

HB0190S03 compared with HB0190S02

~~text~~ shows text that was in HB0190S02 but was deleted in HB0190S03.

Inserted text shows text that was not in HB0190S02 but was inserted into HB0190S03.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Andrew Stoddard proposes the following substitute bill:

LIABILITY OF FIREARM CUSTODIAN

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses liability for the discharge of a firearm custodian's firearm.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ describes the circumstances under which a firearm owner or possessor is strictly liable for personal injury caused by the discharge of the firearm.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

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ENACTS:

53-5a-103.5, Utah Code Annotated 1953

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

Section 1. Section **53-5a-103.5** is enacted to read:

53-5a-103.5. Liability of firearm custodian.

(1) As used in this section:

(a) "Firearm" means the same as that term is defined in Section 76-10-501.

(b) "Firearm custodian" means a person who owns or knowingly possesses a firearm.

(c) "Peace officer" means:

(i) an animal control officer as that term is defined in Section 11-46-102; or

(ii) a law enforcement officer as that term is defined in Section 53-13-103.

(d) "Violent felony" means the same as that term is defined in Section 76-3-203.5.

(2) A firearm custodian is strictly liable for personal injury proximately caused by the discharge of the firearm custodian's firearm if the discharge results from conduct that constitutes a violent felony, regardless of whether the individual who engages in the conduct is charged with a violent felony.

(3) A firearm custodian is not strictly liable for personal injury or property damage proximately caused by the discharge of the firearm custodian's firearm if:

(a) (i) the individual causing the discharge takes the firearm custodian's firearm without the firearm custodian's permission; and

(ii) the firearm custodian:

(A) reports the theft to the police before the discharge;

(B) fails to discover and report the theft despite the firearm custodian's exercise of reasonable care in storing and securing the firearm; or

(C) is not reasonably able to report the theft before the discharge occurs;

(b) the discharge occurs in self defense or is otherwise legally justified; or

(c) the firearm custodian is a peace officer who discharges the peace officer's firearm in the course of the peace officer's official duties.

(4) It is a defense to liability under this section if the firearm custodian demonstrates, by clear and convincing evidence, that the firearm custodian:

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(a) loaned the firearm custodian's firearm to an individual with whom the firearm custodian had a close personal relationship; and

(b) had no reason to suspect that the individual to whom the firearm custodian loaned the firearm would use the firearm to commit a dangerous felony.