

DISARMING A PEACE OFFICER

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Richard A. Greenwood

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions of Title 78A, Chapter 2, Judicial Administration, related to the carrying of firearms in or about a courthouse by a peace officer.

Highlighted Provisions:

This bill:

▶ provides that a peace officer, while acting within the scope of authority as a peace officer, is exempt from the requirement of having to store the officer's firearm while in or about a courthouse or courtroom or a secure area in the courthouse; ~~and~~

▶ provides that court personnel may not take or remove the peace officer's firearm while the officer is acting within the officer's scope of authority ~~and~~

provides for an exception.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-2-203, as renumbered and amended by Laws of Utah 2008, Chapter 3

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

Section 1. Section **78A-2-203** is amended to read:



28 **78A-2-203. Rules -- Right to make -- Limitation -- Security.**

29 (1) Every court of record may make rules, not inconsistent with law, for its own
30 government and the government of its officers; but such rules must neither impose any tax or
31 charge upon any legal proceeding nor give any allowance to any officer for service.

32 (2) (a) The judicial council may provide, through the rules of judicial administration,
33 for security in or about a courthouse or courtroom, or establish a secure area as prescribed in
34 Section 76-8-311.1.

35 (b) (i) If the council establishes a secure area under Subsection (2)(a), it shall provide a
36 secure firearms storage area on site so that persons with lawfully carried firearms may store
37 them while they are in the secure area.

38 (ii) The entity operating the facility with the secure area shall be responsible for the
39 firearms while they are stored in the storage area referred to in Subsection (2)(b)(i).

40 (iii) The entity may not charge a fee to individuals for storage of their firearms under
41 Subsection (2)(b)(i).

42 (3) (a) Unless authorized by the rules of judicial administration, any person who
43 knowingly or intentionally possesses a firearm, ammunition, or dangerous weapon within a
44 secure area established by the judicial council under this section is guilty of a third degree
45 felony.

46 (b) Any person is guilty of violating Section 76-10-306 who transports, possesses,
47 distributes, or sells an explosive, chemical, or incendiary device, as defined by Section
48 76-10-306, within a secure area, established by the Judicial Council under this section.

49 **(4) ~~H~~→ [A] (a) Except as otherwise provided in Subsection (4)(b), a ~~←H~~ peace officer,**
49a **while acting within the scope of authority as a peace officer, is**
50 **exempt from the firearms provisions of this section, and court personnel may not take or**
51 **remove the peace officer's firearm while the officer is in or about the courthouse, including a**
52 **secure area, and acting within the officer's scope of authority.**

52a **~~H~~→ (b) A responsible law enforcement agency of the court, such as a sheriff's office, may**
52b **make rules regarding the transporting of a prisoner from one holding cell to another within a**
52c **court facility in which the peace officer transporting the prisoner is not to carry a firearm. ~~←H~~**

Legislative Review Note

as of 2-22-11 6:28 AM

FISCAL NOTE

H.B. 364

SHORT TITLE: **Disarming a Peace Officer**

SPONSOR: **Greenwood, R.**

2011 GENERAL SESSION, STATE OF UTAH

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

Enactment of this bill likely will not materially impact the state budget.

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))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.