

FIREARMS REVISIONS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: _____

LONG TITLE

General Description:

This bill deals with provisions related to the possession of a firearm or dangerous weapon.

Highlighted Provisions:

This bill:

- provides that in the absence of additional threatening behavior, the otherwise lawful possession of a firearm or dangerous weapon, whether visible or concealed, is not a violation of certain statutory provisions;

- provides that governmental entities may not enact, maintain, or enforce firearm or dangerous weapon laws, ordinances, rules, or regulations without explicit authority granted by the Legislature;

- provides that where authority has been granted to a governmental entity by the Legislature to regulate firearms or other dangerous weapons, any law, ordinance, rule, regulation, code of conduct, or contractual obligation based on that grant shall reference the grant and detail the conduct that is limited or prohibited pursuant to the grant; and

- voids any firearm or dangerous weapon law, ordinance, rule, regulation, code of conduct, or contractual obligation that does not reference the applicable legislative grant of authority and detail the conduct that is limited or prohibited pursuant to the grant.



Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-10-532, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **76-10-532** is enacted to read:**76-10-532. Possession of firearms or other dangerous weapons as applied to interpreting general laws.**

(1) In the absence of additional threatening behavior, the otherwise lawful possession of a firearm or other dangerous weapon, whether visible or concealed, is not a violation of Section 10-8-47, 10-8-50, 76-6-206, 76-8-703, 76-8-704, 76-8-705, 76-9-102, 76-9-103, 76-9-104, 76-9-106, 76-10-506, or 76-10-507.

(2) Except where explicit authority to regulate firearms or other dangerous weapons has been granted by the Legislature, a local authority, political subdivision, municipality, or any other state entity may not enact, maintain, or enforce a law, ordinance, rule, regulation, code of conduct, or contractual obligation that limits or prevents the otherwise lawful possession of a firearm or other dangerous weapon, whether visible or concealed.

(3) If explicit authority has been granted by the Legislature to a local authority, political subdivision, municipality, or other state entity to regulate firearms or other dangerous weapons, any law, ordinance, rule, regulation, code of conduct, or contractual obligation based on that explicit grant of authority shall:

(a) reference the statute that grants the authority to regulate the firearm or other dangerous weapon;

(b) detail specifically the conduct involving a firearm or other dangerous weapon that is limited or prohibited; and

(c) use the term firearm if the prohibition or limitation only involves a firearm.

(4) A firearm or dangerous weapon law, ordinance, rule, regulation, code of conduct,

59 or contractual obligation enacted, made, adopted, or entered into by a local authority, political
60 subdivision, municipality, or other state entity that does not meet the requirements of
61 Subsection (3) is void.

Legislative Review Note
as of 2-25-11 9:10 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 424

SHORT TITLE: **Firearms Revisions**

SPONSOR: **Ray, P.**

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.

3/2/2011, 05:02 PM, Lead Analyst: Syphus, G./Attorney: JLW

Office of the Legislative Fiscal Analyst