

26 AMENDS:

27 47-3-303, as enacted by Laws of Utah 2013, Chapter 155

28 53-5a-102, as last amended by Laws of Utah 2013, Chapter 278

29 63G-7-301, as last amended by Laws of Utah 2019, Chapters 229 and 248

30 76-10-500, as enacted by Laws of Utah 1999, Chapter 5

31 76-10-501, as last amended by Laws of Utah 2015, Chapters 212 and 406

32 ENACTS:

32a ~~H~~→ 53-5a-103.5, Utah Code Annotated 1953 ←~~H~~

33 78B-6-2201, Utah Code Annotated 1953

34 78B-6-2202, Utah Code Annotated 1953

35 78B-6-2203, Utah Code Annotated 1953

36 78B-6-2204, Utah Code Annotated 1953



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

39 Section 1. Section 47-3-303 is amended to read:

40 **47-3-303. Rulemaking.**

41 (1) The State Armory Board, any state agency, or institution of higher education that
42 operates or has control of a shooting range shall make rules in accordance with Title 63G,
43 Chapter 3, Utah Administrative Rulemaking Act, to implement procedures for use of the range
44 by the public.

45 (2) The rules shall include provisions requiring indoor shooting ranges to be available
46 on a reservation basis, for firearms not exceeding the range design criteria:

47 (a) at least twice per week;

48 (b) after 4 p.m. on work or school days, or after students and faculty are excused or
49 dismissed on the work or school day; and

50 (c) between 8 a.m. and 10 p.m. on weekends.

51 (3) A political subdivision may enact an ordinance, rule, or resolution regarding the
52 use of public shooting ranges, facilities, and targets, to include limits on the use of firearms and
53 ammunition within the range design criteria.

54 Section 2. Section 53-5a-102 is amended to read:

55 **53-5a-102. Uniform firearm laws.**

56 (1) In addition to the definitions in Section 76-10-501, "local authority" and "state

57 agency" mean the same as those terms are defined in Section 78B-6-2202.

58 (2) The individual right to keep and bear arms being a constitutionally protected right
 59 under Article I, Section 6 of the Utah Constitution and the Second Amendment to the United
 60 States Constitution, the Legislature finds the need to provide uniform civil and criminal firearm
 61 laws throughout the state, and declares that the Legislature occupies the whole field of state
 62 regulation of firearms and ammunition.

63 ~~[(2)]~~ (3) Except as specifically provided by state law, a local authority or state entity
 64 may not:

65 (a) prohibit an individual from owning, possessing, purchasing, selling, transferring,
 66 transporting, or keeping a firearm at the individual's place of residence, property, business, or
 67 in any vehicle lawfully in the individual's possession or lawfully under the individual's control;
 68 or

69 (b) require an individual to have a permit or license to purchase, own, possess,
 70 transport, or keep a firearm, ammunition, or firearm accessory.

71 ~~[(3)]~~ (4) In conjunction with Title 76, Chapter 10, Part 5, Weapons, this section is
 72 uniformly applicable throughout this state and in all [its] the state's political subdivisions [and
 73 municipalities].

74 ~~[(4)]~~ (5) [All authority] Authority to regulate firearms is reserved to the state except
 75 where the Legislature specifically delegates responsibility to a local [authorities] authority or
 76 state [entities] agency.

77 ~~[(5)]~~ (6) Unless specifically authorized by the Legislature by statute, a local authority
 78 or state [entity] agency, including organizations or vendors that contract with a local authority
 79 or state agency, may not enact, establish, or enforce any ordinance, regulation, rule, or policy
 80 pertaining to firearms that in any way inhibits or restricts the possession, transfer, or use of
 81 firearms on either public or private property.

82 ~~[(6) As used in this section:]~~

83 ~~[(a) "firearm" has the same meaning as defined in Section 76-10-501; and]~~

84 ~~[(b) "local authority or state entity" includes public school districts, public schools, and~~
 85 ~~state institutions of higher education.]~~

86 (7) Nothing in this section restricts or expands private property rights.

87 Section 3. Section 63G-7-301 is amended to read:

87a **Ĥ→ 53-5a-103.5. Homeless Shelters.**

87b **(1) As used in this section, "homeless shelter" means a facility that provides temporary**
 87c **shelter to homeless individuals and has the capacity to provide temporary shelter to at least 20**
 87d **individuals per night.**

87e **(2) A local government entity may prohibit the possession of firearms within a**
 87f **homeless shelter over which it exercises authority. ←Ĥ**

398 (c) a rule of a correctional facility or mental or behavioral health facility under Section
 399 76-8-311.3; or

400 (d) a local authority or state agency from enacting or enforcing an ordinance,
 401 regulation, measure, directive, rule, enactment, order, or policy, developed in response to and
 402 in accordance with legislative authority.

403 Section 9. Section **78B-6-2204** is enacted to read:

404 **78B-6-2204. Civil action -- Injunction.**

405 (1) An individual who is harmed by a local authority or state agency that makes or
 406 causes to be enforced an ordinance, regulation, measure, directive, rule, enactment, order, or
 407 policy in violation of legislative preemption may:

408 (a) request that the local authority rescind or repeal the ordinance, regulation, measure,
 409 directive, rule, enactment, order, or policy; or

410 (b) if the local authority declines to rescind or repeal the ordinance, regulation,
 411 measure, directive, rule, enactment, order, or policy, file suit against the local authority or state
 412 agency in any court of this state having jurisdiction over the local authority or state agency.

413 (2) If the court determines that a local authority or state agency violated legislative
 414 preemption, the court shall:

415 (a) order that the relevant ordinance, regulation, measure, directive, rule, enactment,
 416 order, or policy is void;

417 (b) issue a permanent injunction against the local authority or state agency prohibiting
 418 the local authority or state agency from enforcing the void ordinance, regulation, measure,
 419 directive, rule, enactment, order, or policy; and

420 (c) award to the prevailing party:

421 (i) actual damages, which includes the cost of time in bringing the civil action, or
 422 defending against the action;

423 (ii) reasonable attorney fees and costs in accordance with the laws of this state; and

424 (iii) interest on the sums awarded pursuant to this Subsection (2) accrued at the legal
 425 rate from the date on which the suit is filed.

426 (3) In accordance with Subsection 63G-7-301(5), a state agency or local authority that
 427 violates this part is not immune from suit or liability for the violation ~~It~~ . **[and-an**

427a **individual acting**

428 **in-an-official capacity for a state agency or local authority who knowingly or willfully violates**

429 this part is not immune from suit or liability for the violation. ←Ĥ