

**JOINT RESOLUTION ON EXISTING WEAPONS
RESTRICTIONS**

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: A. Cory Maloy

Senate Sponsor: Jacob L. Anderegg

LONG TITLE

General Description:

This resolution recognizes that the best manner to protect the vulnerable without infringing on the right of the people to bear arms is to enforce the laws already found in the Utah Code.

Highlighted Provisions:

This resolution:

- ▶ provides an overview of weapons restrictions laws found in the Utah Code; and
- ▶ recognizes that the best manner to protect the vulnerable without infringing on the right of the people to bear arms is to enforce the laws already found in the Utah Code.

Special Clauses:

None

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

WHEREAS, efforts to reduce fatal violence must consider a wide range of measures, including addressing mental health needs, in order to be truly effective;

WHEREAS, despite recent criminal and tragic occurrences, active weapon situations on school grounds and in other public areas remain rare and efforts to address these tragedies must consider the rights of law-abiding citizens;



28 WHEREAS, the Supreme Court of the United States has ruled that the Second
29 Amendment to the United States Constitution protects an individual's right to bear arms
30 unconnected with service in a militia;

31 WHEREAS, the Supreme Court of the United States has also ruled that the Second
32 Amendment to the United States Constitution protects an individual's right to use arms for
33 traditionally lawful purposes;

34 WHEREAS, the Constitution of the State of Utah also declares that "the individual
35 right of the people to keep and bear arms shall not be infringed";

36 WHEREAS, Utah has set an example for the nation by properly balancing the right of
37 citizens to responsibly bear arms with measures to protect the vulnerable and provide necessary
38 safeguards to those who pose a clear danger to themselves or to others;

39 WHEREAS, Sections 34-45-103 and 34-45-107 of the Utah Code establish that certain
40 establishments, such as schools, government entities, and religious organizations may restrict
41 firearm possession, storage, and transportation;

42 WHEREAS, Section 76-10-505.5 further clarifies that individuals with a concealed
43 firearm permit may possess a firearm on or about a school premises;

44 WHEREAS, Sections 76-10-509, 76-10-509.4, 76-10-509.5, 76-10-509.6, 76-10-509.7,
45 and 76-10-509.9 outline restrictions regarding the possession of a weapon by minors, including
46 the necessity of adult supervision and the obligation of an adult to remove a weapon from a
47 minor's possession under certain circumstances;

48 WHEREAS, Sections 62A-15-629, 62A-15-631, 62A-15-632, and 62A-15-703 all
49 describe the process by which one can be civilly committed for reasons related to mental
50 illness;

51 WHEREAS, Section 76-10-503 specifies that it is a third degree felony for anyone
52 classified as a Category II restricted person -- which includes anyone convicted of a felony and
53 anyone committed to a mental institution -- to knowingly purchase, transfer, possess, or use a
54 firearm;

55 WHEREAS, Section 53-5c-201 establishes that firearms may be voluntarily committed
56 to a law enforcement agency for safekeeping by an owner's cohabitant if they believe that
57 another cohabitant is an immediate threat to himself or herself, or another person;

58 WHEREAS, Section 76-9-804 restricts individuals convicted of a crime committed in

59 concert with two or more persons or in relation to a criminal street gang from possessing a
60 dangerous weapon;

61 WHEREAS, Section 77-20-10 allows a court to restrict a nondetained defendant
62 appealing their conviction from possessing a firearm during the course of their appeal;

63 WHEREAS, Section 77-36-5.1 establishes that a court may prohibit a perpetrator from
64 purchasing, using, or possessing a firearm or other specified weapon as condition for probation
65 or a plea in abeyance;

66 WHEREAS, Section 78B-7-106 establishes that upon finding that a respondent's use or
67 possession of a weapon may pose a serious threat of harm to an individual petitioning for a
68 protective order, a court may grant a prohibition on the respondent from purchasing, using, or
69 possessing a firearm or other weapon without notice;

70 WHEREAS, Section 78B-7-204 allows for child protective orders to prohibit a
71 respondent from purchasing, using, or possessing a firearm if it is found that the respondent's
72 use or possession of a weapon may pose a serious threat of harm to the minor;

73 WHEREAS, Section 78B-7-404 establishes that a dating violence protective order may
74 include prohibiting a respondent from possessing a firearm if there is clear and convincing
75 evidence that the respondent's use or possession of a firearm poses a serious threat of harm to
76 the petitioner or the designated family or household member;

77 WHEREAS, Section 76-10-507 states clearly that possessing a dangerous weapon with
78 intent to use it to commit a criminal offense is a class A misdemeanor; and

79 WHEREAS, the code sections cited within this resolution are among the laws that
80 provide the necessary protections for those with reason to suspect fatal violence without
81 compromising vital constitutional rights:

82 NOW, THEREFORE, BE IT RESOLVED that the Legislature recognizes that the state
83 of Utah serves as an example to the nation in how to protect the vulnerable without infringing
84 on the right of the people to bear arms.

85 BE IT FURTHER RESOLVED that the Legislature recognizes that the laws already
86 found in the Utah Code provide $\hat{H} \rightarrow$ [sufficient] $\leftarrow \hat{H}$ tools for protecting its citizens from the threat
86a of
87 fatal violence.

88 BE IT FURTHER RESOLVED that the Legislature encourages law enforcement
89 agencies and officers, mental health professionals, and all citizens to become familiar with the

90 content of the laws outlined in this resolution that they may be properly utilized for the benefit
91 and safety of the state.