

Exemptions from Dangerous Weapons Provisions

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Calvin Roberts

LONG TITLE**General Description:**

This bill addresses the discharge of a dangerous weapon.

Highlighted Provisions:

This bill:

- exempts certain individuals performing official duties;
- exempts farm custom slaughter licensees when acting pursuant to statute; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-10-508, as last amended by Laws of Utah 2023, Chapter 34

76-10-508.1, as last amended by Laws of Utah 2023, Chapter 34

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

Section 1. Section **76-10-508** is amended to read:

76-10-508 . Discharge of dangerous weapon from a vehicle, near a highway, or in direction of specified items -- Penalties.

(1)(a) An individual may not discharge a dangerous weapon or firearm:

- (i) from an automobile or other vehicle;
- (ii) from, upon, or across a highway;
- (iii) at a road sign placed upon a highway of the state;
- (iv) at communications equipment or property of public utilities including facilities, lines, poles, or devices of transmission or distribution;
- (v) at railroad equipment or facilities including a sign or signal;
- (vi) within a Utah State Park building, designated camp or picnic sites, overlooks,

- 32 golf courses, boat ramps, and developed beaches; or
- 33 (vii) without written permission to discharge the dangerous weapon from the owner
- 34 or person in charge of the property within 600 feet of:
- 35 (A) a house, dwelling, or any other building; or
- 36 (B) any structure in which a domestic animal is kept or fed, including a barn,
- 37 poultry yard, corral, feeding pen, or stockyard.
- 38 (b) It is a defense to any charge for violating this section that the individual being
- 39 accused had actual permission of the owner or person in charge of the property at the
- 40 time in question.
- 41 (2) A violation of any provision of Subsection (1) is a class B misdemeanor.
- 42 (3) In addition to any other penalties, the court shall:
- 43 (a) notify the Driver License Division of the conviction for purposes of any revocation,
- 44 denial, suspension, or disqualification of a driver license under Subsection
- 45 53-3-220(1)(a)(xi); and
- 46 (b) specify in court at the time of sentencing the length of the revocation under
- 47 Subsection 53-3-225(1)(c).
- 48 (4) This section does not apply to an individual who:
- 49 (a) discharges a firearm when that individual is in lawful defense of self or others;
- 50 (b) is performing official duties as provided in Section ~~[23A-5-202 and]~~ 23A-2-207 or
- 51 79-2-704 or Subsections 76-10-523(1)(a) through (f) and as otherwise provided by
- 52 law; ~~[or]~~
- 53 (c) discharges a dangerous weapon or firearm from an automobile or other vehicle, if:
- 54 (i) the discharge occurs at a firing range or training ground;
- 55 (ii) at no time after the discharge does the projectile that is discharged cross over or
- 56 stop at a location other than within the boundaries of the firing range or training
- 57 ground described in Subsection (4)(c)(i);
- 58 (iii) the discharge is made as practice or training for a lawful purpose;
- 59 (iv) the discharge and the location, time, and manner of the discharge are approved
- 60 by the owner or operator of the firing range or training ground before the
- 61 discharge; and
- 62 (v) the discharge is not made in violation of Subsection (1)~~[:]~~ ; or
- 63 (d) acting under a farm custom slaughter license, discharges a firearm or other
- 64 dangerous weapon in accordance with Subsection 4-32-108(3).
- 65 Section 2. Section **76-10-508.1** is amended to read:

66 **76-10-508.1 . Felony discharge of a firearm -- Penalties.**

- 67 (1) Except as provided under Subsection (2) or (3), an individual who discharges a firearm
68 is guilty of a third degree felony punishable by imprisonment for a term of not less than
69 three years nor more than five years if:
- 70 (a) the actor discharges a firearm in the direction of one or more individuals, knowing or
71 having reason to believe that any individual may be endangered by the discharge of
72 the firearm;
- 73 (b) the actor, with intent to intimidate or harass another or with intent to damage a
74 habitable structure as defined in Section 76-6-101, discharges a firearm in the
75 direction of any individual or habitable structure; or
- 76 (c) the actor, with intent to intimidate or harass another, discharges a firearm in the
77 direction of any vehicle.
- 78 (2) A violation of Subsection (1) that causes bodily injury to any individual is a second
79 degree felony punishable by imprisonment for a term of not less than three years nor
80 more than 15 years.
- 81 (3) A violation of Subsection (1) that causes serious bodily injury to any individual is a first
82 degree felony.
- 83 (4) In addition to any other penalties for a violation of this section, the court shall:
- 84 (a) notify the Driver License Division of the conviction for purposes of any revocation,
85 denial, suspension, or disqualification of a driver license under Subsection
86 53-3-220(1)(a)(xi); and
- 87 (b) specify in court at the time of sentencing the length of the revocation under
88 Subsection 53-3-225(1)(c).
- 89 (5) This section does not apply to an individual:
- 90 (a) who discharges a firearm when that individual is in lawful defense of self or others;
- 91 (b) who is performing official duties as provided in Section [~~23A-5-202~~] 23A-2-207 or
92 79-2-704 or Subsections 76-10-523(1)(a) through (f) or as otherwise authorized by
93 law; [ø]
- 94 (c) who discharges a dangerous weapon or firearm from an automobile or other vehicle,
95 if:
- 96 (i) the discharge occurs at a firing range or training ground;
- 97 (ii) at no time after the discharge does the projectile that is discharged cross over or
98 stop at a location other than within the boundaries of the firing range or training
99 ground described in Subsection (5)(c)(i);

- 100 (iii) the discharge is made as practice or training for a lawful purpose;
- 101 (iv) the discharge and the location, time, and manner of the discharge are approved
- 102 by the owner or operator of the firing range or training ground before the
- 103 discharge; and
- 104 (v) the discharge is not made in violation of Subsection (1)[:] ; or
- 105 (d) acting under a farm custom slaughter license, discharges a firearm or other
- 106 dangerous weapon in accordance with Subsection 4-32-108(3).

107 Section 3. **Effective date.**

108 This bill takes effect on May 7, 2025.