

1st Sub. H.B. 268  
DANGEROUS WEAPONS AMENDMENTS

Representative **Brian M. Greene** proposes the following amendments:

1. Page 1, Lines 9 through 16:

9 This bill redefines dangerous weapon ~~{and exempts}~~ , clarifies restrictions relating to  
dangerous weapons, and establishes exemptions for the use of archery equipment ~~{from the~~  
10 definition} for hunting, target shooting, and other activities .

11 Highlighted Provisions:

12 This bill:

13 ▶ defines dangerous weapon as a firearm or an object which is used unlawfully to  
14 inflict serious bodily injury;

15 ▶ ~~{exempts archery equipment, including crossbows, from the definition of dangerous~~  
16 weapon} clarifies the criminal culpability of transferring a dangerous weapon to a restricted  
person ;

▶ provides that a restricted person may own, possess, or have under the person's custody or  
control, archery equipment, including crossbows, for the purpose of lawful hunting, target shooting, and  
other lawful activities; and

2. Page 4, Lines 88 through 101:

88 (6) (a) "Dangerous weapon" means:

89 (i) a firearm; or

90 (ii) an ~~{item}~~ object that in the manner of its unlawful use or intended unlawful use is capable  
91 of causing death or serious bodily injury.

92 (b) The following factors ~~[shall be]~~ are used in determining whether ~~[a knife, or~~  
93 ~~another item]~~ any ~~{instrument,}~~ object ~~{, or thing}~~ [not commonly known as a dangerous weapon]  
94 other than a firearm is a dangerous weapon:

95 (i) the ~~{character of the instrument,}~~ location and context in which the object ~~{, or~~  
thing} was used or possessed;

(ii) the primary purpose for which the object was made ;

96 ~~{(ii)}~~ (iii) the character of the wound, if any, produced ~~[, if any]~~ by ~~{its}~~ the object's  
unlawful use;

97 ~~{(iii)}~~ (iv) the manner in which the ~~{instrument,}~~ object ~~{, or thing}~~ was  
unlawfully used; and

98 ~~{(iv)}~~ (v) as a mitigating factor, the ~~[other]~~ lawful purposes for which the ~~{instrument,}~~  
object ~~{, or thing}~~ may be used.

99 (c) ~~{Unless specifically identified elsewhere in this code, nothing other than a firearm is~~  
100 ~~considered a de facto dangerous weapon, and}~~ Whenever reasonably possible, a determination made  
pursuant to Subsection  
101 ~~(6)(b) {may}~~ shall be made ~~{only}~~ after an ~~{instrument,}~~ object ~~{or thing}~~ is used  
in an unlawful or threatening manner.

3. Page 6, Line 179 through Page 7, Line 181:

179 (b) physically possesses, uses, or has under the person's immediate custody or control  
180 any dangerous weapon other than a firearm while committing any felony or other violent  
181 criminal offense , or any offense that constitutes a serious threat to public safety is guilty of a third  
degree felony.

4. Page 7, Lines 185 through 187:

185 (b) physically possesses, uses, or has under the person's immediate custody or control  
186 any dangerous weapon other than a firearm while committing any felony or other violent  
187 criminal offense , or any offense that constitutes a serious threat to public safety is guilty of a class A  
misdemeanor.

5. Page 9, Lines 266 through 268:

266 (2) It is not a violation of this chapter for a person defined in Section 76-10-503(1) to own, possess,  
or have under the  
267 person's custody or control, archery equipment, including crossbows, for the purpose of lawful activities,  
including  
268 hunting ~~{or}~~ and target shooting.