



Utah State and Federal Arms Laws

of Special Interest to Utah Concealed Firearm Permit Holders and Applicants

Compiled by Blaine S. Nay, Cedar City, Utah

Believed to be correct as of 4 November 2018; subject to change

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Selected Utah State Laws

Utah State Constitution, Article I, Section 6. [Right to bear arms.]

The individual right of the people to keep and bear arms for security and defense of self, family, others, property, or the state, as well as for other lawful purposes shall not be infringed; but nothing herein shall prevent the Legislature from defining the lawful use of arms.

10-8-47. Intoxication -- Fights -- Disorderly conduct -- Assault and battery -- Petit larceny -- Riots and disorderly assemblies -- Firearms and fireworks -- False pretenses and embezzlement -- Sale of liquor, narcotics, or tobacco to minors -- Possession of controlled substances -- Treatment of alcoholics and narcotics or drug addicts. (Amended 2012)
A municipal legislative body may prevent intoxication, fighting, quarreling, dog fights, cockfights, prize fights, bullfights, and all disorderly conduct and provide against and punish the offenses of assault and battery and petit larceny; the municipal legislative body may restrain riots, routs, noises, disturbances or disorderly assemblies in any street, house or place in the city; the municipal legislative body may regulate and prevent the discharge of firearms, rockets, powder, fireworks or any other dangerous or combustible material; the municipal legislative body may provide against and prevent the offense of obtaining money or property under false pretenses and the offense of embezzling money or property in all cases where the money or property embezzled or obtained under false pretenses does not exceed in value the sum of \$500 and may prohibit the sale, giving away, or furnishing of narcotics, alcoholic beverages to a person younger than 21 years of age, or tobacco to any person younger than 19 years of age; cities may, by ordinance, prohibit the possession of controlled substances as defined in the Utah Controlled Substances Act or any other endangering or impairing substance, provided the conduct is not a class A misdemeanor or felony, and provide for treatment of alcoholics, narcotic addicts and other persons who are addicted to the use of drugs or intoxicants such that a person substantially lacks the capacity to control the person's use of the drugs or intoxicants, and judicial supervision may be imposed as a means of effecting their rehabilitation.

10-8-47.5. Knives regulated by state. (Enacted 2011)

- (1) As used in this section, "knife" means a cutting instrument that includes a sharpened or pointed blade.
- (2) The authority to regulate a knife is reserved to the state except where the Legislature specifically delegates responsibility to a municipality.
- (3)(a) Unless specifically authorized by the Legislature or, subject to Subsection (3)(b), a municipal ordinance with a criminal penalty, a municipality may not enact or enforce an ordinance or a regulation pertaining to a knife.
- (b) A municipality may not enact an ordinance with a criminal penalty pertaining to a knife that is:
- (i) more restrictive than a state criminal penalty pertaining to a knife; or
 - (ii) has a greater criminal penalty than a state penalty pertaining to a knife.

17-50-332. Knives regulated by state. (Enacted 2011)

- (1) As used in this section, "knife" means a cutting instrument that includes a sharpened or pointed blade.
- (2) The authority to regulate a knife is reserved to the state except where the Legislature specifically delegates responsibility to a county.
- (3)(a) Unless specifically authorized by the Legislature or, subject to Subsection (3)(b), a county ordinance with a criminal penalty, a county may not enact or enforce an ordinance or a regulation pertaining to a knife.
- (b) A county may not enact an ordinance with a criminal penalty pertaining to a knife that is:
- (i) more restrictive than a state criminal penalty pertaining to a knife; or
 - (ii) has a greater criminal penalty than a state penalty pertaining to a knife.

18-1-3. Dogs attacking domestic animals, service animals, hooved protected wildlife, or domestic fowls. (Amended by 2007)

Any person may injure or kill a dog while:

- (1) the dog is attacking, chasing, or worrying:
 - (a) a domestic animal having a commercial value;
 - (b) a service animal, as defined in Section 62A-5b-102; or

- (c) any species of hooved protected wildlife;
- (2) the dog is attacking domestic fowls; or
- (3) the dog is being pursued for committing an act described in Subsection (1) or (2).

