

Representative Karianne Lisonbee proposes the following substitute bill:

FIREARMS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill concerns the carrying of concealed weapons by provisional permit holders.

Highlighted Provisions:

This bill:

- ▶ clarifies the law regarding the ability of provisional permit holders to carry concealed weapons on certain school premises; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-5-710, as last amended by Laws of Utah 2017, Chapter 286

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

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

Section 1. Section **53-5-710** is amended to read:



26 **53-5-710. Cross-references to concealed firearm permit restrictions.**

27 (1) A person with a permit of any kind to carry a concealed firearm may not carry a
28 concealed firearm in the following locations:

29 (a) any secure area prescribed in Section 76-10-523.5 in which firearms are prohibited
30 and notice of the prohibition posted;

31 (b) any airport secure area as provided in Section 76-10-529; or

32 (c) any house of worship or in any private residence where dangerous weapons are
33 prohibited as provided in Section 76-10-530.

34 (2) Notwithstanding Subsection 76-10-505.5~~(2)~~(4), a person under the age of 21 with
35 a permit of any kind to carry a concealed firearm may not carry a concealed firearm on or about
36 school premises, as defined in Subsection 76-10-505.5(1)(a).

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

38 **76-10-505.5. Possession of a dangerous weapon, firearm, or short barreled**
39 **shotgun on or about school premises -- Penalties.**

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

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

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

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

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

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

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

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

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

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

56 (4) This section does not apply if:

57 (a) the person is authorized to possess a firearm as provided under Section 53-5-704,
58 53-5-705, 76-10-511, or 76-10-523, or as otherwise authorized by law;

59 (b) the person is authorized to possess a firearm as provided under Section 53-5-704.5,
60 unless the person is in a location where the person is prohibited from carrying a firearm under
61 Subsection 53-5-710(2);

62 [~~(b)~~] (c) the possession is approved by the responsible school administrator;

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

65 or

66 [~~(d)~~] (e) 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.