| ¢ | Approved | for Filing: | E. Chelsea | -McCarty | £ |
|---|----------|-------------|------------|----------|---|
|   | ₫.       | 01-21-13    | 4:23 PM    | ₫_       |   |

|   | <b>CONCEALED WEAPON CARRY AMENDMENTS</b>   |  |  |
|---|--|--|--|
|   | 2013 GENERAL SESSION   |  |  |
|   | STATE OF UTAH  |  |  |
|   | Chief Sponsor: John G. Mathis  |  |  |
| Senate Sponsor:   |  |  |  |
| LONG  | TITLE  |  |  |
| Genera  | al Description:  |  |  |
|   | This bill amends provisions of Title 76, Chapter 10, Part 5, Weapons, related to conduct |  |  |
| involving the carrying of a concealed dangerous weapon. |  |  |  |
| Highli  | ghted Provisions:  |  |  |
|   | This bill:   |  |  |
|   | • provides an exemption for a person, who is 21 years of age or older and who may        |  |  |
| lawfull   | y possess a dangerous weapon, from certain criminal provisions related to                |  |  |
| the carr  | rying of a concealed dangerous weapon.   |  |  |
| Money   | Appropriated in this Bill:   |  |  |
|   | None   |  |  |
| Other   | Special Clauses:   |  |  |
|   | None   |  |  |
| Utah C  | Code Sections Affected:  |  |  |
| AMEN  | DS:  |  |  |
|   | 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 er  | nacted by the Legislature of the state of Utah:  |  |  |
|   | Section 1. Section <b>76-10-505.5</b> is amended to read:                                |  |  |
|   | 76-10-505.5. Possession of a dangerous weapon, firearm, or sawed-off shotgun on          |  |  |

## 

## H.B. 76

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| 28 | or about school premises Penalties.   |  |  |
|----|---|--|--|
| 29 | (1) As used in this section, "on or about school premises" means:                                 |  |  |
| 30 | (a) (i) in a public or private elementary or secondary school; or                                 |  |  |
| 31 | (ii) on the grounds of any of those schools;  |  |  |
| 32 | (b) (i) in a public or private institution of higher education; or                                |  |  |
| 33 | (ii) on the grounds of a public or private institution of higher education; and                   |  |  |
| 34 | (iii) (A) inside the building where a preschool or child care is being held, if the entire        |  |  |
| 35 | building is being used for the operation of the preschool or child care; or                       |  |  |
| 36 | (B) if only a portion of a building is being used to operate a preschool or child care, in        |  |  |
| 37 | that room or rooms where the preschool or child care operation is being held.                     |  |  |
| 38 | (2) A person may not possess any dangerous weapon, firearm, or sawed-off shotgun, as              |  |  |
| 39 | those terms are defined in Section 76-10-501, at a place that the person knows, or has            |  |  |
| 40 | reasonable cause to believe, is on or about school premises as defined in this section.           |  |  |
| 41 | (3) (a) Possession of a dangerous weapon on or about school premises is a class B                 |  |  |
| 42 | misdemeanor.  |  |  |
| 43 | (b) Possession of a firearm or sawed-off shotgun on or about school premises is a class           |  |  |
| 44 | A misdemeanor.  |  |  |
| 45 | (4) This section does not apply if:   |  |  |
| 46 | (a) the person is authorized to possess a firearm as provided under Section 53-5-704,             |  |  |
| 47 | 53-5-705, 76-10-511, or <u>Subsection</u> 76-10-523(1) or (2), or as otherwise authorized by law; |  |  |
| 48 | (b) the possession is approved by the responsible school administrator;                           |  |  |
| 49 | (c) the item is present or to be used in connection with a lawful, approved activity and          |  |  |
| 50 | is in the possession or under the control of the person responsible for its possession or use; or |  |  |
| 51 | (d) the possession is:  |  |  |
| 52 | (i) at the person's place of residence or on the person's property; or                            |  |  |
| 53 | (ii) in any vehicle lawfully under the person's control, other than a vehicle owned by            |  |  |
| 54 | the school or used by the school to transport students.   |  |  |
| 55 | (5) This section does not prohibit prosecution of a more serious weapons offense that             |  |  |
| 56 | may occur on or about school premises.  |  |  |
| 57 | Section 2. Section <b>76-10-523</b> is amended to read:   |  |  |
| 58 | 76-10-523. Persons exempt from weapons laws.  |  |  |

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| 59 | (1) This part and Title 53, Chapter 5, Part 7, Concealed Weapon Act, do not apply to    |  |  |
|----|---|--|--|
| 60 | any of the following:   |  |  |
| 61 | (a) a United States marshal;  |  |  |
| 62 | (b) a federal official required to carry a firearm;                                     |  |  |
| 63 | (c) a peace officer of this or any other jurisdiction;                                  |  |  |
| 64 | (d) a law enforcement official as defined and qualified under Section 53-5-711;         |  |  |
| 65 | (e) a judge as defined and qualified under Section 53-5-711;                            |  |  |
| 66 | (f) a common carrier while engaged in the regular and ordinary transport of firearms as |  |  |
| 67 | merchandise; or   |  |  |
| 68 | (g) a nonresident traveling in or through the state, provided that any firearm is:      |  |  |
| 69 | (i) unloaded; and   |  |  |
| 70 | (ii) securely encased as defined in Section 76-10-501.                                  |  |  |
| 71 | (2) The provisions of Subsections 76-10-504(1) and (2), and Section 76-10-505 do not    |  |  |
| 72 | apply to any person to whom a permit to carry a concealed firearm has been issued:      |  |  |
| 73 | (a) pursuant to Section 53-5-704; or  |  |  |
| 74 | (b) by another state or county.   |  |  |
| 75 | (3) The provisions of Subsections 76-10-504(1) and (2) and Section 76-10-505 do not     |  |  |
| 76 | apply to a person 21 years of age or older who may lawfully possess a dangerous weapon. |  |  |
|    |   |  |  |

Legislative Review Note as of 12-31-12 1:07 PM

Office of Legislative Research and General Counsel