

Effective 5/1/2024

Superseded 5/7/2025

76-8-311.1 Establishment of secure areas -- Items prohibited -- References to penalty provisions.

- (1)
 - (a) As used in this section:
 - (i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
 - (ii) "Dangerous weapon" means the same as that term is defined in Section 76-10-501.
 - (iii) "Explosive" means the same as the term "explosive, chemical, or incendiary device" defined in Section 76-10-306.
 - (iv) "Firearm" means the same as that term is defined in Section 76-10-501.
 - (v) "Law enforcement facility" means a facility that is owned, leased, or operated by a law enforcement agency.
 - (vi) "Mental health facility" means the same as that term is defined in Section 26B-5-301.
 - (vii)
 - (A) "Secure area" means an area created under this section into which certain persons are restricted from transporting a firearm or other dangerous weapon, ammunition, or explosive.
 - (B) A "secure area" may not include any area normally accessible to the public.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2)
 - (a) The State Tax Commission or a correctional, law enforcement, or mental health facility may establish secure areas within the facility and may prohibit or control by rule any firearm or other dangerous weapon, ammunition, or explosive.
 - (b) Subsections (2)(a), (3), (4), and (5) apply to a higher education secure area hearing room referred to in Subsections 53B-3-103(2)(a)(ii) and (b).
- (3) An entity that creates a secure area under this section shall ensure that at least one notice is prominently displayed at each entrance to the secure area in which a firearm, ammunition, dangerous weapon, or explosive is restricted.
- (4)
 - (a) An entity that creates a secure area under this section shall provide a secure weapons storage area so that an individual entering the secure area may store the individual's weapon before entering the secure area.
 - (b) The entity operating the facility shall be responsible for a weapon while the weapon is stored in the storage area described in Subsection (4)(a).
- (5)
 - (a) An actor who transports a firearm or other dangerous weapon or ammunition into a secure area created under this section or a higher education secure area hearing room created under this section may be punished under Section 76-8-311.2.
 - (b) An actor who knowingly or intentionally transports, possesses, distributes, or sells an explosive in a secure area or a higher education secure area hearing room created under this section may be punished under Section 76-10-306.
 - (c) It is a defense to a prosecution related to this section that the actor acted in conformity with the facility's rule or policy established pursuant to this section.