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FIREARMS REVISIONS

2012 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.



28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 ENACTS:

34 **76-10-532**, Utah Code Annotated 1953



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

37 Section 1. Section **76-10-532** is enacted to read:

38 **76-10-532. Possession of firearms or other dangerous weapons as applied to**
39 **interpreting general laws.**

40 (1) In the absence of additional threatening behavior, the otherwise lawful possession
41 of a firearm or other dangerous weapon, whether visible or concealed, is not a violation of
42 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,
43 76-9-104, 76-9-106, 76-10-506, or 76-10-507.

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

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

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

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

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

58 (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 6-16-11 11:38 AM

Office of Legislative Research and General Counsel