

**Walt Brooks** proposes the following substitute bill:

## **Dangerous Weapon Amendments**

## 2026 GENERAL SESSION

# STATE OF UTAH

## **Chief Sponsor: Walt Brooks**

**Senate Sponsor:**

## LONG TITLE

### **General Description:**

This bill addresses the carrying of dangerous weapons at an institution of higher education.

## **Highlighted Provisions:**

This bill:

- allows an individual 21 years old or older to conceal a dangerous weapon at an institution of higher education without a concealed carry permit;
- amends the offense of carrying a dangerous weapon at an institution of higher education by:
  - renaming the offense to "Openly carrying a dangerous weapon at an institution of higher education";
  - removing private institutions of higher education from locations where the offense is applicable; and
  - prohibiting an individual, including an individual with any type of concealed carry permit, from openly carrying a dangerous weapon at an institution of higher education unless the individual is lawfully responding to an active threat;
- clarifies that an individual 18 years old or older but younger than 21 years old may carry, in an open manner, an unloaded firearm in any public location not prohibited by state statute or federal law;
- clarifies that an individual who has a concealed carry permit that allows the individual to carry on the grounds of an elementary school or secondary school may not open carry a dangerous weapon on the grounds of an 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

29      **Other Special Clauses:**

30      None

31      **Utah Code Sections Affected:**

32      AMENDS:

33      **53-5a-102.2**, as enacted by Laws of Utah 2025, Chapter 208

34      **53H-3-902**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
35      Chapter 8

36      **76-11-205**, as renumbered and amended by Laws of Utah 2025, Chapters 173, 208

37      **76-11-205.5**, as enacted by Laws of Utah 2025, Chapter 208

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

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

41      **53-5a-102.2 . Open and concealed carry of a firearm outside of an individual's  
42      residence.**

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

48      (a) subject to Subsections (2)(a) and (b), an individual 18 years old or older but younger  
49      than 21 years old without a provisional concealed carry permit issued under Section  
50      53-5a-305 and who may otherwise lawfully possess firearms, may only carry in an  
51      open manner:

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

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

56      (iii) an unloaded firearm that the individual may otherwise lawfully carry[;] :

57      (A) [-]on a public street; or

58      (B) in any other public location not prohibited by, or in accordance with, state  
59      statute or federal law;

60      (b) subject to Subsections (2)(a) and (b), an individual 21 years old or older who may  
61      otherwise lawfully possess firearms, may open or conceal carry, without a conceal  
62      carry permit:

63 (i) an unloaded or loaded firearm:  
64 (A) on a public street; or  
65 (B) in any other place not prohibited by, or pursuant to, state statute or federal law;  
66 (ii) an unloaded or loaded handgun in a vehicle in which the individual is lawfully  
67 present; and  
68 (iii) an unloaded rifle, shotgun, or muzzle-loading rifle in a vehicle in which the  
69 individual is lawfully present; and  
70 (c) subject to Subsections (2)(c) and (d), an individual 18 years old or older with a  
71 concealed carry permit issued under Section 53-5a-303, a temporary concealed carry  
72 permit issued under Section 53-5a-304, a provisional concealed carry permit issued  
73 under Section 53-5a-305, or a concealed carry permit lawfully issued by or in another  
74 state, who may otherwise lawfully possess firearms, may open or conceal carry a  
75 loaded or unloaded firearm:  
76 (i) in a vehicle in which the individual is lawfully present;  
77 (ii) on a public street; or  
78 (iii) in any other place not prohibited by, or pursuant to, state statute or federal law.

79 (2)(a) An individual ~~[openly carrying a firearm]~~ 18 years old or older but younger than  
80 21 years old under Subsection (1)(a) ~~[or (b)]~~ without a provisional concealed carry  
81 permit issued under Section 53-5a-305 may not carry [the] a firearm in any manner:  
82 (i) in a secure area established in accordance with Section 76-8-311.1 in which  
83 dangerous weapons are prohibited and notice of the prohibition is posted;  
84 (ii) on or about the premises of a public or private elementary school or secondary  
85 school as described in Section 76-11-205;  
86 (iii) on or about the premises of an institution of higher education as described in  
87 Section 76-11-205.5;  
88 (iv) on or about the premises of a daycare as described in Section 76-11-206;  
89 (v) in an airport secure area as described in Section 76-11-218;  
90 (vi) in a house of worship or in any private residence where dangerous weapons are  
91 prohibited as described in Section 76-11-219; or  
92 (vii) in any other place prohibited by, or pursuant to, another state statute or federal  
93 law.

