CONCEALED WEAPON CARRY AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John G. Mathis

Senate Sponsor: Allen M. Christensen

Cosponsors: Ronda Rudd Menlove Ryan D. Wilcox
Jacob L. Anderegg Curtis Oda
Brian M. Greene Paul Ray

LONG TITLE

General Description:
This bill amends provisions of Title 76, Chapter 10, Part 5, Weapons, related to conduct involving the carrying of a concealed firearm.

Highlighted Provisions:
This bill:
- provides an exemption for a person, who is 21 years of age or older and who may lawfully possess a firearm, from certain criminal provisions related to the carrying of an unloaded concealed firearm.

Money Appropriated in this Bill:
None

Other Special Clauses:
None

Utah Code Sections Affected:
AMENDS:
76-10-505, as last amended by Laws of Utah 2009, Chapter 362
76-10-505.5, as last amended by Laws of Utah 2011, Chapter 91
76-10-523, as last amended by Laws of Utah 2009, Chapter 362
Be it enacted by the Legislature of the state of Utah:

Section 1. Section 76-10-505 is amended to read:

76-10-505. Carrying loaded firearm in vehicle or on street.

(1) Unless otherwise authorized by law, a person may not carry a loaded firearm:

(a) in or on a vehicle, unless:

(i) the vehicle is in the person's lawful possession; or

(ii) the person is carrying the loaded firearm in a vehicle with the consent of the person

lawfully in possession of the vehicle;

(b) on a public street; or

(c) in a posted prohibited area.

(2) Subsection (1)(a) does not apply to a minor under 18 years of age, since a minor

under 18 years of age may not carry a loaded firearm in or on a vehicle.

(3) Notwithstanding Subsection (1)(a)(i) and (ii), and Subsection 76-10-523(3), a

person may not possess a loaded rifle, shotgun, or muzzle-loading rifle in a vehicle.

(4) A violation of this section is a class B misdemeanor.

Section 2. Section 76-10-505.5 is amended to read:

76-10-505.5. Possession of a dangerous weapon, firearm, or sawed-off shotgun on

or about school premises -- Penalties.

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

(a) (i) in a public or private elementary or secondary school; or

(ii) on the grounds of any of those schools;

(b) (i) in a public or private institution of higher education; or

(ii) on the grounds of a public or private institution of higher education; and

(iii) (A) inside the building where a preschool or child care is being held, if the entire

building is being used for the operation of the preschool or child care; or

(B) if only a portion of a building is being used to operate a preschool or child care, in

that room or rooms where the preschool or child care operation is being held.

(2) A person may not possess any dangerous weapon, firearm, or sawed-off shotgun, as
those terms are defined in Section 76-10-501, at a place that the person knows, or has
reasonable cause to believe, is on or about school premises as defined in this section.

(3) (a) Possession of a dangerous weapon on or about school premises is a class B
misdemeanor.

(b) Possession of a firearm or sawed-off shotgun on or about school premises is a class
A misdemeanor.

(4) This section does not apply if:

(a) the person is authorized to possess a firearm as provided under Section 53-5-704,
53-5-705, 76-10-511, or Subsection 76-10-523(1) or (2), or as otherwise authorized by law;
(b) the possession is approved by the responsible school administrator;
(c) the item is present or to be used in connection with a lawful, approved activity and
is in the possession or under the control of the person responsible for its possession or use; or
(d) the possession is:

(i) at the person's place of residence or on the person's property; or
(ii) in any vehicle lawfully under the person's control, other than a vehicle owned by
the school or used by the school to transport students.

(5) This section does not prohibit prosecution of a more serious weapons offense that
may occur on or about school premises.

Section 3. Section 76-10-523 is amended to read:

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

(1) This part and Title 53, Chapter 5, Part 7, Concealed Weapon Act, do not apply to
any of the following:

(a) a United States marshal;
(b) a federal official required to carry a firearm;
(c) a peace officer of this or any other jurisdiction;
(d) a law enforcement official as defined and qualified under Section 53-5-711;
(e) a judge as defined and qualified under Section 53-5-711;
(f) a common carrier while engaged in the regular and ordinary transport of firearms as
merchandise; or
(g) a nonresident traveling in or through the state, provided that any firearm is:
(i) unloaded; and
(ii) securely encased as defined in Section 76-10-501.
(2) The provisions of Subsections 76-10-504(1) and (2), and Section 76-10-505 do not apply to any person to whom a permit to carry a concealed firearm has been issued:
(a) pursuant to Section 53-5-704; or
(b) by another state or county.
(3) The provisions of Subsection 76-10-504(1) does not apply to a person 21 years of age or older who may lawfully possess a firearm, as long as the firearm is not loaded.