

**WEAPONS LAW EXEMPTIONS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Richard A. Greenwood**

Senate Sponsor: Todd Weiler

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**LONG TITLE**

**General Description:**

This bill makes exemptions to provisions related to the use, carry, and transportation of a weapon.

**Highlighted Provisions:**

This bill:

- ▶ excludes certain weapon-related requirements for a person performing an official duty; and
- ▶ exempts a nonresident traveling in or through the state from weapon provisions under certain circumstances.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-10-506**, as last amended by Laws of Utah 2010, Chapter 361

**76-10-508**, as last amended by Laws of Utah 2008, Chapter 296

**76-10-508.1**, as last amended by Laws of Utah 2009, Chapter 157

**76-10-523**, as last amended by Laws of Utah 2009, Chapter 362

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

Section 1. Section **76-10-506** is amended to read:

30 **76-10-506. Threatening with or using dangerous weapon in fight or quarrel.**

31 (1) As used in this section~~["threatening manner"]~~:

32 (a) "Dangerous weapon" means an item that in the manner of its use or intended use is  
33 capable of causing death or serious bodily injury. The following factors shall be used in  
34 determining whether an item, object, or thing is a dangerous weapon:

35 (i) the character of the instrument, object, or thing;

36 (ii) the character of the wound produced, if any; and

37 (iii) the manner in which the instrument, object, or thing was exhibited or used.

38 (b) "Threatening manner" does not include:

39 ~~(a)~~ (i) the possession of a dangerous weapon, whether visible or concealed, without  
40 additional behavior which is threatening; or

41 ~~(b)~~ (ii) informing another of the actor's possession of a deadly weapon in order to  
42 prevent what the actor reasonably perceives as a possible use of unlawful force by the other and  
43 the actor is not engaged in any activity described in Subsection 76-2-402(2)(a).

44 (2) Except as otherwise provided in Section 76-2-402 and for those persons described  
45 in Section 76-10-503, a person who, in the presence of two or more persons, and not  
46 amounting to a violation of Section 76-5-103, draws or exhibits a dangerous weapon in an  
47 angry and threatening manner or unlawfully uses a dangerous weapon in a fight or quarrel is  
48 guilty of a class A misdemeanor.

49 (3) This section does not apply to a person who, reasonably believing the action to be  
50 necessary in compliance with Section 76-2-402, with purpose to prevent another's use of  
51 unlawful force:

52 (a) threatens the use of a dangerous weapon; or

53 (b) draws or exhibits a dangerous weapon.

54 (4) This section does not apply to a person listed in Subsections 76-10-523(1)(a)  
55 through (e) in performance of the person's duties.

56 Section 2. Section 76-10-508 is amended to read:

57 **76-10-508. Discharge of firearm from a vehicle, near a highway, or in direction of**

58 **any person, building, or vehicle -- Penalties.**

59 (1) (a) A person may not discharge any kind of dangerous weapon or firearm:

60 (i) from an automobile or other vehicle;

61 (ii) from, upon, or across any highway;

62 (iii) at any road signs placed upon any highways of the state;

63 (iv) at any communications equipment or property of public utilities including  
64 facilities, lines, poles, or devices of transmission or distribution;

65 (v) at railroad equipment or facilities including any sign or signal;

66 (vi) within Utah State Park buildings, designated camp or picnic sites, overlooks, golf  
67 courses, boat ramps, and developed beaches; or

68 (vii) without written permission to discharge the dangerous weapon from the owner or  
69 person in charge of the property within 600 feet of:

70 (A) a house, dwelling, or any other building; or

71 (B) any structure in which a domestic animal is kept or fed, including a barn, poultry  
72 yard, corral, feeding pen, or stockyard.

73 (b) It is a defense to any charge for violating this section that the person being accused  
74 had actual permission of the owner or person in charge of the property at the time in question.

75 (2) A violation of any provision of Subsection (1) is a class B misdemeanor.

76 (3) In addition to any other penalties, the court shall:

77 (a) notify the Driver License Division of the conviction for purposes of any revocation,  
78 denial, suspension, or disqualification of a driver license under Subsection 53-3-220(1)(a)(xi);  
79 and

80 (b) specify in court at the time of sentencing the length of the revocation under  
81 Subsection 53-3-225(1)(c).

