

Representative Trevor Lee proposes the following substitute bill:

FIREARM DISCHARGE ON PRIVATE PROPERTY

AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Trevor Lee

Senate Sponsor: Jacob L. Anderegg

LONG TITLE

General Description:

This bill addresses liability resulting from the discharge of a firearm on private property.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides that a private property occupant is not liable for the discharge of a firearm on the property by an individual in lawful possession of the firearm under certain circumstances; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-5a-103, as enacted by Laws of Utah 2010, Chapter 339



26

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

28 Section 1. Section **53-5a-103** is amended to read:

29 **53-5a-103. Discharge of firearm on private property -- Liability.**

30 (1) As used in this section:

31 (a) "Firearm possessor" means an individual who may lawfully possess a firearm.

32 (b) "Property occupant" means:

33 (i) a private property owner; or

34 (ii) a person who has the right to occupy a private property under an agreement.

35 (2) Except as provided under Subsection [(2)] (3), a [private] property [owner]
36 occupant, who knowingly allows [a person who has a permit to carry a concealed firearm under
37 Section 53-5-704] a firearm possessor to lawfully bring [the] a firearm onto the [owner's]
38 occupant's property, is not civilly or criminally liable for any damage or harm resulting from
39 the discharge of the firearm by the [permit holder] firearm possessor while on the [owner's]
40 occupant's property.

41 [(2)] (3) Subsection [(1)] (2) does not apply if the property [owner] occupant solicits,
42 requests, commands, encourages, or intentionally aids the [concealed firearm permit holder]
43 firearm possessor in discharging the firearm while on the [owner's] occupant's property for a
44 purpose other than the lawful defense of an individual on the property.

45 (4) This section does not alter the responsibilities a tenant owes to a landlord under the
46 terms of the lease agreement entered into between the tenant and landlord.