

**WEAPONS LAW EXEMPTIONS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Richard A. Greenwood**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill makes exemptions to provisions related to the use, carry, and transportation of a weapon.

**Highlighted Provisions:**

This bill:

- ▶ excludes certain weapon-related requirements for a person performing an official duty; and
- ▶ exempts a nonresident traveling in or through the state from weapon provisions under certain circumstances.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-10-506**, as last amended by Laws of Utah 2010, Chapter 361

**76-10-508**, as last amended by Laws of Utah 2008, Chapter 296

**76-10-508.1**, as last amended by Laws of Utah 2009, Chapter 157

**76-10-523**, as last amended by Laws of Utah 2009, Chapter 362



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

29 Section 1. Section **76-10-506** is amended to read:

30 **76-10-506. Threatening with or using dangerous weapon in fight or quarrel.**

31 (1) As used in this section, "threatening manner" does not include:

32 (a) the possession of a dangerous weapon, whether visible or concealed, without  
33 additional behavior which is threatening; or

34 (b) informing another of the actor's possession of a deadly weapon in order to prevent  
35 what the actor reasonably perceives as a possible use of unlawful force by the other and the  
36 actor is not engaged in any activity described in Subsection [76-2-402\(2\)\(a\)](#).

37 (2) Except as otherwise provided in Section [76-2-402](#) and for those persons described  
38 in Section [76-10-503](#), a person who ~~in the presence of two or more persons,~~ draws or  
39 exhibits a dangerous weapon as defined in Section [76-1-601](#) in an angry and threatening  
40 manner or unlawfully uses a dangerous weapon in a fight or quarrel is guilty of a class A  
41 misdemeanor.

42 (3) This section does not apply to a person who, reasonably believing the action to be  
43 necessary in compliance with Section [76-2-402](#), with purpose to prevent another's use of  
44 unlawful force:

45 (a) threatens the use of a dangerous weapon; or

46 (b) draws or exhibits a dangerous weapon.

47 (4) This section does not apply to a person listed in Subsections [76-10-523\(1\)\(a\)](#)  
48 through (e) in performance of the person's duties.

49 Section 2. Section **76-10-508** is amended to read:

50 **76-10-508. Discharge of firearm from a vehicle, near a highway, or in direction of**  
51 **any person, building, or vehicle -- Penalties.**

52 (1) (a) A person may not discharge any kind of dangerous weapon or firearm:

53 (i) from an automobile or other vehicle;

54 (ii) from, upon, or across any highway;

55 (iii) at any road signs placed upon any highways of the state;

56 (iv) at any communications equipment or property of public utilities including  
57 facilities, lines, poles, or devices of transmission or distribution;

58 (v) at railroad equipment or facilities including any sign or signal;

59 (vi) within Utah State Park buildings, designated camp or picnic sites, overlooks, golf  
60 courses, boat ramps, and developed beaches; or

61 (vii) without written permission to discharge the dangerous weapon from the owner or  
62 person in charge of the property within 600 feet of:

63 (A) a house, dwelling, or any other building; or

64 (B) any structure in which a domestic animal is kept or fed, including a barn, poultry  
65 yard, corral, feeding pen, or stockyard.

66 (b) It is a defense to any charge for violating this section that the person being accused  
67 had actual permission of the owner or person in charge of the property at the time in question.

68 (2) A violation of any provision of Subsection (1) is a class B misdemeanor.

69 (3) In addition to any other penalties, the court shall:

70 (a) notify the Driver License Division of the conviction for purposes of any revocation,  
71 denial, suspension, or disqualification of a driver license under Subsection 53-3-220(1)(a)(xi);  
72 and

73 (b) specify in court at the time of sentencing the length of the revocation under  
74 Subsection 53-3-225(1)(c).

75 (4) This section does not apply to a person who:

76 (a) discharges any kind of firearm when that person is in lawful defense of self or  
77 others;

78 (b) is performing official duties as provided in ~~[Sections]~~ Section 23-20-1.5 and  
79 Subsections 76-10-523(1)(a) through (e) and as otherwise provided by law; or

80 (c) discharges a dangerous weapon or firearm from an automobile or other vehicle, if:

81 (i) the discharge occurs at a firing range or training ground;

82 (ii) at no time after the discharge does the projectile that is discharged cross over or  
83 stop at a location other than within the boundaries of the firing range or training ground  
84 described in Subsection (4)(c)(i);

85 (iii) the discharge is made as practice or training for a lawful purpose;

86 (iv) the discharge and the location, time, and manner of the discharge are approved by  
87 the owner or operator of the firing range or training ground prior to the discharge; and

88 (v) the discharge is not made in violation of Subsection (1).

