

**FIREARM AND DANGEROUS WEAPONS AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brian M. Greene**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to concealed weapons.

**Highlighted Provisions:**

This bill:

▶ ~~H→~~ [redefines a] eliminates the definition of ~~←H~~ concealed dangerous weapon ~~H→~~ [to include only concealed firearms] ~~←H~~ ;

▶ amends provisions related to the penalties for carrying a concealed firearm; and

▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53-5a-104**, as enacted by Laws of Utah 2014, Chapter 431

**76-10-501**, as last amended by Laws of Utah 2014, Chapter 428

**76-10-504**, as last amended by Laws of Utah 2013, Chapter 301

~~H→~~ **76-10-507**, as enacted by Laws of Utah 1973, Chapter 196 ~~←H~~

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

Section 1. Section **53-5a-104** is amended to read:

**53-5a-104. Firearm transfer certification.**



59 **76-10-501. Definitions.**

60 As used in this part:

61 (1) (a) "Antique firearm" means:

62 (i) any firearm, including any firearm with a matchlock, flintlock, percussion cap, or  
63 similar type of ignition system, manufactured in or before 1898; or64 (ii) a firearm that is a replica of any firearm described in this Subsection (1)(a), if the  
65 replica:66 (A) is not designed or redesigned for using rimfire or conventional centerfire fixed  
67 ammunition; or

68 (B) uses rimfire or centerfire fixed ammunition which is:

69 (I) no longer manufactured in the United States; and

70 (II) is not readily available in ordinary channels of commercial trade; or

71 (iii) (A) that is a muzzle loading rifle, shotgun, or pistol; and

72 (B) is designed to use black powder, or a black powder substitute, and cannot use fixed  
73 ammunition.

74 (b) "Antique firearm" does not include:

75 (i) a weapon that incorporates a firearm frame or receiver;

76 (ii) a firearm that is converted into a muzzle loading weapon; or

77 (iii) a muzzle loading weapon that can be readily converted to fire fixed ammunition by  
78 replacing the:

79 (A) barrel;

80 (B) bolt;

81 (C) breechblock; or

82 (D) any combination of Subsection (1)(b)(iii)(A), (B), or (C).

83 (2) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201  
84 within the Department of Public Safety.85 (3) ~~§~~ [F] (a) [F] ~~§~~ "Concealed [~~dangerous weapon~~] firearm" means a [~~dangerous~~  
85a ~~weapon~~]86 firearm that is:87 ~~§~~ [F] (i) [F] [~~(a)~~] ~~§~~ covered, hidden, or secreted in a manner that the public would  
87a not be aware of

88 its presence; and

89 ~~§~~ [F] (ii) [F] [~~(b)~~] ~~§~~ readily accessible for immediate use.

183 the person's residence, property, a vehicle in the person's lawful possession, or a vehicle, with  
 184 the consent of the individual who is lawfully in possession of the vehicle, or business under the  
 185 person's control is guilty of a class B misdemeanor.

186 (2) A person who carries a concealed [~~dangerous weapon which~~] firearm that is a  
 187 loaded firearm in violation of Subsection (1) is guilty of a class A misdemeanor.

188 (3) A person who carries concealed an unlawfully possessed short barreled shotgun or  
 189 a short barreled rifle is guilty of a second degree felony.

190 (4) If the concealed firearm is used in the commission of a violent felony as defined in  
 191 Section 76-3-203.5, and the person is a party to the offense, the person is guilty of a second  
 192 degree felony.

193 (5) Nothing in Subsection (1) or (2) [~~shall prohibit~~] prohibits a person engaged in the  
 194 lawful taking of protected or unprotected wildlife as defined in Title 23, Wildlife Resources  
 195 Code of Utah, from carrying a [~~concealed weapon or a~~] concealed firearm as long as the taking  
 196 of wildlife does not occur:

- 197 (a) within the limits of a municipality in violation of that municipality's ordinances; or
- 198 (b) upon the highways of the state as defined in Section 41-6a-102.

198a **Ĥ→ Section 4. Section 76-10-507 is amended to read:**

198b **76-10-507. Possession of deadly weapon with criminal intent.**

198c **Every person having upon his person [any] a dangerous weapon with intent to [~~unlawfully~~**  
 198d **assault another] use it to commit a criminal offense is guilty of a class A misdemeanor. ←Ĥ**

**Legislative Review Note**  
 as of 1-23-15 9:39 AM

**Office of Legislative Research and General Counsel**