

FIREARMS AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill amends provisions related to carrying a concealed firearm.

Highlighted Provisions:

This bill:

► provides that a business owner who allows a person with a concealed carry permit to carry a firearm onto the owner's property is not civilly or criminally liable under certain circumstances; and

► provides an exemption for a person, 21 years of age or older who may lawfully possess a firearm, from certain criminal provisions related to the carrying of a concealed firearm.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-5a-103, as enacted by Laws of Utah 2010, Chapter 339

76-10-505, as last amended by Laws of Utah 2009, Chapter 362

76-10-505.5, as last amended by Laws of Utah 2013, Chapter 301

76-10-523, as last amended by Laws of Utah 2014, Chapter 248



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

Section 1. Section **53-5a-103** is amended to read:

**53-5a-103. Discharge of firearm on private property or business premises--
Liability.**

(1) Except as provided under Subsection (2), a private property owner[;] or business owner who knowingly allows a person who has a permit to carry a concealed firearm under Section **53-5-704** to bring the firearm onto the owner's property[;] or business premises is not civilly or criminally liable for any damage or harm resulting from the discharge of the firearm by the permit holder while on the owner's property.

(2) Subsection (1) does not apply if the property or business owner solicits, requests, commands, encourages, or intentionally aids the concealed firearm permit holder in discharging the firearm while on the owner's property or business premises.

Section 2. Section **76-10-505** is amended to read:

76-10-505. Carrying loaded firearm in vehicle or on street.

(1) Unless otherwise authorized by law, a person may not carry a loaded firearm:

(a) in or on a vehicle, unless:

(i) the vehicle is in the person's lawful possession; or

(ii) the person is carrying the loaded firearm in a vehicle with the consent of the person lawfully in possession of the vehicle;

(b) on a public street; or

(c) in a posted prohibited area.

(2) Subsection (1)(a) does not apply to a minor under 18 years of age, since a minor under 18 years of age may not carry a loaded firearm in or on a vehicle.

(3) Notwithstanding [~~Subsection~~] Subsections (1)(a)(i) and (ii), and Subsection **76-10-523(3)**, a person may not possess a loaded rifle, shotgun, or muzzle-loading rifle in a vehicle.

(4) A violation of this section is a class B misdemeanor.

Section 3. Section **76-10-505.5** is amended to read:

**76-10-505.5. Possession of a dangerous weapon, firearm, or short barreled
shotgun on or about school premises -- Penalties.**

- 59 (1) As used in this section, "on or about school premises" means:
- 60 (a) (i) in a public or private elementary or secondary school; or
- 61 (ii) on the grounds of any of those schools;
- 62 (b) (i) in a public or private institution of higher education; or
- 63 (ii) on the grounds of a public or private institution of higher education; and
- 64 (iii) (A) inside the building where a preschool or child care is being held, if the entire
- 65 building is being used for the operation of the preschool or child care; or
- 66 (B) if only a portion of a building is being used to operate a preschool or child care, in
- 67 that room or rooms where the preschool or child care operation is being held.
- 68 (2) A person may not possess any dangerous weapon, firearm, or short barreled
- 69 shotgun, as those terms are defined in Section 76-10-501, at a place that the person knows, or
- 70 has reasonable cause to believe, is on or about school premises as defined in this section.
- 71 (3) (a) Possession of a dangerous weapon on or about school premises is a class B
- 72 misdemeanor.
- 73 (b) Possession of a firearm or short barreled shotgun on or about school premises is a
- 74 class A misdemeanor.
- 75 (4) This section does not apply if:
- 76 (a) the person is authorized to possess a firearm as provided under Section 53-5-704,
- 77 53-5-705, or 76-10-511, or Subsection 76-10-523(1) or (2), or as otherwise authorized by law;
- 78 (b) the possession is approved by the responsible school administrator;
- 79 (c) the item is present or to be used in connection with a lawful, approved activity and
- 80 is in the possession or under the control of the person responsible for its possession or use; or
- 81 (d) the possession is:
- 82 (i) at the person's place of residence or on the person's property; or
- 83 (ii) in any vehicle lawfully under the person's control, other than a vehicle owned by
- 84 the school or used by the school to transport students.
- 85 (5) This section does not prohibit prosecution of a more serious weapons offense that
- 86 may occur on or about school premises.

87 Section 4. Section 76-10-523 is amended to read:

88 **76-10-523. Persons exempt from weapons laws.**

- 89 (1) Except for Sections 76-10-506, 76-10-508, and 76-10-508.1, this part and Title 53,

90 Chapter 5, Part 7, Concealed Firearm Act, do not apply to any of the following:

- 91 (a) a United States marshal;
- 92 (b) a federal official required to carry a firearm;
- 93 (c) a peace officer of this or any other jurisdiction;
- 94 (d) a law enforcement official as defined and qualified under Section [53-5-711](#);
- 95 (e) a judge as defined and qualified under Section [53-5-711](#); or
- 96 (f) a common carrier while engaged in the regular and ordinary transport of firearms as
- 97 merchandise.

98 (2) The provisions of Subsections [76-10-504](#)(1) and (2), and Section [76-10-505](#) do not

99 apply to any person to whom a permit to carry a concealed firearm has been issued:

- 100 (a) pursuant to Section [53-5-704](#); or
- 101 (b) by another state or county.

102 (3) Except for Sections [76-10-503](#), [76-10-506](#), [76-10-508](#), and [76-10-508.1](#), this part

103 and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to a nonresident traveling

104 in or through the state, provided that any firearm is:

- 105 (a) unloaded; and
- 106 (b) securely encased as defined in Section [76-10-501](#).

107 (4) Subsection [76-10-504](#)(1) does not apply to a person 21 years of age or older who

108 may lawfully possess a firearm.

Legislative Review Note
Office of Legislative Research and General Counsel