

FIREARMS MODIFICATIONS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl Wimmer

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions of Title 76, Chapter 10, Part 5, Weapons, related to conduct involving firearms.

Highlighted Provisions:

This bill:

► provides an exemption for a person, who is 21 years of age or older and who may lawfully possess a dangerous weapon, from certain criminal provisions in Title 76, Chapter 10, Part 5, Weapons, related to the carrying of a dangerous weapon.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-10-505.5, as last amended by Laws of Utah 2003, Chapter 203

76-10-523, as last amended by Laws of Utah 2009, Chapter 362

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

Section 1. Section **76-10-505.5** is amended to read:

76-10-505.5. Possession of a dangerous weapon, firearm, or sawed-off shotgun on



28 **or about school premises -- Penalties.**

29 (1) A person may not possess [any] a dangerous weapon, firearm, or sawed-off
30 shotgun, as those terms are defined in Section 76-10-501, at a place that the person knows, or
31 has reasonable cause to believe, is on or about school premises as defined in Subsection
32 76-3-203.2(1).

33 (2) (a) Possession of a dangerous weapon on or about school premises is a class B
34 misdemeanor.

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

37 (3) This section does not apply if:

38 (a) the person is authorized to possess a firearm as provided under Section 53-5-704,
39 53-5-705, 76-10-511, or Subsection 76-10-523(1) or (2), or as otherwise authorized by law;

40 (b) the possession is approved by the responsible school administrator;

41 (c) the item is present or to be used in connection with a lawful, approved activity and
42 is in the possession or under the control of the person responsible for its possession or use; or

43 (d) the possession is:

44 (i) at the person's place of residence or on the person's property;

45 (ii) in any vehicle lawfully under the person's control, other than a vehicle owned by
46 the school or used by the school to transport students; or

47 (iii) at the person's place of business which is not located in the areas described in
48 Subsection 76-3-203.2(1)(a)(i), (ii), or (iv).

49 (4) This section does not prohibit prosecution of a more serious weapons offense that
50 may occur on or about school premises.

51 Section 2. Section **76-10-523** is amended to read:

52 **76-10-523. Persons exempt from weapons laws.**

53 (1) This part and Title 53, Chapter 5, Part 7, Concealed [~~Weapon~~] Firearm Act, do not
54 apply to any of the following:

55 (a) a United States marshal;

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

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

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

59 (e) a judge as defined and qualified under Section 53-5-711;
 60 (f) a common carrier while engaged in the regular and ordinary transport of firearms as
 61 merchandise; or

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

63 (i) unloaded; and

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

65 (2) The provisions of Subsections 76-10-504(1) and (2), and Section 76-10-505 do not
 66 apply to any person to whom a permit to carry a concealed firearm has been issued:

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

68 (b) by another state or county.

69 (3) ~~Ĥ→ (a) ←Ĥ~~ The provisions of Subsections 76-10-504(1) and (2) and
 69a Section 76-10-505 do not

70 apply to a person 21 years of age or older who may lawfully possess a dangerous weapon.

70a ~~Ĥ→ (b) If a peace officer makes lawful contact with a person who is in lawful possession of a~~
 70b ~~concealed dangerous weapon under this section, the person shall inform the peace officer of~~
 70c ~~that possession as soon as feasible. ←Ĥ~~

Legislative Review Note
 as of 2-14-11 3:26 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 129

SHORT TITLE: Firearms Modifications

SPONSOR: Wimmer, C.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill is estimated to reduce the number of Utah's concealed weapons permits issued per year by 25%, which will reduce the workload for the Department of Public Safety by \$30,000 in dedicated credits and result in revenue reduction of \$140,000 in dedicated credits per year.

STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
Revenue:			
Dedicated Credits	\$0	(\$140,000)	(\$140,000)
Total Revenue	\$0	(\$140,000)	(\$140,000)
Expenditure:			
Dedicated Credits	\$0	(\$30,000)	(\$30,000)
Total Expenditure	\$0	(\$30,000)	(\$30,000)
Net Impact, All Funds (Rev.-Exp.)	\$0	(\$110,000)	(\$110,000)
Net Impact, General/Education Funds	\$0	\$0	\$0

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

As a result of this bill, certain individuals will save \$35 in application fees and \$19.25 in FBI background check fees.