

**Representative Jason Kyle** proposes the following substitute bill:

**WEAPON POSSESSION WHILE UNDER THE INFLUENCE**

**AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jason Kyle**

Senate Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill amends provisions related to who can carry a dangerous weapon.

**Highlighted Provisions:**

This bill:

- ▶ amends provisions related to who can carry a dangerous weapon.

**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 2022, Chapter 159

*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 drugs unlawful.**



26 (1) It is a class B misdemeanor for an actor to carry a dangerous weapon while under  
27 the influence of:

28 (a) alcohol as determined by the actor's blood or breath alcohol concentration in  
29 accordance with Subsections 41-6a-502(1)(a) through (c); or

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

31 (2) This section does not apply to:

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

35 (b) an actor who uses or threatens to use force in compliance with Section 76-2-402;

36 (c) an actor carrying a dangerous weapon in the actor's residence or the residence of  
37 another with the consent of the individual who is lawfully in possession;

38 (d) an actor under the influence of cannabis or a cannabis product, as those terms are  
39 defined in Section 26-61a-102, if the actor's use of the cannabis or cannabis product complies  
40 with Title 26, Chapter 61a, Utah Medical Cannabis Act; or

41 (e) an actor who is solely under the influence of a controlled substance:

42 (i) for which the actor has a valid prescription [~~for a medication approved by the~~  
43 ~~federal Food and Drug Administration for the treatment of attention deficit disorder or~~  
44 ~~attention deficit hyperactivity disorder~~]; and

45 (ii) [~~takes the medication described in Subsection (2)(e)(i)~~] that the actor takes as  
46 prescribed.

47 (3) It is not a defense to prosecution under this section that the actor:

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

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