29-2-103. Innkeeper's rights -- Liability -- Prohibition on discrimination. (Enacted 1995)

- (1) An innkeeper may:
- (a) refuse or deny accommodations, facilities, or privileges of a lodging establishment to any person who is:
 - (i) unwilling or unable to pay for the accommodations and services of the lodging establishment;
 - (ii) visibly intoxicated;
 - (iii) creating a public nuisance;
 - (iv) in the reasonable belief of the innkeeper, seeking accommodations for any unlawful purpose, including:
 - (A) the unlawful possession or use of controlled substances in violation of federal or state law; or
 - (B) use of the premises for the consumption of alcoholic beverages by any person under 21 years of age in violation of federal or state law; or
 - (v) in the reasonable belief of the innkeeper, bringing in property that may be dangerous to other persons, including firearms or explosives;
 - (b) require a prospective guest prior to check-in to demonstrate the guest's ability to pay either in cash, by credit card, or with a validated check;
 - (c) require a parent or legal guardian of a minor to:
 - (i) promise in writing to pay all guest room costs, taxes, and charges incurred by the minor at a lodging establishment and any damages to the lodging establishment and its furnishings caused by the minor while a guest at the lodging establishment;
 - (ii) provide an innkeeper with a valid credit card number to cover potential charges and any potential damages to the lodging establishment and its furnishings caused by the minor; or
 - (iii) if a valid credit card is not an option, provide an innkeeper with:
 - (A) an advance cash payment to cover the guest room costs and taxes for the anticipated stay of the minor; and
 - (B) a deposit, not to exceed \$500, towards the payment of any charges by the minor or any damages to the lodging establishment or its furnishings, which deposit shall be refunded to the extent not used to cover any damages as determined by the innkeeper following room inspection at check-out;
 - (d) require a guest to produce a valid driver's license, or other identification satisfactory to the innkeeper, containing a photograph and the name and address of the guest;
 - (e) if the guest is a minor, require a parent or guardian of the guest to register and produce the same identification required in Subsection (1)(d);
 - (f) limit the number of persons who may occupy a guest room in the lodging establishment;
 - (g) eject a person from a lodging establishment for any of the following reasons:
 - (i) nonpayment of the lodging establishment's charges for accommodations or services;
 - (ii) visible intoxication of the guest;
 - (iii) disorderly conduct of the guest resulting in a public nuisance; or
 - (iv) the innkeeper reasonably believes that the person has violated:
 - (A) this chapter or any federal, state, or local law or regulation relating to the lodging establishment; or
 - (B) any rule of the lodging establishment posted in a conspicuous place and manner in the lodging establishment.
 - (2) An innkeeper may not refuse or deny use of or eject a person from a lodging establishment's facilities or privileges based upon the person's race, creed, color, national origin, gender, disability, or marital status.

34-45-101. Title. (Adopted 2009)

This chapter is known as "Protection of Activities in Private Vehicles." Enacted by Chapter 379, 2009 General Session

34-45-102. Definitions. (Adopted 2009)

As used in this chapter:



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- (1) "Firearm" has the same meaning as provided in Section 76-10-501.
- (2) "Motor vehicle" has the same meaning as provided in Section 41-1a-102.
- (3) "Person" means an individual, property owner, landlord, tenant, employer, business entity, or other legal entity.

34-45-103. Protection of certain activities -- Firearms -- Free exercise of religion. (Amended 2014)

