

90 (d) It is the burden of the defendant in a criminal case to provide evidence that a  
91 conviction or an adjudication under Section 80-6-701 is subject to an exception provided in  
92 Subsection (1)(c), after which it is the burden of the state to prove beyond a reasonable doubt  
93 that the conviction or the adjudication is not subject to that exception.

94 (2) A Category I restricted person who intentionally or knowingly agrees, consents,  
95 offers, or arranges to purchase, transfer, possess, use, or have under the person's custody or  
96 control, or who intentionally or knowingly purchases, transfers, possesses, uses, or has under  
97 the person's custody or control:

- 98 (a) any firearm is guilty of a second degree felony; or
- 99 (b) any dangerous weapon other than a firearm is guilty of a third degree felony.

100 (3) A Category II restricted person who intentionally or knowingly purchases, transfers,  
101 possesses, uses, or has under the person's custody or control any firearm, is guilty of:

- 102 (a) ~~[any firearm is guilty of]~~ a third degree felony; or
- 103 (b) a class A misdemeanor if:
- 104 (i) the person is a Category II restricted person solely due to Subsection (1)(b)(iv);
- 105 (ii) the only controlled substance unlawfully in the restricted person's possession is

106 marijuana;

106a **H→ (iii) the restricted person holds a medical cannabis patient card under Section 26-61a-201,**  
106b **including a conditional medical cannabis card; ←H**

107 **H→ [(iii)] (iv) ←H** the restricted person does not unlawfully possess any marijuana with the  
107a intent to  
108 produce, manufacture, or dispense the marijuana; and

109 **H→ [(iv)] (v) ←H** the restricted person does not unlawfully have a controlled substance in  
109a the  
110 restricted person's body, except 11-nor-9-carboxy-tetrahydrocannabinol.

111 ~~[(b)]~~ (4) A Category II restricted person who intentionally or knowingly purchases,  
112 transfers, possesses, uses, or has under the person's custody or control any dangerous weapon  
113 other than a firearm is guilty of a class A misdemeanor.

114 ~~[(4)]~~ (5) A person may be subject to the restrictions of both categories at the same time.

115 ~~[(5)]~~ (6) If a higher penalty than is prescribed in this section is provided in another  
116 section for one who purchases, transfers, possesses, uses, or has under this custody or control  
117 any dangerous weapon, the penalties of that section control.

118 ~~[(6)]~~ (7) It is an affirmative defense to a charge based on the definition in Subsection  
119 (1)(b)(iv) that the person was:

- 120 (a) in possession of a controlled substance pursuant to a lawful order of a practitioner