

Andrew Stoddard proposes the following substitute bill:

Dangerous Weapons at Daycares and Schools

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor:

LONG TITLE

General Description:

This bill amends provisions related to dangerous weapons at daycares and schools.

Highlighted Provisions:

This bill:

- clarifies that an individual who has a concealed carry permit may not open carry a dangerous weapon on the grounds of a daycare or a public or private elementary school or secondary school unless the individual is lawfully responding to an active threat; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-5a-102.2, as enacted by Laws of Utah 2025, Chapter 208

76-11-205, as renumbered and amended by Laws of Utah 2025, Chapters 173, 208

76-11-206, as enacted by Laws of Utah 2025, Chapter 208

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

Section 1. Section **53-5a-102.2** is amended to read:

53-5a-102.2 . Open and concealed carry of a firearm outside of an individual's residence.

- (1) To effectuate the Second Amendment to the United States Constitution and Utah Constitution, Article I, Section 6, that prohibit the infringement of the right of the people of Utah to keep and bear arms for security and defense of self, family, others, property, or the state, as well as for other lawful purposes, and consistent with the Legislature's

ability to define the lawful use of arms:

(a) subject to Subsections (2)(a) and (b), an individual 18 years old or older but younger than 21 years old without a provisional carry permit issued under Section 53-5a-305 may only carry in an open manner:

(i) an unloaded rifle, shotgun, or muzzle-loading rifle in a vehicle in which the individual is lawfully present;

(ii) an unloaded or loaded handgun in a vehicle in which the individual is lawfully present; and

(iii) an unloaded firearm that the individual may otherwise lawfully carry, on a public street;

(b) subject to Subsections (2)(a) and (b), an individual 21 years old or older may open or conceal carry, without a conceal carry permit:

(i) an unloaded or loaded firearm:

(A) on a public street; or

(B) in any other place not prohibited by, or pursuant to, state statute or federal law;

(ii) an unloaded or loaded handgun in a vehicle in which the individual is lawfully present; and

(iii) an unloaded rifle, shotgun, or muzzle-loading rifle in a vehicle in which the individual is lawfully present; and

(c) subject to Subsections (2)(c) and (d), an individual 18 years old or older with a concealed carry permit issued under Section 53-5a-303, a temporary concealed carry permit issued under Section 53-5a-304, a provisional concealed carry permit issued under Section 53-5a-305, or a concealed carry permit lawfully issued by or in another state, may open or conceal carry a loaded or unloaded firearm:

(i) in a vehicle in which the individual is lawfully present;

(ii) on a public street; or

(iii) in any other place not prohibited by, or pursuant to, state statute or federal law.

(2)(a) An individual openly carrying a firearm under Subsection (1)(a) or (b) without a concealed carry permit may not carry the firearm:

(i) in a secure area established in accordance with Section 76-8-311.1 in which dangerous weapons are prohibited and notice of the prohibition is posted;

(ii) on or about the premises of a public or private elementary school or secondary school as described in Section 76-11-205;

(iii) on or about the premises of an institution of higher education as described in

