

FIREARMS AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen E. Sandstrom

Senate Sponsor: Mark B. Madsen

6	Cosponsors:	Kerry W. Gibson	Curtis Oda
7	Douglas C. Aagard	Richard A. Greenwood	Patrick Painter
8	Melvin R. Brown	Keith Grover	Paul Ray
9	Bradley M. Daw	Christopher N. Herrod	Kenneth W. Sumsion
10	Brad L. Dee	Gregory H. Hughes	Evan J. Vickers
11	John Dougall	Don L. Ipson	C. Brent Wallis
12	Craig A. Frank	Rebecca D. Lockhart	R. Curt Webb
13	Gage Froerer	Michael T. Morley	Ryan D. Wilcox
14	Kevin S. Garn	Merlynn T. Newbold	Carl Wimmer
15	Francis D. Gibson	Michael E. Noel	

LONG TITLE

General Description:

This bill modifies provisions of the Utah Criminal Code related to firearms.

Highlighted Provisions:

This bill:

- ▶ modifies the criminal penalties exception provisions related to carrying a concealed firearm to apply to a vehicle in a person's lawful possession and to a vehicle in the lawful possession of another, with the consent of that person;
- ▶ allows a person to carry a loaded firearm in a vehicle in the person's lawful possession or in a vehicle with the consent of the person lawfully in possession of the vehicle;
- ▶ allows for the possession of a loaded firearm on a person's real property; and
- ▶ makes certain technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **76-10-504**, as last amended by Laws of Utah 2005, Chapter 2

37 **76-10-505**, as last amended by Laws of Utah 1990, Chapter 328

38 **76-10-511**, as last amended by Laws of Utah 1993, Chapter 234

39 **76-10-523**, as last amended by Laws of Utah 2003, Chapter 202



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

42 Section 1. Section **76-10-504** is amended to read:

43 **76-10-504. Carrying concealed dangerous weapon -- Penalties.**

44 (1) Except as provided in Section 76-10-503 and in Subsections (2) [~~and~~], (3)[~~-(a)~~],
45 and (4), a person who carries a concealed dangerous weapon, as defined in Section 76-10-501,
46 [~~which is not a~~] including an unloaded firearm on his or her person or one that is readily
47 accessible for immediate use which is not securely encased, as defined in this part, in or on a
48 place other than [~~his~~] the person's residence, property, a vehicle in the person's lawful
49 possession, or a vehicle, with the consent of the individual who is lawfully in possession of the
50 vehicle, or business under [~~his~~] the person's control is guilty of a class B misdemeanor[~~;~~and].

51 [~~(b) a person without a valid concealed firearm permit~~]

52 (2) A person who carries a concealed dangerous weapon which is a loaded firearm
53 [~~and that contains no ammunition is guilty of a class B misdemeanor, but if the firearm~~
54 ~~contains ammunition the person~~] in violation of Subsection (1) is guilty of a class A
55 misdemeanor.

56 [~~(2)~~] (3) A person who carries concealed a sawed-off shotgun or a sawed-off rifle is
57 guilty of a second degree felony.

58 [~~(3)~~] (4) If the concealed firearm is used in the commission of a violent felony as
59 defined in Section 76-3-203.5, and the person is a party to the offense, the person is guilty of a
60 second degree felony.

61 [~~(4)~~] (5) Nothing in Subsection (1) or (2) shall prohibit a person engaged in the lawful
62 taking of protected or unprotected wildlife as defined in Title 23, Wildlife Resources Code of
63 Utah, from carrying a concealed weapon or a concealed firearm with a barrel length of four
64 inches or greater as long as the taking of wildlife does not occur:

- 65 (a) within the limits of a municipality in violation of that municipality's ordinances; or
- 66 (b) upon the highways of the state as defined in Section 41-6a-102.

67 Section 2. Section **76-10-505** is amended to read:

68 **76-10-505. Carrying loaded firearm in vehicle or on street.**

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

70 (a) in or on a vehicle~~[-]~~, unless:

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

72 (ii) the person is carrying the loaded firearm in a vehicle with the consent of the
73 person lawfully in possession of the vehicle;

74 (b) on ~~any~~ a public street; or

75 (c) in a posted prohibited area.

76 (2) Subsection (1)(a) does not apply to a minor under 18 years of age, since a minor
77 under 18 years of age may not carry a loaded firearm in or on a vehicle.

78 (3) Notwithstanding Subsection (1)(a)(i) and (ii), a person may not possess a loaded
79 rifle, shotgun, or muzzle-loading rifle in a vehicle.

80 [~~(2)~~] (4) A violation of this section is a class B misdemeanor.

81 Section 3. Section **76-10-511** is amended to read:

82 **76-10-511. Possession of loaded firearm at residence or on real property**
83 **authorized.**

84 Except for persons described in Section 76-10-503 and 18 U.S.C. Sec. 922(g) and as
85 otherwise prescribed in this part, a person may have a loaded firearm ~~[at his]~~:

86 (1) at the person's place of residence, including any temporary residence or camp~~[-]~~; or

87 (2) on the person's real property.

88 Section 4. Section **76-10-523** is amended to read:

89 **76-10-523. Persons exempt from weapons laws.**

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

- 92 (a) a United States marshal;
- 93 (b) a federal official required to carry a firearm;
- 94 (c) a peace officer of this or any other jurisdiction;
- 95 (d) a law enforcement official as defined and qualified under Section 53-5-711;
- 96 (e) a judge as defined and qualified under Section 53-5-711;
- 97 (f) a common carrier while engaged in the regular and ordinary transport of firearms as
98 merchandise; or
- 99 (g) a nonresident traveling in or through the state, provided that any firearm is:
 - 100 (i) unloaded; and
 - 101 (ii) securely encased as defined in Section 76-10-501.

102 (2) The provisions of Subsections 76-10-504(1)[~~(a), (1)(b)~~] and (2), and Section
103 76-10-505 do not apply to any person to whom a permit to carry a concealed firearm has been
104 issued:

- 105 (a) pursuant to Section 53-5-704; or
- 106 (b) by another state or county.