

WEAPONS AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark B. Madsen

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions of the Utah Criminal Code dealing with the possession and carrying of weapons.

Highlighted Provisions:

This bill:

- ▶ creates an exception to penalty provisions related to the carrying of a concealed dangerous weapon, which is not a firearm, to include carrying a concealed dangerous weapon in or on a vehicle lawfully under a person's control;
- ▶ removes the prohibition from carrying a loaded firearm in or on a vehicle, conditioned on the vehicle being lawfully under the person's control; and
- ▶ provides that a person may have a loaded firearm at the person's residence, on the person's property, in or on a vehicle legally under the person's control, and at a business under the person's control.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-10-504, as last amended by Chapter 2, Laws of Utah 2005



28 76-10-505, as last amended by Chapter 328, Laws of Utah 1990

29 76-10-511, as last amended by Chapter 234, Laws of Utah 1993



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

32 Section 1. Section 76-10-504 is amended to read:

33 **76-10-504. Carrying concealed dangerous weapon -- Penalties.**

34 (1) Except as provided in Section 76-10-503 and in Subsections (2) and (3):

35 (a) a person who carries a concealed dangerous weapon, as defined in Section
36 76-10-501, which is not a firearm on his person or one that is readily accessible for immediate
37 use which is not securely encased, as defined in this part, in or on a place other than ~~[his]~~ the
38 person's residence, property, a vehicle in the person's lawful possession, or a vehicle under the
39 person's lawful control, or in or on a vehicle with the consent of the person lawfully in control
40 or possession of the vehicle, or business under ~~[his]~~ the person's control is guilty of a class B
41 misdemeanor; and

42 (b) a person without a valid concealed firearm permit who carries a concealed
43 dangerous weapon in or on a place other than the person's residence, property, a vehicle in the
44 person's lawful possession, a vehicle under the person's lawful control, or in or on a vehicle
45 with the consent of the person lawfully in control or possession of the vehicle, or business
46 under the person's control, which is a firearm and that contains no ammunition is guilty of a
47 class B misdemeanor, but if the firearm contains ammunition the person is guilty of a class A
48 misdemeanor.

49 (2) A person who carries concealed a sawed-off shotgun or a sawed-off rifle is guilty of
50 a second degree felony.

51 (3) If the concealed firearm is used in the commission of a violent felony as defined in
52 Section 76-3-203.5, and the person is a party to the offense, the person is guilty of a second
53 degree felony.

54 (4) Nothing in Subsection (1) ~~[shall prohibit]~~ prohibits a person engaged in the lawful
55 taking of protected or unprotected wildlife as defined in Title 23, Wildlife Resources Code,
56 from carrying a concealed weapon or a concealed firearm with a barrel length of four inches or
57 greater as long as the taking of wildlife does not occur:

58 (a) within the limits of a municipality in violation of that municipality's ordinances; or

59 (b) upon the highways of the state as defined in Section 41-6a-102.

60 Section 2. Section **76-10-505** is amended to read:

61 **76-10-505. Carrying loaded firearm in a vehicle, on a street, or in a posted**
62 **prohibited area.**

63 (1) Unless otherwise authorized by law, a person may not carry a loaded firearm:

64 (a) in or on a vehicle, unless the vehicle is in the person's lawful possession or under
65 the person's lawful control, or the person is carrying a loaded firearm in a vehicle with the
66 consent of the person lawfully in control or possession of the vehicle;

67 (b) on [~~any~~] a public street; or

68 (c) in a posted prohibited area.

69 (2) A violation of this section is a class B misdemeanor.

70 Section 3. Section **76-10-511** is amended to read:

71 **76-10-511. Possession of loaded weapon authorized at specific locations.**

72 Except for persons described in Section 76-10-503, a person may have a loaded and/or
73 concealed firearm:

74 (1) at [~~his~~] the person's place of residence, including any temporary residence or
75 camp;

76 (2) on the person's property;

77 (3) in or on a vehicle lawfully in the person's lawful possession, or a vehicle under the
78 person's lawful control, or a vehicle with the consent of the person lawfully in control or
79 possession of the vehicle; or

80 (4) at a business under the person's control.

Legislative Review Note
as of 11-10-05 10:47 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Interim Committee Note
as of 12-22-05 9:03 AM

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

Fiscal Note
Bill Number SB0024

Weapons Amendments

14-Jan-06

7:52 PM

State Impact

No Fiscal Impact.

Individual and Business Impact

May reduce individual fiscal impact if individual qualifies for exceptions outlined in the bill.

Office of the Legislative Fiscal Analyst