- (1) Except as provided in Subsection (2), a person may not establish, maintain, or enforce any policy or rule that has the effect of:
 - (a) prohibiting any individual from transporting or storing a firearm in a motor vehicle on any property designated for motor vehicle parking, if:
 - (i) the individual is legally permitted to transport, possess, purchase, receive, transfer, or store the firearm;
 - (ii) the firearm is locked securely in the motor vehicle or in a locked container attached to the motor vehicle while the motor vehicle is not occupied; and
 - (iii) the firearm is not in plain view from the outside of the motor vehicle; or
 - (b) prohibiting any individual from possessing any item in or on a motor vehicle on any property designated for motor vehicle parking, if the effect of the policy or rule constitutes a substantial burden on that individual's free exercise of religion.
- (2) A person may establish, maintain, or enforce a policy or rule that has the effect of placing limitations on or prohibiting an individual from transporting or storing a firearm in a motor vehicle on property the person has designated for motor vehicle parking if:
 - (a) the person provides, or there is otherwise available, one of the following, in a location reasonably proximate to the property the person has designated for motor vehicle parking:
 - (i) alternative parking for an individual who desires to transport, possess, receive, transfer, or store a firearm in the individual's motor vehicle that:
 - (A) imposes no additional cost on the individual; and
 - (B) is in a location that is legal and safe for parking; or
 - (ii) a secured and monitored storage location where the individual may securely store a firearm before proceeding with the vehicle into the secured parking area; or
 - (b) the person complies with Subsection 34-45-107(5).

34-45-104. Protection from liability. (Adopted 2009)

A person that owns or controls a parking area that is subject to this chapter and that complies with the requirements of Section 34-45-103 is not liable in any civil action for any occurrence resulting from, connected with, or incidental to the use of a firearm, by any person, unless the use of the firearm involves a criminal act by the person who owns or controls the parking area.

34-45-105. Cause of action for noncompliance -- Remedies. (Adopted 2009)

- (1) An individual who is injured, physically or otherwise, as a result of any policy or rule prohibited by Section 34-45-103, may bring a civil action in a court of competent jurisdiction against any person that violates the provisions of Section 34-45-103.
- (2) Any individual who asserts a claim under this section is entitled to request:
 - (a) declaratory relief;
 - (b) temporary or permanent injunctive relief to prevent the threatened or continued violation;
 - (c) recovery for actual damages sustained; and
 - (d) punitive damages, if:
 - (i) serious bodily injury or death occurs as a result of the violation of Section 34-45-103; or
 - (ii) the person who violates Section 34-45-103 has previously been notified by the attorney general that a policy or rule violates Section 34-45-103.
- (3) The prevailing party in an action brought under this chapter may recover its court costs and reasonable attorney fees incurred.
- (4) Nothing in this chapter shall be construed or held to affect any rights or claims made in relation to Title 34A, Chapter 2, Workers' Compensation Act.

34-45-106. Enforcement by attorney general. (Adopted 2009)

- (1) The attorney general may bring an action to enforce this chapter and may request any relief that is provided for under Section 34-45-105, including a request for damages on behalf of any individual suffering loss because of a violation of this chapter.
- (2) Upon entry of final judgment for a cause of action brought under this section, the court may award restitution, when appropriate, to any individual suffering loss because of a violation of this chapter if proof of loss is submitted to the satisfaction of the court.

34-45-107. Exemptions -- Limitations on chapter -- School premises -- Government entities -- Religious organizations -- Single family detached residential units. (Adopted 2009)

- (1)(a) School premises, as defined in Subsection 76-3-203.2(1), are exempt from the provisions of this chapter.
- (b) Possession of a firearm on or about school premises is subject to the provisions of Section 76-10-505.5.
- (2) Government entities, including a local authority or state entity, are subject to the requirements of Title 53, Chapter 5a, Firearm Laws, but are otherwise exempt from the provisions of this chapter.
- (3) Religious organizations, including religious organizations acting as an employer, are exempt from, and are not subject to the provisions of this chapter.
- (4) Owner-occupied single family detached residential units and tenant-occupied single family detached residential units are exempt from the provisions of this chapter.
- (5) A person who is subject to federal law that specifically forbids the presence of a firearm from property designated for motor vehicle parking, or a person who is subject to Section 550 of the United States Department of Homeland Security Appropriations Act of 2007, Pub. L. No. 109-295 or regulations enacted in accordance with that section, is exempt from Section 34-45-103 if:
 - (a) providing alternative parking or a storage location under Subsection 34-45-103(2)(a) would pose an undue burden on the person; and
 - (b) the person files a statement with the attorney general citing the federal law that forbids the presence of a firearm and detailing the reasons why providing alternative parking or a storage location poses an undue burden.
- (6) A person who is subject to Section 550 of the United States Department of Homeland Security Appropriations Act of 2007, Pub. L. No. 109-295 or regulations enacted in accordance with that section is exempt from this chapter if:
 - (a) the person has attempted to provide alternative parking or a storage location in accordance with Subsection 34-45-103(2)(a);
 - (b) the secretary of the federal Department of Homeland Security notifies the person that the provision of alternative parking or a storage location causes the person to be out of compliance with Section 550 of the United States Department of Homeland Security Appropriations Act of 2007, Pub. L. No. 109-295 or regulations enacted in accordance with that section and the person may be subject to punitive measures; and
 - (c) the person files a detailed statement with the attorney general notifying the attorney general of the facts under Subsections (6)(a) and (b).