82 (4) This section does not apply to a person who:

83 (a) discharges any kind of firearm when that person is in lawful defense of self or  
84 others;

85 (b) is performing official duties as provided in [Sections] Section 23-20-1.5 and

86 Subsections 76-10-523(1)(a) through (e) and as otherwise provided by law; or

87 (c) discharges a dangerous weapon or firearm from an automobile or other vehicle, if:

88 (i) the discharge occurs at a firing range or training ground;

89 (ii) at no time after the discharge does the projectile that is discharged cross over or  
90 stop at a location other than within the boundaries of the firing range or training ground  
91 described in Subsection (4)(c)(i);

92 (iii) the discharge is made as practice or training for a lawful purpose;

93 (iv) the discharge and the location, time, and manner of the discharge are approved by  
94 the owner or operator of the firing range or training ground prior to the discharge; and

95 (v) the discharge is not made in violation of Subsection (1).

96 Section 3. Section **76-10-508.1** is amended to read:

97 **76-10-508.1. Felony discharge of a firearm -- Penalties.**

98 (1) Except as provided under Subsection (2) or (3), a person who discharges a firearm  
99 is guilty of a third degree felony punishable by imprisonment for a term of not less than three  
100 years nor more than five years if:

101 (a) the actor discharges a firearm in the direction of any person or persons, knowing or  
102 having reason to believe that any person may be endangered by the discharge of the firearm;

103 (b) the actor, with intent to intimidate or harass another or with intent to damage a  
104 habitable structure as defined in Section **76-6-101**, discharges a firearm in the direction of any  
105 person or habitable structure; or

106 (c) the actor, with intent to intimidate or harass another, discharges a firearm in the  
107 direction of any vehicle.

108 (2) A violation of Subsection (1) which causes bodily injury to any person is a second  
109 degree felony punishable by imprisonment for a term of not less than three years nor more than  
110 15 years.

111 (3) A violation of Subsection (1) which causes serious bodily injury to any person is a  
112 first degree felony.

113 (4) In addition to any other penalties for a violation of this section, the court shall:

114 (a) notify the Driver License Division of the conviction for purposes of any revocation,  
115 denial, suspension, or disqualification of a driver license under Subsection 53-3-220(1)(a)(xi);  
116 and

117 (b) specify in court at the time of sentencing the length of the revocation under  
118 Subsection 53-3-225(1)(c).

119 (5) This section does not apply to a person:

120 (a) who discharges any kind of firearm when that person is in lawful defense of self or  
121 others;

122 (b) who is performing official duties as provided in Section 23-20-1.5 or Subsections  
123 76-10-523(1)(a) through (e) or as otherwise authorized by law; or

124 (c) who discharges a dangerous weapon or firearm from an automobile or other  
125 vehicle, if:

126 (i) the discharge occurs at a firing range or training ground;

127 (ii) at no time after the discharge does the projectile that is discharged cross over or  
128 stop at a location other than within the boundaries of the firing range or training ground  
129 described in Subsection (5)(c)(i);

130 (iii) the discharge is made as practice or training for a lawful purpose;

131 (iv) the discharge and the location, time, and manner of the discharge are approved by  
132 the owner or operator of the firing range or training ground prior to the discharge; and

133 (v) the discharge is not made in violation of Subsection (1).

134 Section 4. Section 76-10-523 is amended to read:

135 **76-10-523. Persons exempt from weapons laws.**

136 (1) [~~This~~] Except for Sections 76-10-506, 76-10-508, and 76-10-508.1, this part and  
137 Title 53, Chapter 5, Part 7, Concealed [~~Weapon~~] Firearm Act, do not apply to any of the  
138 following:

139 (a) a United States marshal;

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

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

- 142 (d) a law enforcement official as defined and qualified under Section 53-5-711;
- 143 (e) a judge as defined and qualified under Section 53-5-711; or
- 144 (f) a common carrier while engaged in the regular and ordinary transport of firearms as
- 145 merchandise[~~; or~~].
- 146 [~~(g) a nonresident traveling in or through the state, provided that any firearm is:~~
- 147 [~~(i) unloaded; and~~
- 148 [~~(ii) securely encased as defined in Section 76-10-501.~~]
- 149 (2) The provisions of Subsections 76-10-504(1) and (2), and Section 76-10-505 do not
- 150 apply to any person to whom a permit to carry a concealed firearm has been issued:
- 151 (a) pursuant to Section 53-5-704; or
- 152 (b) by another state or county.
- 153 (3) Except for Sections 76-10-503, 76-10-506, 76-10-508, and 76-10-508.1, this part
- 154 and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to a nonresident traveling
- 155 in or though the state, provided that any firearm is:
- 156 (a) unloaded; and
- 157 (b) securely encased as defined in Section 76-10-501.