

FIREARMS REVISIONS

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Beverly Ann Evans

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

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

AMENDS:

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

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

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

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

(1) [~~(a)~~] A person may not knowingly and intentionally discharge any kind of dangerous weapon or firearm:

[(~~i~~)] (a) from an automobile or other vehicle;

[(~~ii~~)] (b) from, upon, or across any highway;

[(~~iii~~)] (c) at any road signs placed upon any highways of the state;

[(~~iv~~)] (d) at any communications equipment or property of public utilities including facilities, lines, poles, or devices of transmission or distribution;

[(~~v~~)] (e) at railroad equipment or facilities including any sign or signal;

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

[(~~vii~~)] (g) without written permission to discharge the dangerous weapon from the owner or person in charge of the property within 600 feet of:

[(~~A~~)] (i) a house, dwelling, or any other building; or

[(~~B~~)] (ii) any structure in which a domestic animal is kept or fed, including a barn, poultry yard, corral, feeding pen, or stockyard[-]; or

(h) in the direction of a house, dwelling, occupied vehicle, or any other building in a manner that threatens the safety or property of others.

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

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

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

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

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

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

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

(b) who is performing official duties as provided in Sections 23-20-1.5 and 76-10-523 and as otherwise provided by law~~[-];~~ or

(c) who had actual permission of the owner or person in charge of the property, real or personal, at the time in question.