

**Representative John G. Mathis** proposes the following substitute bill:

**CONCEALED WEAPON CARRY AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John G. Mathis**

Senate Sponsor: Allen M. Christensen

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**LONG TITLE**

**General Description:**

This bill amends provisions of Title 76, Chapter 10, Part 5, Weapons, related to conduct involving the carrying of a concealed firearm.

**Highlighted Provisions:**

This bill:

- provides an exemption for a person, who is 21 years of age or older and who may lawfully possess a firearm, from certain criminal provisions related to the carrying of an unloaded concealed firearm.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-10-505**, as last amended by Laws of Utah 2009, Chapter 362

**76-10-505.5**, as last amended by Laws of Utah 2011, Chapter 91

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

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

27 Section 1. Section **76-10-505** is amended to read:

28 **76-10-505. Carrying loaded firearm in vehicle or on street.**

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

30 (a) in or on a vehicle, unless:

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

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

34 (b) on a public street; or

35 (c) in a posted prohibited area.

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

38 (3) Notwithstanding Subsection (1)(a)(i) and (ii), and Subsection 76-10-523(3), a  
39 person may not possess a loaded rifle, shotgun, or muzzle-loading rifle in a vehicle.

40 (4) A violation of this section is a class B misdemeanor.

41 Section 2. Section **76-10-505.5** is amended to read:

42 **76-10-505.5. Possession of a dangerous weapon, firearm, or sawed-off shotgun on**  
43 **or about school premises -- Penalties.**

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

45 (a) (i) in a public or private elementary or secondary school; or

46 (ii) on the grounds of any of those schools;

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

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

49 (iii) (A) inside the building where a preschool or child care is being held, if the entire  
50 building is being used for the operation of the preschool or child care; or

51 (B) if only a portion of a building is being used to operate a preschool or child care, in  
52 that room or rooms where the preschool or child care operation is being held.

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

56 (3) (a) Possession of a dangerous weapon on or about school premises is a class B

57 misdemeanor.

58 (b) Possession of a firearm or sawed-off shotgun on or about school premises is a class  
59 A misdemeanor.

60 (4) This section does not apply if:

61 (a) the person is authorized to possess a firearm as provided under Section 53-5-704,  
62 53-5-705, 76-10-511, or Subsection 76-10-523(1) or (2), or as otherwise authorized by law;

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

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

66 (d) the possession is:

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

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

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

72 Section 3. Section **76-10-523** is amended to read:

73 **76-10-523. Persons exempt from weapons laws.**

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

76 (a) a United States marshal;

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

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

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

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

81 (f) a common carrier while engaged in the regular and ordinary transport of firearms as  
82 merchandise; or

83 (g) a nonresident traveling in or through the state, provided that any firearm is:

84 (i) unloaded; and

85 (ii) securely encased as defined in Section 76-10-501.

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

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

89 (b) by another state or county.

90 (3) The provisions of Subsection 76-10-504(1) does not apply to a person 21 years of  
91 age or older who may lawfully possess a firearm, as long as the firearm is not loaded.