- 64 Section 76-11-205.5;
- 65 (iv) on or about the premises of a daycare as described in Section 76-11-206;
- 66 (v) in an airport secure area as described in Section 76-11-218;
- 67 (vi) in a house of worship or in any private residence where dangerous weapons are
- 68 prohibited as described in Section 76-11-219; or
- 69 (vii) in any other place prohibited by, or pursuant to, another state statute or federal
- 70 law.
- 71 (b) An individual 21 years old or older concealing a firearm without a concealed carry
- 72 permit under Subsection (1)(b) may not carry the firearm:
- 73 (i) in a secure area established in accordance with Section 76-8-311.1 in which
- 74 dangerous weapons are prohibited and notice of the prohibition is posted;
- 75 (ii) on or about the school premises of a public or private elementary school or
- 76 secondary school as described in Section 76-11-205;
- 77 (iii) on or about the premises of an institution of higher education as described in
- 78 Section 76-11-205.5;
- 79 (iv) on or about a daycare premises as described in Section 76-11-206;
- 80 (v) in an airport secure area as described in Section 76-11-218;
- 81 (vi) in a house of worship or in any private residence where dangerous weapons are
- 82 prohibited as described in Section 76-11-219; or
- 83 (vii) in any other place prohibited by, or pursuant to, another state statute or federal
- 84 law.
- 85 (c) Subject to Subsection (2)(d), an individual with a concealed carry permit under
- 86 Subsection (1)(c) may not[-] :
- 87 (i) carry the firearm in any manner:
- 88 [(i)] (A) in a secure area established in accordance with Section 76-8-311.1 in
- 89 which dangerous weapons are prohibited and notice of the prohibition posted;
- 90 [(ii)] (B) in an airport secure area as described in Section 76-11-218;
- 91 [(iii)] (C) in a house of worship or in any private residence where dangerous
- 92 weapons are prohibited as described in Section 76-11-219; or
- 93 [(iv)] (D) in any other place prohibited by, or pursuant to, another state statute or
- 94 federal law[-] ; or
- 95 (ii) openly carry the firearm, unless lawfully responding to an active threat in
- 96 accordance with Section 76-2-402, 76-2-405, or 76-2-407:
- 97 (A) on or about the premises of a public or private elementary school or secondary

- 98 school as described in Section 76-11-205; or
- 99 (B) on or about the premises of a daycare as described in Section 76-11-206.
- 100 (d) In addition to the ~~[locations]~~ restrictions described in Subsection (2)(c):
- 101 (i) an individual 18 years old but younger than 21 years old with a provisional
- 102 concealed carry permit under Section 53-5a-304 may not carry the firearm in any
- 103 manner on or about the premises of a public or private elementary school or
- 104 secondary school as described in Section 76-11-205; and
- 105 (ii) an individual concealing a firearm only with a concealed carry permit lawfully
- 106 issued by or in another state may not carry the firearm in any manner:
- 107 (A) on or about the premises of a public or private elementary school or secondary
- 108 school as described in Section 76-11-205;
- 109 (B) on or about the premises of an institution of higher education as described in
- 110 Section 76-11-205.5; or
- 111 (C) on or about the premises of a daycare as described in Section 76-11-206.
- 112 (3) This section does not prohibit:
- 113 (a) the owner or lawful possessor of a vehicle from prohibiting another individual from
- 114 carrying a firearm in the owner or lawful possessor's vehicle; or
- 115 (b) except as provided in Section 53-5a-102.3, the owner or lawful lessee of private real
- 116 property from prohibiting another individual from possessing a firearm on the
- 117 property.
- 118 (4) An individual is lawfully present in a vehicle while carrying a firearm under this section
- 119 if:
- 120 (a) the vehicle is in the lawful possession of the individual; or
- 121 (b) the individual has the consent of the person lawfully in possession of the vehicle to
- 122 carry the firearm in the vehicle.
- 123 Section 2. Section **76-11-205** is amended to read:
- 124 **76-11-205 . Carrying a dangerous weapon at an elementary school or secondary**
- 125 **school.**
- 126 (1)(a) As used in this section, "on or about school premises" means:
- 127 (i) in a public or private elementary school or secondary school; or
- 128 (ii) on the grounds of a private elementary school or secondary school.
- 129 (b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this
- 130 section.
- 131 (2) An actor commits carrying a dangerous weapon at an elementary school or secondary

132 school if the actor:

133 (a) is not an individual listed in Subsection (4);

134 (b) carries a dangerous weapon on or about school premises; and

135 (c) knows or reasonably believes that the actor is on or about school premises at the time
136 the actor carries the dangerous weapon.

137 (3)(a) A violation of Subsection (2) is a class B misdemeanor if the dangerous weapon
138 carried by the actor is not a firearm.

139 (b) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon
140 carried by the actor is a firearm.