94 (b) An individual 21 years old or older ~~[concealing a firearm]~~ without a concealed carry  
95 permit under Subsection (1)(b) may not:  
96 (i) ~~[ ]~~carry [the] a firearm in any manner:

97 [~~(i)~~] (A) in a secure area established in accordance with Section 76-8-311.1 in  
98 which dangerous weapons are prohibited and notice of the prohibition is posted;  
99 [~~(ii)~~] (B) on or about the school premises of a public or private elementary school  
100 or secondary school as described in Section 76-11-205;  
101 [~~(iii)~~ on or about the premises of an institution of higher education as described in  
102 Section 76-11-205.5;]  
103 [~~(iv)~~] (C) on or about a daycare premises as described in Section 76-11-206;  
104 [~~(v)~~] (D) in an airport secure area as described in Section 76-11-218;  
105 [~~(vi)~~] (E) in a house of worship or in any private residence where dangerous  
106 weapons are prohibited as described in Section 76-11-219; or  
107 [~~(vii)~~] (F) in any other place prohibited by, or pursuant to, another state statute or  
108 federal law[~~;~~] ; or  
109 (ii) openly carry a firearm, unless lawfully responding to an active threat in  
110 accordance with Section 76-2-402, 76-2-405, or 76-2-407, on or about the  
111 premises of an institution of higher education as described in Section 76-11-205.5.

112 (c) Subject to Subsection (2)(d), an individual with a concealed carry permit under  
113 Subsection (1)(c) may not[~~;~~] :  
114 (i) carry [~~the~~] a firearm in any manner:  
115 [~~(i)~~] (A) in a secure area established in accordance with Section 76-8-311.1 in  
116 which dangerous weapons are prohibited and notice of the prohibition posted;  
117 [~~(ii)~~] (B) in an airport secure area as described in Section 76-11-218;  
118 [~~(iii)~~] (C) in a house of worship or in any private residence where dangerous  
119 weapons are prohibited as described in Section 76-11-219; or  
120 [~~(iv)~~] (D) in any other place prohibited by, or pursuant to, another state statute or  
121 federal law[~~;~~] ; or  
122 (ii) openly carry a firearm, unless lawfully responding to an active threat in  
123 accordance with Section 76-2-402, 76-2-405, or 76-2-407:  
124 (A) on or about the premises of a public or private elementary school or secondary  
125 school as described in Section 76-11-205; or  
126 (B) on or about the premises of an institution of higher education as described in  
127 Section 76-11-205.5.

128 (d) In addition to the [~~locations~~] restrictions described in Subsection (2)(c):  
129 (i) an individual 18 years old but younger than 21 years old with a provisional  
130 concealed carry permit under Section 53-5a-304 may not carry [~~the~~] a firearm in

131 any manner on or about the premises of a public or private elementary school or  
132 secondary school as described in Section 76-11-205; and

133 (ii) an individual [concealing a firearm only] with only a concealed carry permit  
134 lawfully issued by or in another state may not carry [the] a firearm in any manner:  
135 (A) on or about the premises of a public or private elementary school or secondary  
136 school as described in Section 76-11-205; or  
137 [(B) on or about the premises of an institution of higher education as described in  
138 Section 76-11-205.5; or]  
139 [(C)] (B) on or about the premises of a daycare as described in Section 76-11-206.

140 (3) This section does not prohibit:

141 (a) the owner or lawful possessor of a vehicle from prohibiting another individual from  
142 carrying a firearm in the owner or lawful possessor's vehicle; or  
143 (b) except as provided in Section 53-5a-102.3, the owner or lawful lessee of private real  
144 property from prohibiting another individual from possessing a firearm on the  
145 property.

146 (4) An individual is lawfully present in a vehicle while carrying a firearm under this section  
147 if:

148 (a) the vehicle is in the lawful possession of the individual; or  
149 (b) the individual has the consent of the person lawfully in possession of the vehicle to  
150 carry the firearm in the vehicle.

151 Section 2. Section **53H-3-902** is amended to read:

152 **53H-3-902 . Power of board and institutions to adopt rules and enact regulations.**

153 (1) As used in this section, "face covering" means the same as that term is defined in  
154 Section 53G-9-210.

