

SB0083S01 compared with SB0083

~~deleted text~~ shows text that was in SB0083 but was deleted in SB0083S01.

inserted text shows text that was not in SB0083 but was inserted into SB0083S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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:

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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.

(1) As used in this section:

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

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

(i) has a magazine inserted;

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

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

(iv) has the safety off.

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

(i) has a magazine inserted;

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

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

(iv) has the safety on.

(d) "Condition 2" means when:

(i) a single action or dual action firearm:

(A) has a magazine inserted;

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

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

(ii) a revolver style firearm:

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

(B) has the revolver's cylinder unlocked.

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

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

(g) "Hammer" means a device on a firearm that strikes the firing pin or primer on a

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round to detonate the powder in the round to cause the round to fire.

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

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

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

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

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

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

(2) An owner or authorized user of a firearm in Condition 0, Condition 1, or Condition 2 shall ~~store the firearm in a locked container~~, when not lawfully using ~~or~~, carrying ~~the firearm~~.

~~, or in the vicinity of the firearm:~~

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

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

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

(a) an unauthorized individual accesses the firearm;

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

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

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

(c) the individual ~~with~~ is the ~~right of action is harmed~~ victim of an attempted or completed offense of aggravated murder as described in Section 76-5-202, or murder as

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described in Section 76-5-203, that is committed by the unauthorized ~~individual's use of the firearm~~ individual.

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

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

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

(1) (a) As used in this section, "on or about school premises" means the same as that term is defined in Section 76-3-203.2.

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

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

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

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

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

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

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

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

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

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

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

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

Section 3. **Effective date.**

This bill takes effect on May 1, 2024.