89 Section 3. Section 76-10-508.1 is amended to read:

90 **76-10-508.1. Felony discharge of a firearm -- Penalties.**

91 (1) Except as provided under Subsection (2) or (3), a person who discharges a firearm  
92 is guilty of a third degree felony punishable by imprisonment for a term of not less than three  
93 years nor more than five years if:

94 (a) the actor discharges a firearm in the direction of any person or persons, knowing or  
95 having reason to believe that any person may be endangered by the discharge of the firearm;

96 (b) the actor, with intent to intimidate or harass another or with intent to damage a  
97 habitable structure as defined in Section 76-6-101, discharges a firearm in the direction of any  
98 person or habitable structure; or

99 (c) the actor, with intent to intimidate or harass another, discharges a firearm in the  
100 direction of any vehicle.

101 (2) A violation of Subsection (1) which causes bodily injury to any person is a second  
102 degree felony punishable by imprisonment for a term of not less than three years nor more than  
103 15 years.

104 (3) A violation of Subsection (1) which causes serious bodily injury to any person is a  
105 first degree felony.

106 (4) In addition to any other penalties for a violation of this section, the court shall:

107 (a) notify the Driver License Division of the conviction for purposes of any revocation,  
108 denial, suspension, or disqualification of a driver license under Subsection 53-3-220(1)(a)(xi);  
109 and

110 (b) specify in court at the time of sentencing the length of the revocation under  
111 Subsection 53-3-225(1)(c).

112 (5) This section does not apply to a person:

113 (a) who discharges any kind of firearm when that person is in lawful defense of self or  
114 others;

115 (b) who is performing official duties as provided in Section 23-20-1.5 or Subsections  
116 76-10-523(1)(a) through (e) or as otherwise authorized by law; or

117 (c) who discharges a dangerous weapon or firearm from an automobile or other  
118 vehicle, if:

119 (i) the discharge occurs at a firing range or training ground;

120 (ii) at no time after the discharge does the projectile that is discharged cross over or

121 stop at a location other than within the boundaries of the firing range or training ground  
122 described in Subsection (5)(c)(i);

123 (iii) the discharge is made as practice or training for a lawful purpose;

124 (iv) the discharge and the location, time, and manner of the discharge are approved by  
125 the owner or operator of the firing range or training ground prior to the discharge; and

126 (v) the discharge is not made in violation of Subsection (1).

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

128 **76-10-523. Persons exempt from weapons laws.**

129 (1) ~~[This]~~ Except for Sections [76-10-506](#), [76-10-508](#), and [76-10-508.1](#), this part and  
130 Title 53, Chapter 5, Part 7, Concealed ~~[Weapon]~~ Firearm Act, do not apply to any of the  
131 following:

132 (a) a United States marshal;

133 (b) a federal official required to carry a firearm;

134 (c) a peace officer of this or any other jurisdiction;

135 (d) a law enforcement official as defined and qualified under Section [53-5-711](#);

136 (e) a judge as defined and qualified under Section [53-5-711](#); or

137 (f) a common carrier while engaged in the regular and ordinary transport of firearms as  
138 merchandise~~[-or]~~.

139 ~~[(g) a nonresident traveling in or through the state, provided that any firearm is:]~~

140 ~~[(i) unloaded; and]~~

141 ~~[(ii) securely encased as defined in Section [76-10-501](#).]~~

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

144 (a) pursuant to Section [53-5-704](#); or

145 (b) by another state or county.

146 (3) Except for Sections [76-10-503](#), [76-10-506](#), [76-10-508](#), and [76-10-508.1](#), this part  
147 and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to a nonresident traveling  
148 in or though the state, provided that any firearm is:

149 (a) unloaded; and

150 (b) securely encased as defined in Section [76-10-501](#).

**Legislative Review Note**  
**as of 1-9-14 3:01 PM**

**Office of Legislative Research and General Counsel**