

WEAPONS IN MOTOR VEHICLES

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Richard L. Walsh

AN ACT RELATING TO CRIMINAL CODE; CLARIFYING THAT THE EXEMPTION OF A CONCEALED FIREARM PERMIT HOLDER HAS FROM CERTAIN PROVISIONS IS FOR A HANDGUN AND DOES NOT EXTEND TO OTHER FIREARMS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

76-10-523, as last amended by Chapters 57 and 144, Laws of Utah 1997

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-10-523** is amended to read:

76-10-523. Persons exempt from weapons laws.

(1) This part and Title 53, Chapter 5, Part 7, Concealed Weapon Act, do not apply to any of the following:

(a) a United States marshal while engaged in the performance of his official duties;

(b) a federal official required to carry a firearm while engaged in the performance of his official duties;

(c) a peace officer of this or any other jurisdiction while engaged in the performance of his official duties;

(d) a law enforcement official as defined and qualified under Section 53-5-711;

(e) a judge as defined and qualified in Section 53-5-711;

(f) a common carrier while engaged in the regular and ordinary transport of firearms as merchandise; or

(g) a nonresident traveling in or through the state, provided that any firearm is:

(i) unloaded; and

(ii) securely encased as defined in Section 76-10-501.

1 (2) [~~The provisions of Subsections 76-10-504(1)(a), (1)(b), and Section 76-10-505 do not~~
2 apply to any] Any person [to whom a permit] licensed to carry a concealed firearm [has been
3 issued: (a) ~~pursuant to Section 53-5-704;~~] under Title 53, Chapter 5, Part 7, Concealed Weapon
4 Act, or [(b)] by another state whose requirements for issuance of a concealed firearm permit have
5 been determined annually by the Department of Public Safety to meet or exceed the requirements
6 for issuance of a concealed firearm permit in this state[:] is exempt from the following provisions
7 if the firearm is a handgun:
8 (a) carrying a concealed weapon in Subsections 76-10-504(1)(a) and (1)(b); and
9 (b) carrying a loaded firearm in Section 76-10-505.

Legislative Review Note
as of 1-23-98 12:46 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel