

WEAPONS RESTRICTIONS AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K. Thurston

Senate Sponsor: Jacob L. Anderegg

LONG TITLE

General Description:

This bill changes and clarifies the prohibitions for carrying a dangerous weapon by an intoxicated individual.

Highlighted Provisions:

This bill:

- ▶ eliminates the current exemption that allows a peace officer to carry a dangerous weapon while intoxicated;
- ▶ clarifies that carrying a dangerous weapon that is securely encased or not readily available is not prohibited;
- ▶ modifies the law to respect an individual's constitutional right to self defense; and
- ▶ provides an exception for an individual who carries a dangerous weapon

~~in a~~ private ~~residence~~ ~~with the consent of the owner.~~

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

76-10-528, as last amended by Laws of Utah 2008, Chapter 226



28

29 *Be it enacted by the Legislature of the state of Utah:*30 Section 1. Section **76-10-523** is amended to read:31 **76-10-523. Persons exempt from weapons laws.**32 (1) Except for Sections 76-10-506, 76-10-508, ~~H~~→ [f] and [j] ←~~H~~ 76-10-508.1,32a ~~H~~→ [~~and 76-10-528;~~] ←~~H~~ this

33 part and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to any of the

34 following:

35 (a) a United States marshal;

36 (b) a federal official required to carry a firearm;

37 (c) a peace officer of this or any other jurisdiction;

38 (d) a law enforcement official as defined and qualified under Section 53-5-711;

39 (e) a judge as defined and qualified under Section 53-5-711; or

40 (f) a common carrier while engaged in the regular and ordinary transport of firearms as

41 merchandise.

41a ~~H~~→ **(2) Notwithstanding Subsection (1), the provisions of Section 76-10-528 apply to any**
 41b **individual listed in Subsection (1) who is not employed by a state or federal agency or political**
 41c **subdivision that has adopted a policy or rule regarding the use of dangerous weapons.** ←~~H~~

42 ~~H~~→ [~~(2)~~] **(3)** ←~~H~~ The provisions of Subsections 76-10-504(1) and (2), and Section
 42a 76-10-505 do not

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

44 (a) pursuant to Section 53-5-704; or

45 (b) by another state or county.

46 ~~H~~→ [~~(3)~~] **(4)** ←~~H~~ Except for Sections 76-10-503, 76-10-506, 76-10-508, and 76-10-508.1,

46a this part

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

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

49 (a) unloaded; and

50 (b) securely encased as defined in Section 76-10-501.

51 Section 2. Section **76-10-528** is amended to read:

52 **76-10-528. Carrying a dangerous weapon while under influence of alcohol or**
 53 **drugs unlawful.**

54 (1) [~~Any person who carries~~] It is a class B misdemeanor for any person to carry a

55 dangerous weapon while under the influence of: ☆

56 ✪ (a) alcohol as determined by the person's blood or breath alcohol concentration in
57 accordance with Subsections 41-6a-502(1)(a) through (c); or
58 (b) a controlled substance as defined in Section 58-37-2 [~~is guilty of a class B~~]

59 misdemeanor. Under the influence means the same level of influence or blood or breath
60 alcohol concentration as provided in Subsections 41-6a-502(1)(a) through(c)].

61 (2) This section does not apply to:

62 (a) a person carrying a dangerous weapon that is either securely encased ~~H→~~ **[or not readily**
63 **accessible for immediate use]** ~~←H~~ , as defined in this part ~~H→~~ , **or not within such close proximity**
63a **and in such a manner that it can be retrieved and used as readily as if carried on the**
63b **person** ~~←H~~ ;

64 (b) any person who uses or threatens to use force in compliance with Section 76-2-402;

65 or

66 (c) any person carrying a dangerous weapon in ~~H→~~ **[or on]** ~~←H~~ the person's residence
66a ~~H→~~ **[or property;**

67 **a business under the person's control;]** ~~←H~~ or the residence of another with the consent of the
68 individual who is lawfully in possession.

69 [(2)] (3) It is not a defense to prosecution under this section that the person:

70 (a) is licensed in the pursuit of wildlife of any kind; or

71 (b) has a valid permit to carry a concealed firearm.