

1 **UNIFORM FIREARM LAWS**

2 2004 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Michael G. Waddoups**

6 **LONG TITLE**

7 **General Description:**

8 This bill modifies the State Affairs in General title in recognizing the need to provide
9 uniform civil and criminal firearm laws throughout the state.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ reflects current provisions in the Criminal Code that recognize the reservation of
13 authority with the state to regulate firearms; and
- 14 ▶ provides, in conjunction with current state criminal law, that a local authority or
15 entity may not enact, establish, or enforce any ordinance, regulation, rule, or policy
16 pertaining to firearms that inhibits or restricts the possession or use of firearms on
17 either public or private property, unless specifically authorized by the Legislature by
18 statute.

19 **Monies Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 ENACTS:

25 **63-98-101**, Utah Code Annotated 1953

26 **63-98-102**, Utah Code Annotated 1953



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

29 Section 1. Section **63-98-101** is enacted to read:

30 **CHAPTER 98. FIREARM LAWS**

31 **63-98-101. Title.**

32 This chapter is known as "Firearm Laws."

33 Section 2. Section **63-98-102** is enacted to read:

34 **63-98-102. Uniform firearm laws.**

35 (1) The individual right to keep and bear arms being a constitutionally protected right
 36 under Article I, Section 6 of the Utah Constitution, the Legislature finds the need to provide
 37 uniform civil and criminal firearm laws throughout the state.

38 (2) Except as specifically provided by state law, § [an individual] A LOCAL AUTHORITY OR
 38a STATE ENTITY § may not § [be] § :

39 (a) § [prohibited] PROHIBIT AN INDIVIDUAL § from owning, possessing, purchasing, selling,
 39a transferring, transporting,
 40 or keeping a firearm at the individual's place of residence, property, business, or in any vehicle
 41 lawfully in the individual's possession or lawfully under the individual's control; or

42 (b) § [required] REQUIRE AN INDIVIDUAL § to have a permit or license to purchase, own,
 42a possess, transport, or keep a
 43 firearm.

44 (3) In conjunction with Title 76, Chapter 10, Part 5, Weapons, this section is uniformly
 45 applicable throughout this state and in all its political subdivisions and municipalities.

46 (4) All authority to regulate firearms is reserved to the state except where the
 47 Legislature specifically delegates responsibility to local authorities or state entities.

48 (5) Unless specifically authorized by the Legislature by statute, a local authority or
 49 state entity may not enact, establish, or enforce any ordinance, regulation, rule, or policy
 50 pertaining to firearms that in any way inhibits or restricts the possession or use of firearms on
 51 either public or private property.

52 ~~§ [(6) Except as specifically authorized by the Legislature by statute, private citizens may~~
 53 ~~not inhibit or restrict the possession or use of firearms on either public or private property.~~

54 ~~—(7) (6) § As used in this section:~~

55 (a) "firearm" has the same meaning as defined in Subsection 76-10-501(9); and

56 (b) "local authority or state entity" includes public school districts, public schools, and
 57 state institutions of higher education.

57a ~~§ (7) Æ [Except as otherwise specifically provided by state law, nothing in this section~~
 57b ~~prohibits an individual from restricting the possession or use of a firearm on private~~
 57c ~~property.] INDIVIDUAL PRIVATE PROPERTY UNDER STATE AND FEDERAL LAW SHALL NOT BE~~
 57d ~~RESTRICTED BY THIS SECTION. Æ~~

Legislative Review Note

as of 1-27-04 2:52 PM

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

Office of Legislative Research and General Counsel

State Impact

Provisions of this bill can be handled within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst