

WEAPON POSSESSION PENALTY AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: Chris H. Wilson

LONG TITLE

General Description:

This bill concerns the offense of carrying a weapon while under the influence of drugs or alcohol.

Highlighted Provisions:

This bill:

- ▶ exempts an individual who is taking a medication prescribed for a certain medical condition from the offense of carrying a weapon while under the influence of drugs or alcohol; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-10-528, as last amended by Laws of Utah 2020, Chapter 12

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

Section 1. Section **76-10-528** is amended to read:

76-10-528. Carrying a dangerous weapon while under influence of alcohol or



28 **drugs unlawful.**

29 (1) It is a class B misdemeanor for [~~any person~~] an actor to carry a dangerous weapon
30 while under the influence of:

31 (a) alcohol as determined by the [~~person's~~] actor's blood or breath alcohol concentration
32 in accordance with Subsections 41-6a-502(1)(a) through (c); or

33 (b) a controlled substance as defined in Section 58-37-2.

34 (2) This section does not apply to:

35 (a) [~~a person~~] an actor carrying a dangerous weapon that is either securely encased, as
36 defined in this part, or not within such close proximity and in such a manner that it can be
37 retrieved and used as readily as if carried on the person;

38 (b) [~~any person~~] an actor who uses or threatens to use force in compliance with Section
39 76-2-402;

40 (c) [~~any person~~] an actor carrying a dangerous weapon in the [~~person's~~] actor's
41 residence or the residence of another with the consent of the individual who is lawfully in
42 possession; [~~or~~]

43 (d) [~~a person~~] an actor under the influence of cannabis or a cannabis product, as those
44 terms are defined in Section 26-61a-102, if the [~~person's~~] actor's use of the cannabis or
45 cannabis product complies with Title 26, Chapter 61a, Utah Medical Cannabis Act[-]; or

46 (e) an actor who:

47 (i) has a valid prescription for a medication approved by the federal Food and Drug
48 Administration for the treatment of attention deficit disorder or attention deficit hyperactivity
49 disorder; and

50 (ii) takes the medication described in Subsection (2)(e)(i) as prescribed.

51 (3) It is not a defense to prosecution under this section that the [~~person~~] actor:

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

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