

CONCEALED WEAPON CARRY AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John G. Mathis

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions of Title 76, Chapter 10, Part 5, Weapons, related to conduct involving the carrying of a concealed dangerous weapon.

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 related to the carrying of a concealed 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 2011, Chapter 91

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) As used in this section, "on or about school premises" means:

30 (a) (i) in a public or private elementary or secondary school; or

31 (ii) on the grounds of any of those schools;

32 (b) (i) in a public or private institution of higher education; or

33 (ii) on the grounds of a public or private institution of higher education; and

34 (iii) (A) inside the building where a preschool or child care is being held, if the entire
35 building is being used for the operation of the preschool or child care; or

36 (B) if only a portion of a building is being used to operate a preschool or child care, in
37 that room or rooms where the preschool or child care operation is being held.

38 (2) A person may not possess any dangerous weapon, firearm, or sawed-off shotgun, as
39 those terms are defined in Section 76-10-501, at a place that the person knows, or has
40 reasonable cause to believe, is on or about school premises as defined in this section.

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

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

45 (4) This section does not apply if:

46 (a) the person is authorized to possess a firearm as provided under Section 53-5-704,
47 53-5-705, 76-10-511, or Subsection 76-10-523(1) or (2), or as otherwise authorized by law;

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

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

51 (d) the possession is:

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

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

55 (5) This section does not prohibit prosecution of a more serious weapons offense that
56 may occur on or about school premises.

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

58 **76-10-523. Persons exempt from weapons laws.**

- 59 (1) This part and Title 53, Chapter 5, Part 7, Concealed Weapon Act, do not apply to
60 any of the following:
- 61 (a) a United States marshal;
 - 62 (b) a federal official required to carry a firearm;
 - 63 (c) a peace officer of this or any other jurisdiction;
 - 64 (d) a law enforcement official as defined and qualified under Section 53-5-711;
 - 65 (e) a judge as defined and qualified under Section 53-5-711;
 - 66 (f) a common carrier while engaged in the regular and ordinary transport of firearms as
67 merchandise; or
 - 68 (g) a nonresident traveling in or through the state, provided that any firearm is:
 - 69 (i) unloaded; and
 - 70 (ii) securely encased as defined in Section 76-10-501.
- 71 (2) The provisions of Subsections 76-10-504(1) and (2), and Section 76-10-505 do not
72 apply to any person to whom a permit to carry a concealed firearm has been issued:
- 73 (a) pursuant to Section 53-5-704; or
 - 74 (b) by another state or county.
- 75 (3) The provisions of Subsections 76-10-504(1) and (2) and Section 76-10-505 do not
76 apply to a person 21 years of age or older who may lawfully possess a dangerous weapon.

Legislative Review Note
as of 12-31-12 1:07 PM

Office of Legislative Research and General Counsel