

**Representative Stephen E. Sandstrom** proposes the following substitute bill:

**FIREARMS AMENDMENTS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen E. Sandstrom**

Senate Sponsor: Mark B. Madsen

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**LONG TITLE**

**General Description:**

This bill modifies provisions of the Utah Criminal Code related to firearms.

**Highlighted Provisions:**

This bill:

- ▶ modifies the criminal penalties exception provisions related to carrying a concealed firearm to apply to a vehicle in a person's lawful possession and to a vehicle in the lawful possession of another, with the consent of that person;

- ▶ allows a person to carry a loaded firearm in a vehicle in the person's lawful possession or in a vehicle with the consent of the person lawfully in possession of the vehicle;

- ▶ allows for the possession of a loaded firearm, on a person's real property; and

- ▶ makes certain technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



- 26           **76-10-504**, as last amended by Laws of Utah 2005, Chapter 2
- 27           **76-10-505**, as last amended by Laws of Utah 1990, Chapter 328
- 28           **76-10-511**, as last amended by Laws of Utah 1993, Chapter 234
- 29           **76-10-523**, as last amended by Laws of Utah 2003, Chapter 202



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)[~~-(a)~~] and

35 (4), a person who carries a concealed dangerous weapon, as defined in Section 76-10-501,

36 [~~which is not a~~] including an unloaded firearm on his or her person or one that is readily

37 accessible for immediate use which is not securely encased, as defined in this part, in or on a

38 place other than [~~his~~] the person's residence, property, a vehicle in the person's lawful

39 possession, or a vehicle, with the consent of the individual who is lawfully in possession of the

40 vehicle, or business under [~~his~~] the person's control is guilty of a class B misdemeanor[~~;~~and]

41           [~~(b) a person without a valid concealed firearm permit~~]

42           (2) A person who carries a concealed dangerous weapon which is a loaded firearm [~~and~~

43 ~~that contains no ammunition is guilty of a class B misdemeanor, but if the firearm contains~~

44 ~~ammunition the person] in violation of Subsection (1) is guilty of a class A misdemeanor.~~

45           [~~(2)~~] (3) A person who carries concealed a sawed-off shotgun or a sawed-off rifle is

46 guilty of a second degree felony.

47           [~~(3)~~] (4) If the concealed firearm is used in the commission of a violent felony as

48 defined in Section 76-3-203.5, and the person is a party to the offense, the person is guilty of a

49 second degree felony.

50           [~~(4)~~] (5) Nothing in Subsection (1) or (2) shall prohibit a person engaged in the lawful

51 taking of protected or unprotected wildlife as defined in Title 23, Wildlife Resources Code,

52 from carrying a concealed weapon or a concealed firearm with a barrel length of four inches or

53 greater as long as the taking of wildlife does not occur:

- 54           (a) within the limits of a municipality in violation of that municipality's ordinances; or
- 55           (b) upon the highways of the state as defined in Section 41-6a-102.

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

57 **76-10-505. Carrying loaded firearm in vehicle or on street.**

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

59 (a) in or on a vehicle~~[-];~~ unless:

60 (i) the vehicle is in the person's lawful possession; or

61 (ii) the person is carrying the loaded firearm in a vehicle with the consent of the person  
62 lawfully in possession of the vehicle.

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

64 (c) in a posted prohibited area.

64a **§→ (2) Subsection (1)(a) does not apply to a minor under 18 years of age, since a minor**  
64b **under 18 years of age may not carry a loaded firearm in or on a vehicle.**

64c **(3) Notwithstanding Subsection (1)(a)(i) and (ii), a person may not possess a loaded rifle,**  
64d **shotgun, or muzzle-loading rifle in a vehicle.**

65 ~~[(2)] (4) ←§~~ A violation of this section is a class B misdemeanor.

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

67 **76-10-511. Possession of loaded firearm at residence or on real property**  
68 **authorized.**

69 Except for persons described in Section 76-10-503 and 18 U.S.C. Sec. 922(g) **§→ and as**  
69a **otherwise prescribed in this part ←§** , a person  
70 may have a loaded firearm ~~[at his]~~:

71 (1) at the person's place of residence, including any temporary residence or camp[-]; or

72 (2) on the person's real property.

73 Section 4. Section **76-10-523** is amended to read:

74 **76-10-523. Persons exempt from weapons laws.**

75 (1) This part and Title 53, Chapter 5, Part 7, Concealed Weapon Act, do not apply to  
76 any of the following:

77 (a) a United States marshal;

78 (b) a federal official required to carry a firearm;

79 (c) a peace officer of this or any other jurisdiction;

80 (d) a law enforcement official as defined and qualified under Section 53-5-711;

81 (e) a judge as defined and qualified under Section 53-5-711;

82 (f) a common carrier while engaged in the regular and ordinary transport of firearms as  
83 merchandise; or

84 (g) a nonresident traveling in or through the state, provided that any firearm is:

85 (i) unloaded; and

86 (ii) securely encased as defined in Section 76-10-501.

87 (2) The provisions of Subsections 76-10-504(1)~~[(a), (1)(b)]~~ and (2), and Section

88 76-10-505 do not apply to any person to whom a permit to carry a concealed firearm has been  
89 issued:

90 (a) pursuant to Section 53-5-704; or

91 (b) by another state or county.

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**H.B. 357 1st Sub. (Buff) - Firearms Amendments**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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