

OPEN CARRY NEAR SCHOOLS AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joel K. Briscoe

Senate Sponsor: _____

LONG TITLE

General Description:

This bill prohibits carrying a dangerous weapon within 500 feet of an elementary or secondary school.

Highlighted Provisions:

This bill:

- ▶ prohibits carrying a dangerous weapon within 500 feet of an elementary or secondary school;
- ▶ makes an exception for having a dangerous weapon inside a business or residence that is within the 500 feet;
- ▶ exempts persons carrying a dangerous weapon to and from a business or residence and to or from a vehicle; and
- ▶ exempts a person in a vehicle who is dropping off children or school personnel.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-10-505.5, as last amended by Laws of Utah 2013, Chapter 301



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

29 Section 1. Section **76-10-505.5** is amended to read:

30 **76-10-505.5. Possession of a dangerous weapon, firearm, or short barreled**
31 **shotgun on or about school premises -- Penalties.**

32 (1) As used in this section, "on or about school premises" means:

33 (a) (i) in a public or private elementary or secondary school; [~~or~~]

34 (ii) on the grounds of any of those schools; or

35 (iii) within 500 feet of the grounds of any of those schools;

36 (b) (i) in a public or private institution of higher education; or

37 (ii) on the grounds of a public or private institution of higher education; and

38 [~~(iii)-(A)~~] (c) (i) inside the building where a preschool or child care is being held, if the
39 entire building is being used for the operation of the preschool or child care; or

40 [~~(B)~~] (ii) if only a portion of a building is being used to operate a preschool or child
41 care, in that room or rooms where the preschool or child care operation is being held.

42 (2) A person may not possess any dangerous weapon, firearm, or short barreled
43 shotgun, as those terms are defined in Section **76-10-501**, at a place that the person knows, or
44 has reasonable cause to believe, is on or about school premises as defined in this section.

45 (3) (a) Possession of a dangerous weapon on or about school premises is a class B
46 misdemeanor.

47 (b) Possession of a firearm or short barreled shotgun on or about school premises is a
48 class A misdemeanor.

49 (4) This section does not apply if:

50 (a) the person is authorized to possess a firearm as provided under Section **53-5-704**,
51 **53-5-705**, **76-10-511**, or **76-10-523**, or as otherwise authorized by law;

52 (b) the possession is approved by the responsible school administrator;

53 (c) the item is present or to be used in connection with a lawful, approved activity and
54 is in the possession or under the control of the person responsible for its possession or use; or

55 (d) the possession is:

56 (i) at the person's place of residence or on the person's property; or

57 (ii) in any vehicle lawfully under the person's control, other than a vehicle owned by
58 the school or used by the school to transport students.

59 (5) This section does not prohibit prosecution of a more serious weapons offense that
60 may occur on or about school premises.

61 (6) Subsection (1)(a)(iii) does not apply to a person in lawful possession of a dangerous
62 weapon if:

63 (a) the dangerous weapon is within the person's residence or place of business, or is
64 being carried to or from the residence or place of business or to or from a vehicle; or

65 (b) the person remains in a private vehicle while delivering minor children, students, or
66 school employees to and from the school or a school activity.