

PLEASE NOTE:
THIS DOCUMENT INCLUDES BOTH THE BILL AND ALSO A TRANSMITTAL LETTER
THAT CONTAINS PASSED AMENDMENTS BUT NOT INCORPORATED INTO THE
BILL.



House of Representatives *State of Utah*

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March 5, 2003 (9:40pm)

Mr. President:

The House passed **S.B. 251**, FIREARMS REVISIONS, by Senator B. Evans, with the following amendments:

1. Page 1, Line 15: After "(1)" bracket "(a)" and after "not" insert "knowingly and intentionally"
2. Page 1, Line 16: Bracket "(i)" and insert "(a)"
3. Page 1, Line 17: Bracket "(ii)" and insert "(b)"
4. Page 1, Line 18: Bracket "(iii)" and insert "(c)"
5. Page 1, Line 19: Bracket "(iv)" and insert "(d)"
6. Page 1, Line 21: Bracket "(v)" and insert "(e)"
7. Page 1, Line 22: Bracket "(vi)" and insert "(f)"
8. Page 1, Line 24: Bracket "(vii)" and insert "(g)"
9. Page 1, Line 26: Bracket "(A)" and insert "(i)"
10. Page 1, Line 27: Bracket "(B)" and insert "(ii)"
11. Page 2, Line 29: Delete "(viii)" and insert "(h)"
12. Page 2, Lines 31-33: Bracket lines 31-33
13. Page 2, Line 47: Bracket "or"
14. Page 2, Line 49: After "law" Bracket "." and insert "; or (c) who had actual permission of the owner or person in charge of the property, real or personal, at the time in question."

and returns it to the Senate for consideration.

Respectfully,

Carole E. Peterson
Chief Clerk

1 **FIREARMS REVISIONS**

2 2003 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Beverly Ann Evans**

5 **This act modifies provisions dealing with weapons by prohibiting the discharge of a**
6 **firearm or dangerous weapon in the direction of a house, dwelling, occupied vehicle, or**
7 **building in a manner that threatens the safety or property of others.**

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

9 AMENDS:

10 **76-10-508**, as last amended by Chapter 214, Laws of Utah 2000

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

12 Section 1. Section **76-10-508** is amended to read:

13 **76-10-508. Discharge of firearm from a vehicle, near a highway, or in the**
14 **direction of any person, building, or vehicle -- Penalties.**

15 (1) (a) A person may not discharge any kind of dangerous weapon or firearm:

16 (i) from an automobile or other vehicle;

17 (ii) from, upon, or across any highway;

18 (iii) at any road signs placed upon any highways of the state;

19 (iv) at any communications equipment or property of public utilities including
20 facilities, lines, poles, or devices of transmission or distribution;

21 (v) at railroad equipment or facilities including any sign or signal;

22 (vi) within Utah State Park buildings, designated camp or picnic sites, overlooks, golf
23 courses, boat ramps, and developed beaches; [or]

24 (vii) without written permission to discharge the dangerous weapon from the owner or
25 person in charge of the property within 600 feet of:

26 (A) a house, dwelling, or any other building; or

27 (B) any structure in which a domestic animal is kept or fed, including a barn, poultry



28 yard, corral, feeding pen, or stockyard[-]; or
29 (viii) in the direction of a house, dwelling, occupied vehicle, or any other building in a
30 manner that threatens the safety or property of others.

31 (b) It shall be a defense to any charge for violating this section that the person being
32 accused had actual permission of the owner or person in charge of the property at the time in
33 question.

34 (2) A violation of any provision of this section is a class B misdemeanor unless the
35 actor discharges a firearm under any of the following circumstances not amounting to criminal
36 homicide or attempted criminal homicide, in which case it is a third degree felony and the
37 convicted person shall be sentenced to an enhanced minimum term of three years in prison:

38 (a) the actor discharges a firearm in the direction of any person or persons, knowing or
39 having reason to believe that any person may be endangered;

40 (b) the actor, with intent to intimidate or harass another or with intent to damage a
41 habitable structure as defined in Subsection 76-6-101(2), discharges a firearm in the direction
42 of any building; or

43 (c) the actor, with intent to intimidate or harass another, discharges a firearm in the
44 direction of any vehicle.

45 (3) This section does not apply to a person:

46 (a) who discharges any kind of firearm when that person is in lawful defense of self or
47 others; or

48 (b) who is performing official duties as provided in Sections 23-20-1.5 and 76-10-523
49 and as otherwise provided by law.

Legislative Review Note
as of 2-12-03 1:52 PM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0251

Firearms Revisions

18-Feb-03

10:50 AM

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst