

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FIREARM POSSESSION AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark B. Madsen

House Sponsor: _____

LONG TITLE

General Description:

This bill provides that a person who complies with Utah law regarding the possession of firearms is exempt from federal license and verification provisions.

Highlighted Provisions:

This bill:

► provides that a person who complies with Utah law regarding the possession of firearms is exempt from license and verification provisions in 18 U.S.C. 922(q)(2)(B)(ii).

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 2011, Chapter 91

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 or about school premises -- Penalties.

S.B. 249



28 (1) As used in this section, "on or about school premises" means:
29 (a) (i) in a public or private elementary or secondary school; or
30 (ii) on the grounds of any of those schools;

31 (b) (i) in a public or private institution of higher education; or
32 (ii) on the grounds of a public or private institution of higher education; and
33 ~~[(iii)-(A)]~~ (c) (i) inside the building where a preschool or child care is being held, if the
34 entire building is being used for the operation of the preschool or child care; or

35 ~~[(B)]~~ (ii) if only a portion of a building is being used to operate a preschool or child
36 care, in that room or rooms where the preschool or child care operation is being held.
37 (2) A person may not possess any dangerous weapon, firearm, or sawed-off shotgun, as
38 those terms are defined in Section 76-10-501, at a place that the person knows, or has
39 reasonable cause to believe, is on or about school premises as defined in this section.

40 (3) (a) Possession of a dangerous weapon on or about school premises is a class B
41 misdemeanor.

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

44 (4) This section does not apply if:

45 (a) the person is authorized to possess a firearm as provided under Section 53-5-704,
46 53-5-705, 76-10-511, or 76-10-523, or as otherwise authorized by law;

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

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

50 (d) the possession is:

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

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

54 (5) Any person who is not prohibited from possessing a firearm as defined in Section
55 76-10-503, and is not in violation of this section, is considered to be individually licensed and
56 verified by the state for the purposes of 18 U.S.C. 922(q)(2)(B)(ii).

57 ~~[(5)]~~ (6) This section does not prohibit prosecution of a more serious weapons offense
58 that may occur on or about school premises.

Legislative Review Note
as of 2-3-12 10:21 AM

Office of Legislative Research and General Counsel