

CONCEALED FIREARMS AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David P. Hinkins

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions of Title 76, Chapter 10, Part 5, Weapons, related to conduct involving the carrying of a concealed firearm.

Highlighted Provisions:

This bill:

► provides an exemption for a person, who is 21 years of age or older and who may lawfully possess a firearm, from certain criminal provisions related to the carrying of a concealed firearm.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-10-505, as last amended by Laws of Utah 2009, Chapter 362

76-10-505.5, as last amended by Laws of Utah 2013, Chapter 301

76-10-523, as last amended by Laws of Utah 2014, Chapter 248

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

Section 1. Section **76-10-505** is amended to read:



28 **76-10-505. Carrying loaded firearm in vehicle or on street.**

29 (1) Unless otherwise authorized by law, a person may not carry a loaded firearm:

30 (a) in or on a vehicle, unless:

31 (i) the vehicle is in the person's lawful possession; or

32 (ii) the person is carrying the loaded firearm in a vehicle with the consent of the person
33 lawfully in possession of the vehicle;

34 (b) on a public street; or

35 (c) in a posted prohibited area.

36 (2) Subsection (1)(a) does not apply to a minor under 18 years of age, since a minor
37 under 18 years of age may not carry a loaded firearm in or on a vehicle.

38 (3) Notwithstanding [~~Subsection~~] Subsections (1)(a)(i) and (ii), and Subsection
39 76-10-523(3), a person may not possess a loaded rifle, shotgun, or muzzle-loading rifle in a
40 vehicle.

41 (4) A violation of this section is a class B misdemeanor.

42 Section 2. Section **76-10-505.5** is amended to read:

43 **76-10-505.5. Possession of a dangerous weapon, firearm, or short barreled**
44 **shotgun on or about school premises -- Penalties.**

45 (1) As used in this section, "on or about school premises" means:

46 (a) (i) in a public or private elementary or secondary school; or

47 (ii) on the grounds of any of those schools;

48 (b) (i) in a public or private institution of higher education; or

49 (ii) on the grounds of a public or private institution of higher education; and

50 (iii) (A) inside the building where a preschool or child care is being held, if the entire
51 building is being used for the operation of the preschool or child care; or

52 (B) if only a portion of a building is being used to operate a preschool or child care, in
53 that room or rooms where the preschool or child care operation is being held.

54 (2) A person may not possess any dangerous weapon, firearm, or short barreled
55 shotgun, as those terms are defined in Section 76-10-501, at a place that the person knows, or
56 has reasonable cause to believe, is on or about school premises as defined in this section.

57 (3) (a) Possession of a dangerous weapon on or about school premises is a class B
58 misdemeanor.

59 (b) Possession of a firearm or short barreled shotgun on or about school premises is a
60 class A misdemeanor.

61 (4) This section does not apply if:

62 (a) the person is authorized to possess a firearm as provided under Section 53-5-704,
63 53-5-705, or 76-10-511[;] or Subsection 76-10-523(1) or (2), or as otherwise authorized by
64 law;

65 (b) the possession is approved by the responsible school administrator;

66 (c) the item is present or to be used in connection with a lawful, approved activity and
67 is in the possession or under the control of the person responsible for its possession or use; or

68 (d) the possession is:

69 (i) at the person's place of residence or on the person's property; or

70 (ii) in any vehicle lawfully under the person's control, other than a vehicle owned by
71 the school or used by the school to transport students.

72 (5) This section does not prohibit prosecution of a more serious weapons offense that
73 may occur on or about school premises.

74 Section 3. Section 76-10-523 is amended to read:

75 **76-10-523. Persons exempt from weapons laws.**

76 (1) Except for Sections 76-10-506, 76-10-508, and 76-10-508.1, this part and Title 53,
77 Chapter 5, Part 7, Concealed Firearm Act, do not apply to any of the following:

78 (a) a United States marshal;

79 (b) a federal official required to carry a firearm;

80 (c) a peace officer of this or any other jurisdiction;

81 (d) a law enforcement official as defined and qualified under Section 53-5-711;

82 (e) a judge as defined and qualified under Section 53-5-711; or

83 (f) a common carrier while engaged in the regular and ordinary transport of firearms as
84 merchandise.

85 (2) The provisions of Subsections 76-10-504(1) and (2), and Section 76-10-505 do not
86 apply to any person to whom a permit to carry a concealed firearm has been issued:

87 (a) pursuant to Section 53-5-704; or

88 (b) by another state or county.

89 (3) Except for Sections 76-10-503, 76-10-506, 76-10-508, and 76-10-508.1, this part

90 and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to a nonresident traveling
91 in or through the state, provided that any firearm is:

92 (a) unloaded; and

93 (b) securely encased as defined in Section [76-10-501](#).

94 (4) Subsection [76-10-504\(1\)](#) does not apply to a person 21 years of age or older who
95 may lawfully possess a firearm.

Legislative Review Note
Office of Legislative Research and General Counsel