

Senator Todd D. Weiler proposes the following substitute bill:

FIREARM STORAGE REQUIREMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: _____

LONG TITLE

General Description:

This bill addresses the secure storage of firearms.

Highlighted Provisions:

This bill:

▶ enacts civil and criminal provisions relating to an individual's failure to safely store a firearm or apply a safety device to a firearm in certain conditions.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

53-5a-105, Utah Code Annotated 1953

76-10-505.1, Utah Code Annotated 1953

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

Section 1. Section **53-5a-105** is enacted to read:

53-5a-105. Secure storage of firearms.



26 (1) As used in this section:

27 (a) "Authorized user" means an individual who is 18 years old or older and who has
28 been given permission by an owner of a firearm to possess a firearm owned by the owner.

29 (b) "Condition 0" means when a single action or dual action firearm:

30 (i) has a magazine inserted;

31 (ii) has an unfired round in the chamber of the firearm;

32 (iii) has the hammer of the firearm cocked; and

33 (iv) has the safety off.

34 (c) "Condition 1" means when a single action or dual action firearm:

35 (i) has a magazine inserted;

36 (ii) has an unfired round in the chamber of the firearm;

37 (iii) has the hammer of the firearm cocked; and

38 (iv) has the safety on.

39 (d) "Condition 2" means when:

40 (i) a single action or dual action firearm:

41 (A) has a magazine inserted;

42 (B) has an unfired round in the chamber of the firearm; and

43 (C) has the hammer of the firearm uncocked; or

44 (ii) a revolver style firearm:

45 (A) has at least one round inserted into the revolver's cylinder; and

46 (B) has the revolver's cylinder unlocked.

47 (e) "Dual action firearm" means a firearm that automatically cocks the hammer back
48 when a shooter pulls the trigger.

49 (f) "Firearm" means the same as that term is defined in Section [76-10-501](#).

50 (g) "Hammer" means a device on a firearm that strikes the firing pin or primer on a
51 round to detonate the powder in the round to cause the round to fire.

52 (h) (i) "Locked container" means a box, case, chest, locker, safe, or other similar
53 receptacle that is used to prevent an unauthorized individual from accessing the contents of the
54 container.

55 (ii) "Locked container" includes a glove compartment in a vehicle, enclosed trunk of a
56 vehicle, or center console in a vehicle equipped with a tamper-resistant lock.

57 (i) "Revolver" means a firearm with a breechloading chambered cylinder arranged so
58 that the cocking of the hammer or movement of the trigger rotates the cylinder and brings the
59 next round in line with the barrel for firing.

60 (j) "Safety device" means a trigger lock, chamber safety flag, biometric device, cable
61 lock, hammer lock, or other safety device intended to prevent an unauthorized individual from
62 discharging a firearm.

63 (k) "Single action firearm" means a firearm that requires a shooter to manually cock the
64 hammer back on the firearm before each shot is fired.

65 (l) "Unauthorized individual" means an individual who accesses a firearm without
66 permission from the owner or authorized user of the firearm.

67 (2) An owner or authorized user of a firearm in Condition 0, Condition 1, or Condition
68 2 shall, when not lawfully using, carrying, or in the vicinity of the firearm:

69 (a) store the firearm in a locked container; or

70 (b) ensure that a safety device is applied to the firearm.

71 (3) An individual, or an individual's estate, has a right of action against an owner or
72 authorized user of a firearm if:

73 (a) an unauthorized individual accesses the firearm;

74 (b) at the time the unauthorized individual accesses the firearm, the firearm:

75 (i) is in Condition 0, Condition 1, or Condition 2; and

76 (ii) does not have a safety device applied or is not stored by the owner or authorized
77 user in compliance with Subsection (2); and

78 (c) the individual is the victim of an attempted or completed offense of aggravated
79 murder as described in Section 76-5-202, or murder as described in Section 76-5-203, that is
80 committed by the unauthorized individual.

81 (4) An owner or authorized user of a firearm has an affirmative defense to the right of
82 action described in Subsection (3) if the owner or authorized user took reasonable precautions
83 to ensure that the firearm was properly secured and not accessible to an unauthorized
84 individual.

85 Section 2. Section **76-10-505.1** is enacted to read:

86 **76-10-505.1. Failure to secure a firearm.**

87 (1) (a) As used in this section, "on or about school premises" means the same as that

88 term is defined in Section 76-3-203.2.

89 (b) Terms defined in Sections 53-5a-105, 76-1-101.5, and 76-10-501 apply to this
90 section.

91 (2) An actor commits failure to secure a firearm if:

92 (a) the actor owns a firearm or is authorized to possess a firearm of another individual;

93 (b) the actor is not lawfully carrying, using, or in the vicinity of the firearm;

94 (c) the firearm is in Condition 0, Condition 1, or Condition 2;

95 (d) the actor knowingly, intentionally, or recklessly fails to store the firearm in a locked
96 container; and

97 (e) an unauthorized individual obtains the firearm and uses the firearm in the
98 commission or attempted commission of:

99 (i) a first degree or second degree felony on or about school premises;

100 (ii) aggravated murder as described in Section 76-5-202; or

101 (iii) murder as described in Section 76-5-203.

102 (3) A violation of Subsection (2) is a class C misdemeanor.

103 (4) An actor has an affirmative defense in a prosecution under this section if the actor
104 took reasonable precautions to ensure that the firearm was properly secured and not accessible
105 to an unauthorized individual.

106 **Section 3. Effective date.**

107 This bill takes effect on May 1, 2024.