

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 on private property 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



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

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

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

(1) Except for Sections [76-10-506](#), [76-10-508](#), [~~and~~] [76-10-508.1](#), and [76-10-528](#), this part and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to any of the following:

- (a) a United States marshal;
- (b) a federal official required to carry a firearm;
- (c) a peace officer of this or any other jurisdiction;
- (d) a law enforcement official as defined and qualified under Section [53-5-711](#);
- (e) a judge as defined and qualified under Section [53-5-711](#); or
- (f) a common carrier while engaged in the regular and ordinary transport of firearms as merchandise.

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

- (a) pursuant to Section [53-5-704](#); or
- (b) by another state or county.

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

- (a) unloaded; and
- (b) securely encased as defined in Section [76-10-501](#).

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

76-10-528. Carrying a dangerous weapon while under influence of alcohol or drugs unlawful.

(1) [~~Any person who carries~~] It is a class B misdemeanor for any person to carry a dangerous weapon while under the influence of:

- (a) alcohol as determined by the person's blood or breath alcohol concentration in accordance with Subsections [41-6a-502](#)(1)(a) through (c); or
- (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 or on the person's residence or property,
67 a business under the person's control, 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.