

Representative Stephen H. Urquhart proposes the following substitute bill:

UNIFORM FIREARM LAWS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Michael G. Waddoups

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

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, a local authority or state entity may
39 not:

40 (a) prohibit an individual from owning, possessing, purchasing, selling, transferring,
41 transporting, or keeping a firearm at the individual's place of residence, property, business, or
42 in any vehicle lawfully in the individual's possession or lawfully under the individual's control;
43 or

44 (b) require an individual to have a permit or license to purchase, own, possess,
45 transport, or keep a firearm.

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

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

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

54 (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.

58 (7) Nothing in this section restricts or expands private property rights.