

1 **Dangerous Weapon at a School Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matthew H. Gwynn

2 **LONG TITLE**

3 **General Description:**

4 This bill addresses the crime of possession of a dangerous weapon on or about school
5 premises.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ clarifies that the crime of possession of a dangerous weapon on or about school premises
- 9 applies to both minors and adults; and
- 10 ▶ makes technical and conforming changes.

11 **Money Appropriated in this Bill:**

12 None

13 **Other Special Clauses:**

14 None

15 **Utah Code Sections Affected:**

16 AMENDS:

17 **76-10-505.5**, as last amended by Laws of Utah 2024, Chapters 21, 117 and 301

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

19 Section 1. Section **76-10-505.5** is amended to read:

20 **76-10-505.5 . Possession of a dangerous weapon on or about school premises.**

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

22 ~~[(a)]~~ ~~(i)~~~~[(i)]~~ ~~(A)~~ in a public or private elementary or secondary school; or

23 ~~[(ii)]~~ ~~(B)~~ on the grounds of any of those schools;

24 ~~[(b)]~~ ~~(ii)~~~~[(ii)]~~ ~~(A)~~ in a public or private institution of higher education; or

25 ~~[(iii)]~~ ~~(B)~~ on the grounds of a public or private institution of higher education; or

26 ~~[(c)]~~ ~~(iii)~~~~[(iii)]~~ ~~(A)~~ inside the building where a preschool or child care is being held,

27 if the entire building is being used for the operation of the preschool or child

28 care; or

29 ~~[(d)]~~ ~~(B)~~ if only a portion of a building is being used to operate a preschool or

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32 child care, in that room or rooms where the preschool or child care operation is
33 being held.

34 (b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this
35 section.

36 (2) An actor ~~[who is 18 years old or older may not possess]~~ commits possession of a
37 dangerous weapon on or about school premises if the actor possesses a dangerous
38 weapon~~[-, firearm, or short barreled shotgun]~~ at a place that the actor knows, or has
39 reasonable cause to believe, is on or about school premises.

40 (3)(a) ~~[Possession of a dangerous weapon on or about school premises is a class B~~
41 ~~misdemeanor.]~~ A violation of Subsection (2) is a class B misdemeanor if the
42 dangerous weapon carried by the actor is not a firearm.

43 (b) ~~[Possession of a firearm or short barreled shotgun on or about school premises is a~~
44 ~~class A misdemeanor.]~~ A violation of Subsection (2) is a class A misdemeanor if the
45 dangerous weapon carried by the actor is a firearm.

46 (4) This section does not apply if:

47 (a) the actor is authorized to possess a firearm as described in Section 53-5-704,
48 53-5-705, 76-10-511, or 76-10-523, or as otherwise authorized by law;

49 (b) the actor is authorized to possess a firearm as described in Section 53-5-704.5, unless
50 the actor is in a location where the actor is prohibited from carrying a firearm under
51 Subsection 53-5-710(2);

52 (c) the possession of the dangerous weapon is approved by the responsible school
53 administrator;

54 (d) the ~~[item]~~ dangerous weapon is present or to be used in connection with a lawful,
55 approved activity and is in the possession or under the control of the actor
56 responsible for the ~~[item's]~~ dangerous weapon's possession or use;

57 (e) the actor is an armed school security guard as described in Section 53G-8-704; or

58 (f) the possession is:

59 (i) at the actor's place of residence or on the actor's property; or

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

62 (5) This section does not~~[-:]~~ :

63 (a) prohibit prosecution of ~~[a more serious weapons]~~ another criminal offense that may
64 occur on or about school premises;

65 (b) prevent an actor from securely storing a firearm on the grounds of a school if the

- 66 actor:
- 67 (i) participates in:
 - 68 (A) the school guardian program created in Section 53-22-105; [~~and~~] or
 - 69 (B) the Educator-Protector Program created in Section 53-22-107; and
- 70 (ii) complies with the requirements for securely storing the firearm described in
- 71 Subsection 53-22-107(5)(a); or
- 72 (c) prohibit the prosecution of possession of a dangerous weapon by a minor, as
- 73 described in Section 76-10-509.4, that occurs on or about school premises.

74 Section 2. **Effective date.**

75 This bill takes effect on May 7, 2025.