental health evaluation conducted by a licensed psychiatrist occurring within 30 days prior to the filing of the petition, which shall include a statement regarding:
 - (i) the nature of the commitment, finding, or adjudication that resulted in the restriction on the petitioner's ability to purchase or possess a dangerous weapon;
 - (ii) the petitioner's previous and current mental health treatment;
 - (iii) the petitioner's previous violent behavior, if any;
 - (iv) the petitioner's current mental health medications and medication management;
 - (v) the length of time the petitioner has been stable;
 - (vi) external factors that may influence the petitioner's stability;
 - (vii) the ability of the petitioner to maintain stability with or without medication; and
 - (viii) whether the petitioner is dangerous to public safety; and
 - (d) a copy of the petitioner's state and federal criminal history record.
- (3) The petitioner shall serve the petition on the prosecuting entity that prosecuted the case or, if the disability is not based on a criminal case, on the county or district attorney's office having jurisdiction where the petition was filed and the individual who filed the original action which resulted in the disability.
- (4)
 - (a) The court shall schedule a hearing as soon as practicable in which the petitioner may present evidence and subpoena witnesses to appear at the hearing.
 - (b) The prosecuting, county attorney, or the individual who filed the original action which resulted in the disability may object to the petition and present evidence in support of the objection.
- (5) The court shall consider the following evidence:
 - (a) the facts and circumstances that resulted in the commitment, finding, or adjudication;
 - (b) the petitioner's mental health and criminal history records; and
 - (c) the petitioner's reputation, including the testimony of character witnesses.
- (6) The court shall grant the relief if the court finds by clear and convincing evidence that:
 - (a) the petitioner is not a danger to the petitioner or to another individual;
 - (b) the petitioner is not likely to act in a manner dangerous to public safety; and
 - (c) the requested relief would not be contrary to the public interest.
- (7) The court shall issue an order with its findings and send a copy to the bureau.
- (8)
 - (a) The bureau, upon receipt of a court order removing a petitioner's disability under Subsection 76-11-303(9), shall send a copy of the court order to the National Instant Check System requesting removal of the petitioner's name from the database.

- (b) In addition to the action described in Subsection (8)(a), if the petitioner is listed in a state database utilized by the bureau to determine eligibility for the purchase or possession of a firearm or to obtain a concealed firearm permit under Title 53, Chapter 5a, Part 3, Concealed Firearm Permits, the bureau shall remove the petitioner's name or send a copy of the court's order to the agency responsible for the database for removal of the petitioner's name.
- (9) If the court denies the petition, the petitioner may not petition again for relief until at least two years after the date of the court's final order.
- (10) The petitioner may appeal a denial of the requested relief and the review on appeal shall be de novo.

Renumbered and Amended by Chapter 173, 2025 General Session

Renumbered and Amended by Chapter 208, 2025 General Session