

WEAPONS RESTRICTIONS AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K. Thurston

Senate Sponsor: _____

LONG TITLE

General Description:

This bill changes and clarifies the prohibitions for carrying a dangerous weapon by an intoxicated individual.

Highlighted Provisions:

This bill:

- ▶ eliminates the current exemption that allows a peace officer to carry a dangerous weapon while intoxicated;
- ▶ clarifies that carrying a dangerous weapon that is securely encased or not readily available is not prohibited;
- ▶ modifies the law to respect an individual's constitutional right to self defense; and
- ▶ provides an exception for an individual who carries a dangerous weapon

~~in a~~ private residence with the consent of the owner.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-10-523, as last amended by Laws of Utah 2014, Chapter 248

76-10-528, as last amended by Laws of Utah 2008, Chapter 226



28

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

30 Section 1. Section **76-10-523** is amended to read:

31 **76-10-523. Persons exempt from weapons laws.**

32 (1) Except for Sections **76-10-506**, **76-10-508**, ~~and~~ **[H]** and **[H]** ~~and~~ **76-10-508.1**,

32a ~~and~~ **[and 76-10-528]**, ~~this~~ this

33 part and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to any of the

34 following:

35 (a) a United States marshal;

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

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

38 (d) a law enforcement official as defined and qualified under Section **53-5-711**;

39 (e) a judge as defined and qualified under Section **53-5-711**; or

40 (f) a common carrier while engaged in the regular and ordinary transport of firearms as

41 merchandise.

41a ~~and~~ **(2) Notwithstanding Subsection (1), the provisions of Section 76-10-528 apply to any**

41b **individual listed in Subsection (1) who is not employed by a state or federal agency or political**

41c **subdivision that has adopted a policy or rule regarding the use of dangerous weapons.** ~~and~~

42 ~~and~~ **[and (2)] (3)** ~~and~~ The provisions of Subsections **76-10-504**(1) and (2), and Section

42a **76-10-505** do not

43 apply to any person to whom a permit to carry a concealed firearm has been issued:

44 (a) pursuant to Section **53-5-704**; or

45 (b) by another state or county.

46 ~~and~~ **[and (3)] (4)** ~~and~~ Except for Sections **76-10-503**, **76-10-506**, **76-10-508**, and **76-10-508.1**,

46a this part

47 and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to a nonresident traveling

48 in or through the state, provided that any firearm is:

49 (a) unloaded; and

50 (b) securely encased as defined in Section **76-10-501**.

51 Section 2. Section **76-10-528** is amended to read:

52 **76-10-528. Carrying a dangerous weapon while under influence of alcohol or**

53 **drugs unlawful.**

54 (1) ~~Any person who carries~~ It is a class B misdemeanor for any person to carry a

55 dangerous weapon while under the influence of: ☼

56 ✪ (a) alcohol as determined by the person's blood or breath alcohol concentration in
57 accordance with Subsections [41-6a-502\(1\)\(a\)](#) through (c); or
58 (b) a controlled substance as defined in Section [58-37-2](#) [~~is guilty of a class B~~

59 ~~misdemeanor. Under the influence means the same level of influence or blood or breath~~
60 ~~alcohol concentration as provided in Subsections ~~41-6a-502~~(1)(a) through(c)].~~

61 (2) This section does not apply to:

62 (a) a person carrying a dangerous weapon that is either securely encased or not readily
63 accessible for immediate use, as defined in this part;

64 (b) any person who uses or threatens to use force in compliance with Section ~~76-2-402~~;

65 or

66 (c) any person carrying a dangerous weapon in ~~H→~~ ~~[or on]~~ ~~←H~~ the person's residence

66a ~~H→~~ ~~[or property,~~

67 ~~a business under the person's control,~~ ~~←H~~ or the residence of another with the consent of the

68 individual who is lawfully in possession.

69 ~~[(2)]~~ (3) It is not a defense to prosecution under this section that the person:

70 (a) is licensed in the pursuit of wildlife of any kind; or

71 (b) has a valid permit to carry a concealed firearm.