155 (2)(a) The board may enact regulations governing the conduct of university and college  
156 students, faculty, and employees.

157 (b) A president in consultation with the board of trustees, may enact policies governing  
158 the conduct of university and college students, faculty, and employees.

159 (3)(a) An institution may enact traffic, parking, and related policies governing all  
160 individuals on campus and facilities owned or controlled by the institution.

161 (b)(i) The board and an institution may not require proof of vaccination as a  
162 condition for enrollment or attendance within the system of higher education  
163 unless the board or an institution allows for the following exemptions:

164 (A) a medical exemption if the student provides to the institution a statement that

165 the claimed exemption is for a medical reason; and

166 (B) a personal exemption if the student provides to the institution a statement that  
167 the claimed exemption is for a personal or religious belief.

168 (ii) An institution that offers both remote and in-person learning options may not  
169 deny a student who is exempt from a requirement to receive a vaccine under  
170 Subsection (3)(b)(i) to participate in an in-person learning option based upon the  
171 student's vaccination status.

172 (iii) Subsections (3)(b)(i) and (ii) do not apply to a student studying in a medical  
173 setting at an institution of higher education.

174 (iv) Nothing in this section restricts a state or local health department from acting  
175 under applicable law to contain the spread of an infectious disease.

176 (c)(i) The board or an institution may not require an individual to wear a face  
177 covering as a condition of attendance for in-person instruction,  
178 institution-sponsored athletics, institution-sponsored extracurricular activities, in  
179 dormitories, or in any other place on a campus of an institution within the system  
180 of higher education at any time after the end of the spring semester in 2021.

181 (ii) Subsection (3)(c)(i) does not apply to an individual in a medical setting at an  
182 institution of higher education.

183 (4) The board shall enact regulations that require all testimony be given under oath during  
184 an employee grievance hearing for a non-faculty employee of an institution of higher  
185 education if the grievance hearing relates to the non-faculty employee's:

186 (a) demotion; or  
187 (b) termination.

188 (5) Acknowledging that the Legislature has the authority to regulate, by law, firearms at  
189 higher education institutions, the board may:

190 (a) authorize higher education institutions to establish no more than one secure area at  
191 each institution as a hearing room in accordance with Section 76-8-311.1, but not  
192 otherwise restrict the lawful possession or carrying of firearms; and  
193 (b) authorize a higher education institution to make a policy that allows a resident of a  
194 dormitory located at the institution to request only roommates who [are not licensed  
195 to carry a concealed firearm under Section 53-5a-303 or Section 53-5a-305] choose  
196 not to possess firearms in the resident's dorm that the roommates may otherwise  
197 lawfully possess in the dormitory.

198 (6) In addition to the requirements and penalty prescribed in Sections 76-8-311.1 and

199 76-8-311.2, the board shall make rules to ensure:

200 (a) the use of reasonable means such as mechanical, electronic, x-ray, or similar devices,  
201 to detect firearms, ammunition, or dangerous weapons contained in the personal  
202 property of or on the person of any individual attempting to enter a secure area  
203 hearing room;

204 (b) that an individual required or requested to attend a hearing in a secure area hearing  
205 room is notified in writing of the requirements related to entering a secure area  
206 hearing room under this Subsection (6)(b) and Section 76-8-311.1;

207 (c) that the restriction of firearms, ammunition, or dangerous weapons in the secure area  
208 hearing room is in effect only during the time the secure area hearing room is in use  
209 for hearings and for a reasonable time before and after the hearing; and

210 (d) the application of reasonable space limitations to the secure area hearing room as the  
211 number of individuals involved in a typical hearing warrants.

212 (7) The board and institutions may enforce the rules, regulations, and policies described in  
213 this section in any reasonable manner, including the assessment of fees, fines, and  
214 forfeitures, through:

215 (a) withholding from money owed the violator;

216 (b) the imposition of probation, suspension, or expulsion from the institution;

217 (c) the revocation of privileges;

218 (d) the refusal to issue certificates, degrees, and diplomas;

219 (e) judicial process; or

220 (f) any reasonable combination of the alternatives described in this Subsection (7).

221 Section 3. Section **76-11-205** is amended to read:

222 **76-11-205 . Carrying a dangerous weapon at an elementary school or secondary**

223 **school.**

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

225 (i) in a public or private elementary school or secondary school; or  
226 (ii) on the grounds of a private elementary school or secondary school.

