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

Section 1. Section **76-3-203.2** is amended to read:

**76-3-203.2. Definitions -- Use of dangerous weapon in offenses committed on or about school premises -- Enhanced penalties.**

(1) (a) As used in this section [~~and Section 76-10-505.5;~~] "on or about school premises" means [~~any of the following~~]:

(i) (A) in a public or private elementary[;] or secondary[;] school; or

(B) on the grounds of any of those schools; ~~and~~

(ii) (A) in a public ~~[f]~~ or private ~~[f]~~ ~~[vocational school or postsecondary]~~ institution of higher

education; or

(B) on the grounds of [~~any of those schools or institutions;~~] a public or private institution of

higher education ;

**(iii) within 1,000 feet of any school, institution, or grounds included in Subsections (1)(a)(i) and (ii); and**

**(iv) in or on the grounds of a preschool or child care facility.**

~~[(iii) in those portions of any building, park, stadium, or other structure or grounds which are, at the time of the act, being used for an activity sponsored by or through a school or institution under Subsections (1)(a)(i) and (ii);]~~

~~[(iv) in or on the grounds of a preschool or child-care facility; and]~~

~~[(v) within 1,000 feet of any structure, facility, or grounds included in Subsections (1)(a)(i), (ii), (iii), and (iv).]~~

(b) As used in this section:

(i) "Dangerous weapon" has the same definition as in Section 76-1-601.

(ii) "Educator" means [~~any~~] a person who is:

(A) employed by a public school district; and [~~who is~~]

(B) required to hold a certificate issued by the State Board of Education in order to perform duties of employment.

(iii) "Within the course of employment" means that an educator is providing services or engaging in conduct required by the educator's employer to perform the duties of employment.

(2) [~~Any~~] A person who, on or about school premises, commits [~~any~~] an offense and uses or threatens to use a dangerous weapon, as defined in Section 76-1-601, in the commission of the offense is subject to an enhanced degree of offense as provided in Subsection (4).

88 (a) the offense for which the person is being sentenced is:

89 (i) a grievous sexual offense;

90 (ii) child kidnapping[;] under Section 76-5-301.1;

91 (iii) aggravated kidnapping[;] under Section 76-5-302; or

92 (iv) forcible sexual abuse[;] under Section 76-5-404; and

93 (b) applying the sentencing enhancement provided for in this section would result in a  
94 lower maximum penalty than the penalty provided for under the section that describes the  
95 offense for which the person is being sentenced.

96 Section 2. Section **76-10-505.5** is amended to read:

97 **76-10-505.5. Possession of a dangerous weapon, firearm, or sawed-off shotgun on**  
98 **or about school premises -- Penalties.**

99 (1) As used in this section, "on or about school premises" means:

100 (a) (i) in a public or private elementary or secondary school; or

101 (ii) on the grounds of any of those schools; ~~H~~→ [and] ←~~H~~

102 (b) (i) in a public ~~H~~→ or private ←~~H~~ institution of higher education; or

103 (ii) on the grounds of a public ~~H~~→ or private ←~~H~~ institution of higher

103a education ~~H~~→ ; and

103b (iii)(A) **inside the building where a preschool or child care is being held, if the entire**  
103c **building is being used for the operation of the preschool or child care; or**

103d **(B) if only a portion of a building is being used to operate a preschool or child care, in**  
103e **that room or rooms where the preschool or child care operation is being held ←~~H~~ .**

104 [(+) (2) A person may not possess any dangerous weapon, firearm, or sawed-off  
105 shotgun, as those terms are defined in Section 76-10-501, at a place that the person knows, or  
106 has reasonable cause to believe, is on or about school premises as defined in [Subsection  
107 76-3-203.2(+)] this section.

108 [(2) (3) (a) Possession of a dangerous weapon on or about school premises is a class B  
109 misdemeanor.

110 (b) Possession of a firearm or sawed-off shotgun on or about school premises is a class  
111 A misdemeanor.

111a ~~H~~→ [~~H~~→ (c)(i) **If the person's reckless possession of a dangerous weapon, firearm, or sawed-off**  
111b **shotgun causes the school to go into a lock down, then as part of the sentence for violation of this**  
111c **section, the court shall order the defendant to reimburse the school for the costs incurred by the school**  
111d **as a result of the lock down.**

111e **(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state**  
111f **board of education shall make a rule as to the components of a lock down for purposes of Subsection**

111g **(2)(c)(i). ←~~H~~ ←~~H~~**

112 [(3) (4) This section does not apply if: