

Representative Jason B. Kyle proposes the following substitute bill:

WEAPON POSSESSION WHILE UNDER THE INFLUENCE

AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jason B. Kyle

Senate Sponsor: Chris H. Wilson

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:

42 (i) has a valid prescription for a controlled substance [~~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~~] controlled substance described in Subsection (2)(e)(i) as
46 prescribed; and

47 (iii) after taking the controlled substance, the actor:

48 (A) is not a danger to the actor or another individual; or

49 (B) is capable of safely handling a dangerous weapon.

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

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

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