

CONCEAL CARRY FIREARMS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Walt Brooks

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill modifies provisions related to carrying a concealed firearm.

Highlighted Provisions:

This bill:

provides that an individual who is 21 years old or older, and may lawfully possess a firearm, may carry a concealed firearm in a public area without a permit.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-10-504, as last amended by Laws of Utah 2015, Chapter 406

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

76-10-523, as last amended by Laws of Utah 2019, Chapters 39, 375, and 458

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

Section 1. Section 76-10-504 is amended to read:

76-10-504. Carrying concealed firearm -- Penalties.

(1) Except as provided in [Section] Sections 76-10-503 and 73-10-523 and in



28 Subsections (2), (3), and (4), a person who carries a concealed firearm, as defined in Section
29 [76-10-501](#), including an unloaded firearm on his or her person or one that is readily accessible
30 for immediate use which is not securely encased, as defined in this part, in or on a place other
31 than the person's residence, property, a vehicle in the person's lawful possession, or a vehicle,
32 with the consent of the individual who is lawfully in possession of the vehicle, or business
33 under the person's control is guilty of a class B misdemeanor.

34 (2) A person who carries a concealed firearm that is a loaded firearm in violation of
35 Subsection (1) is guilty of a class A misdemeanor.

36 (3) A person who carries concealed an unlawfully possessed short barreled shotgun or
37 a short barreled rifle is guilty of a second degree felony.

38 (4) If the concealed firearm is used in the commission of a violent felony as defined in
39 Section [76-3-203.5](#), and the person is a party to the offense, the person is guilty of a second
40 degree felony.

41 (5) Nothing in Subsection (1) or (2) prohibits a person engaged in the lawful taking of
42 protected or unprotected wildlife as defined in Title 23, Wildlife Resources Code of Utah, from
43 carrying a concealed firearm as long as the taking of wildlife does not occur:

- 44 (a) within the limits of a municipality in violation of that municipality's ordinances; or
- 45 (b) upon the highways of the state as defined in Section [41-6a-102](#).

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

47 **76-10-505. Carrying loaded firearm in vehicle or on street.**

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

49 (a) in or on a vehicle, unless:

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

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

53 (b) on a public street; or

54 (c) in a posted prohibited area.

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

57 (3) Notwithstanding [~~Subsection~~] Subsections (1)(a)(i) and (ii), and Subsection
58 [73-10-523\(5\)](#), a person may not possess a loaded rifle, shotgun, or muzzle-loading rifle in a

59 vehicle.

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

61 Section 3. Section **76-10-523** is amended to read:

62 **76-10-523. Persons exempt from weapons laws.**

63 (1) Except for Sections [76-10-506](#), [76-10-508](#), and [76-10-508.1](#), this part and Title 53,
64 Chapter 5, Part 7, Concealed Firearm Act, do not apply to any of the following:

65 (a) a United States marshal;

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

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

68 (d) a law enforcement official as defined and qualified under Section [53-5-711](#);

69 (e) a judge as defined and qualified under Section [53-5-711](#);

70 (f) a court commissioner as defined and qualified under Section [53-5-711](#); or

71 (g) a common carrier while engaged in the regular and ordinary transport of firearms as
72 merchandise.

73 (2) Notwithstanding Subsection (1), the provisions of Section [76-10-528](#) apply to any
74 individual listed in Subsection (1) who is not employed by a state or federal agency or political
75 subdivision that has adopted a policy or rule regarding the use of dangerous weapons.

76 (3) Subsections [76-10-504](#)(1) and (2), and Section [76-10-505](#) do not apply to:

77 (a) an individual to whom a permit to carry a concealed firearm has been issued:

78 (i) pursuant to Section [53-5-704](#); or

79 (ii) by another state or county; or

80 (b) a person who is issued a protective order under Subsection [78B-7-603](#)(1)(b) or

81 [78B-7-404](#)(1)(b), unless the person is a restricted person as described in Subsection

82 [76-10-503](#)(1), for a period of 120 days after the day on which the person is issued the

83 protective order.

84 (4) Except for Sections [76-10-503](#), [76-10-506](#), [76-10-508](#), and [76-10-508.1](#), this part
85 and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to a nonresident traveling
86 in or through the state, provided that any firearm is:

87 (a) unloaded; and

88 (b) securely encased as defined in Section [76-10-501](#).

89 (5) Subsection [76-10-504](#)(1) does not apply to a person 21 years old or older who may

90 otherwise lawfully possess a firearm.