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28 *Be it enacted by the Legislature of the state of Utah:*29 Section 1. Section **76-10-506** is amended to read:30 **76-10-506. Threatening with or using dangerous weapon in fight or quarrel.**31 (1) As used in this section ~~it~~ [;] :

31a **(a) "Dangerous weapon" means an item that in the manner of its use or intended use is**
 31b **capable of causing death or serious bodily injury. The following factors shall be used in**
 31c **determining whether an item, object, or thing is a dangerous weapon:**

31d **(i) the character of the instrument, object, or thing;**31e **(ii) the character of the wound produced, if any; and**31f **(iii) the manner in which the instrument, object, or thing was exhibited or used.**31g **(b) "Threatening manner"** [~~"threatening manner"~~] ~~it~~ does not include:

32 ~~it~~ [(a)] (i) ~~it~~ the possession of a dangerous weapon, whether visible or concealed,
 32a without
 33 additional behavior which is threatening; or

34 ~~it~~ [(b)] (ii) ~~it~~ informing another of the actor's possession of a deadly weapon in
 34a order to prevent
 35 what the actor reasonably perceives as a possible use of unlawful force by the other and the
 36 actor is not engaged in any activity described in Subsection 76-2-402(2)(a).

37 (2) Except as otherwise provided in Section 76-2-402 and for those persons
 38 described in Section 76-10-503, a person who ~~it~~ [f] , **in the presence of two or more**
 38a **persons, [f] and not amounting to a violation of Section 76-5-103, ~~it~~**
 39 **draws or exhibits a dangerous weapon ~~it~~ [as defined in Section 76-1-601] ~~it~~** in an angry and
 40 threatening manner or unlawfully uses a dangerous weapon in a fight or quarrel is guilty of a
 41 class A misdemeanor.

42 (3) This section does not apply to a person who, reasonably believing the action to be
 43 necessary in compliance with Section 76-2-402, with purpose to prevent another's use of
 44 unlawful force:

45 (a) threatens the use of a dangerous weapon; or

46 (b) draws or exhibits a dangerous weapon.

47 (4) This section does not apply to a person listed in Subsections 76-10-523(1)(a)
 48 through (e) in performance of the person's duties.

49 Section 2. Section **76-10-508** is amended to read:50 **76-10-508. Discharge of firearm from a vehicle, near a highway, or in direction**