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

229 (2) An actor commits carrying a dangerous weapon at an elementary school or secondary  
230 school if the actor:

231 (a) is not an individual listed in Subsection (4);  
232 (b) carries a dangerous weapon on or about school premises; and

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

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

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

239 (4) This section does not apply if:

240 (a) the actor is an individual exempt from certain weapons laws as described in Section  
241 53-5a-108;

242 (b) the actor is 21 years old or older and has a concealed carry permit as described in  
243 Section 53-5a-303 and is carrying the actor's dangerous weapon in a concealed  
244 manner unless lawfully responding to an active threat in accordance with Section  
245 76-2-402, 76-2-405, or 76-2-407;

246 (c) the actor is 21 years old or older and has a temporary concealed carry permit issued  
247 under Section 53-5a-305 and is carrying the actor's dangerous weapon in a concealed  
248 manner unless lawfully responding to an active threat in accordance with Section 76  
249 -2-402, 76-2-405, or 76-2-407;

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

252 (e) the possession of the dangerous weapon is approved by the responsible school  
253 administrator;

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

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

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

261 (5) This section does not:

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

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

266 (i) participates in:

267 (A) the school guardian program created in Section 53-22-105; or  
268 (B) the Educator-Protector Program created in Section 53-22-107; and  
269 (ii) complies with the requirements for securely storing the firearm described in  
270 Subsection 53-22-107(5)(a).

271 Section 4. Section **76-11-205.5** is amended to read:

272 **76-11-205.5 . Openly carrying a dangerous weapon at an institution of higher  
273 education.**

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

275 (a) in a public [or private] institution of higher education; or  
276 (b) on the grounds of a public[or private] institution of higher education.

277 (2) An actor commits openly carrying a dangerous weapon at an institution of higher  
278 education if[the actor]:

279 [(a) ~~is not an individual listed in Subsection (4):~~]  
280 [({b}) (a) the actor intentionally carries a dangerous weapon on or about school premises;[  
281 and]

282 (b) the actor intentionally carries the dangerous weapon in a manner that the dangerous  
283 weapon is visible to the ordinary observation of a reasonable person;

284 (c) the dangerous weapon is not covered, hidden, or secreted in a way that would make  
285 the dangerous weapon's presence unobservable to the ordinary observation of a  
286 reasonable person; and

287 [({e}) (d) the actor knows, or reasonably believes, that the actor is on or about school  
288 premises at the time the actor carries the dangerous weapon.

289 (3)[(a) ~~A violation of Subsection (2) is a class B misdemeanor if the dangerous weapon  
290 carried by the actor is not a firearm.~~]  
291 [({b}) A violation of Subsection (2) is a class [A] B misdemeanor[if the dangerous  
292 weapon carried by the actor is a firearm].

293 (4) This section does not apply if:

294 (a) the actor is an individual exempt from certain weapons laws as described in Section  
295 53-5a-108;

296 (b) the actor is intending to conceal the dangerous weapon and accidentally or  
297 inadvertently exposes the dangerous weapon to public view;

298 (c) the actor is openly carrying the dangerous weapon while lawfully responding to an  
299 active threat in accordance with Section 76-2-402, 76-2-405, or 76-2-407;

300 [({b}) ~~the actor has a concealed carry permit as described in Section 53-5a-303;~~]

301 [ (e) the actor has a provisional concealed carry permit as described in Section 53-5a-304; ]  
302 [ (d) the actor has a temporary concealed carry permit issued under Section 53-5a-305; ]  
303 [ (e) (d) the actor is openly carrying the dangerous weapon at the actor's place of  
304 residence or on the actor's real property;  
305 [ (f) (e) the [possession of the dangerous weapon] open carrying of the dangerous weapon  
306 is approved by the responsible school administrator;  
307 [ (g) (f) the dangerous weapon is present or to be used in connection with a lawful,  
308 approved activity and is in the possession or under the control of the actor  
309 responsible for the dangerous weapon's possession or use; or  
310 [ (h) (g) the actor is openly carrying the dangerous weapon in a vehicle lawfully under  
311 the actor's control, not including a vehicle owned by the school or used by the school  
312 to transport students.

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

315 **Section 5. Effective Date.**

316 This bill takes effect on May 6, 2026.