141 (4) This section does not apply if:

142 (a) the actor is an individual exempt from certain weapons laws as described in Section
143 53-5a-108;

144 (b) the actor is 21 years old or older and has a concealed carry permit as described in
145 Section 53-5a-303 and is carrying the actor's dangerous weapon in a concealed
146 manner unless lawfully responding to an active threat in accordance with Section
147 76-2-402, 76-2-405, or 76-2-407;

148 (c) the actor is 21 years old or older and has a temporary concealed carry permit issued
149 under Section 53-5a-305 and is carrying the actor's dangerous weapon in a concealed
150 manner unless lawfully responding to an active threat in accordance with Section
151 76-2-402, 76-2-405, or 76-2-407;

152 (d) the actor is carrying the dangerous weapon at the actor's place of residence or on the
153 actor's real property;

154 (e) the possession of the dangerous weapon is approved by the responsible school
155 administrator;

156 (f) the dangerous weapon is present or to be used in connection with a lawful, approved
157 activity and is in the possession or under the control of the actor responsible for the
158 dangerous weapon's possession or use;

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

160 (h) the actor is carrying the dangerous weapon in a vehicle lawfully under the actor's
161 control, not including a vehicle owned by the school or used by the school to
162 transport students.

163 (5) This section does not:

164 (a) prohibit prosecution of another criminal offense that may occur on or about school
165 premises; or

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

(i) participates in:

(A) the school guardian program created in Section 53-22-105; or

(B) the Educator-Protector Program created in Section 53-22-107; and

(ii) complies with the requirements for securely storing the firearm described in Subsection 53-22-107(5)(a).

Section 3. Section **76-11-206** is amended to read:

76-11-206 . Carrying a dangerous weapon at a daycare.

(1)(a) As used in this section:

(i) "Daycare" means a preschool or child care center.

(ii) "On or about daycare premises" means:

(A) inside the building where a daycare is being held, if the entire building is being used for the operation of the daycare; or

(B) if only a portion of a building is being used to operate a daycare, in the room or rooms where the daycare operation is being held.

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

(2) An actor commits carrying a dangerous weapon at a daycare if the actor:

(a) is not an individual listed in Subsection (4);

(b) carries a dangerous weapon on or about daycare premises; and

(c) has reasonable cause to believe that the actor is on or about daycare premises at the time the actor carried the dangerous weapon.

(3)(a) A violation of Subsection (2) is a class B misdemeanor if the dangerous weapon carried by the actor is not a firearm.

(b) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon carried by the actor is a firearm.

(4) This section does not apply if:

(a) the actor is an individual exempted from certain weapons laws as described in Section 53-5a-108;

(b) the actor has a concealed carry permit as described in Section 53-5a-303 and is carrying the actor's dangerous weapon in a concealed manner unless lawfully responding to an active threat in accordance with Section 76-2-402, 76-2-405, or 76-2-407;

(c) the actor has a provisional concealed carry permit as described in Section 53-5a-304 and is carrying the actor's dangerous weapon in a concealed manner unless lawfully responding to an active threat in accordance with Section 76-2-402, 76-2-405, or 76-2-407;

(d) the actor has a temporary concealed carry permit issued under Section 53-5a-305 and is carrying the actor's dangerous weapon in a concealed manner unless lawfully responding to an active threat in accordance with Section 76-2-402, 76-2-405, or 76-2-407;

(e) the actor is carrying the dangerous weapon at the actor's place of residence or on the actor's real property;

(f) the actor's carrying of the dangerous weapon is approved by the responsible daycare administrator;

(g) the dangerous weapon is present or to be used in connection with a lawful, approved activity and is in the possession or under the control of the actor responsible for the dangerous weapon's possession or use; or

(h) the actor is carrying the dangerous weapon in a vehicle lawfully under the actor's control, not including a vehicle owned by the daycare or used by the daycare to transport minors enrolled in the daycare.

(5) This section does not prohibit the prosecution of another criminal offense that may occur on or about daycare premises.

Section 4. **Effective Date.**

This bill takes effect on May 6, 2026.