Enrolled Copy H.B. 329

	WEAPON POSSESSION PENALTY AMENDMENTS
	2022 GENERAL SESSION
	STATE OF UTAH
	Chief Sponsor: Jordan D. Teuscher
	Senate Sponsor: Chris H. Wilson
= I	LONG TITLE
(General Description:
	This bill concerns the offense of carrying a weapon while under the influence of drugs
o	or alcohol.
F	Highlighted Provisions:
	This bill:
	• exempts an individual who is taking a medication prescribed for a certain medical
С	condition from the offense of carrying a weapon while under the influence of drugs
o	or alcohol; and
	makes technical and conforming changes.
N	Money Appropriated in this Bill:
	None
C	Other Special Clauses:
	None
ι	Jtah Code Sections Affected:
A	AMENDS:
	76-10-528, as last amended by Laws of Utah 2020, Chapter 12
В	Be it enacted by the Legislature of the state of Utah:
	Section 1. Section 76-10-528 is amended to read:
	76-10-528. Carrying a dangerous weapon while under influence of alcohol or
d	lrugs unlawful.
	(1) It is a class B misdemeanor for [any person] an actor to carry a dangerous weapon

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30	while under the influence of:
31	(a) alcohol as determined by the [person's] actor's blood or breath alcohol concentration
32	in accordance with Subsections 41-6a-502(1)(a) through (c); or
33	(b) a controlled substance as defined in Section 58-37-2.
34	(2) This section does not apply to:
35	(a) [a person] an actor carrying a dangerous weapon that is either securely encased, as
36	defined in this part, or not within such close proximity and in such a manner that it can be
37	retrieved and used as readily as if carried on the person;
38	(b) [any person] an actor who uses or threatens to use force in compliance with Section
39	76-2-402;
40	(c) [any person] an actor carrying a dangerous weapon in the [person's] actor's
41	residence or the residence of another with the consent of the individual who is lawfully in
42	possession; [or]
43	(d) [a person] an actor under the influence of cannabis or a cannabis product, as those
44	terms are defined in Section 26-61a-102, if the [person's] actor's use of the cannabis or
45	cannabis product complies with Title 26, Chapter 61a, Utah Medical Cannabis Act[-]; or
46	(e) an actor who:
47	(i) has a valid prescription for a medication approved by the federal Food and Drug
48	Administration for the treatment of attention deficit disorder or attention deficit hyperactivity
49	disorder; and
50	(ii) takes the medication described in Subsection (2)(e)(i) as prescribed.
51	(3) It is not a defense to prosecution under this section that the [person] actor:
52	(a) is licensed in the pursuit of wildlife of any kind; or
53	(b) has a valid permit to carry a concealed firearm.