53-2a-214. Prohibition of restrictions on and confiscation of a firearm or ammunition during an emergency. (Renumbered and Amended 2013)

- (1) As used in this section:
 - (a)(i) "Confiscate" means for an individual in Utah to intentionally deprive another of a privately owned firearm.
 - (ii) "Confiscate" does not include the taking of a firearm from an individual:
 - (A) in self-defense;
 - (B) possessing a firearm while the individual is committing a felony or misdemeanor; or
 - (C) who may not, under state or federal law, possess the firearm.
 - (b) "Firearm" has the same meaning as defined in Section 76-10-501.
- (2) During a declared state of emergency or local emergency under this part:
 - (a) neither the governor nor an agency of a governmental entity or political subdivision of the state may impose restrictions, which were not in force before the declared state of emergency, on the lawful possession,



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transfer, sale, transport, storage, display, or use of a firearm or ammunition; and

(b) an individual, while acting or purporting to act on behalf of the state or a political subdivision of the state, may not confiscate a privately owned firearm of another individual.

(3) A law or regulation passed during a declared state of emergency that does not relate specifically to the lawful possession or use of a firearm and that has attached criminal penalties may not be used to justify the confiscation of a firearm from an individual acting in defense of self, property, or others when on:

(a) the individual's private property; or

(b) the private property of another as an invitee.

(4)(a) An individual who has a firearm confiscated in violation of Subsection (2) may bring a civil action in a court having the appropriate jurisdiction:

(i) for damages, in the maximum amount of \$10,000, against a person who violates Subsection (2);

(ii) for a civil penalty, in the amount of \$5,000 per violation, against a person who violates Subsection (2); and

(iii) for return of the confiscated firearm.

(b) As used in this Subsection (4), "person" means an individual, the governmental entity on whose behalf the individual is acting or purporting to act, or both the individual and the governmental entity.

(5)(a) A law enforcement officer is not subject to disciplinary action for refusing to confiscate a firearm under this section if:

(i) ordered or directed to do so by a superior officer; and

(ii) by obeying the order or direction, the law enforcement officer would be committing a violation of this section.

(b) For purposes of this Subsection (5), disciplinary action might include:

(i) dismissal, suspension, or demotion;

(ii) loss of or decrease in benefits, pay, privileges or conditions of employment; and

(iii) any type of written or electronic indication, permanent or temporary, on the officer's personnel record of the officer's refusal to obey the unlawful order.

(6)(a) If a law enforcement officer commits a violation of this section, the officer's liability in an action brought under Subsection (4)(a) is limited to 5% of the damages and civil penalty allowed under Subsection (4)(a) if the officer can show by clear and convincing evidence that the officer was obeying a direct and unlawful order from a superior officer or authority.

(b) The court shall assess the balance of the damages and civil penalty, the remaining 95%, against the superior officer or authority who ordered or directed the confiscation in violation of this section.

53-5-701. Title. (Amended 2010)

This part is known as the "Concealed Firearm Act."

53-5-702. Definitions. (Amended 2013)

In addition to the definitions in Section 76-10-501, as used in this part:

(1) "Active duty service member" means a person on active military duty with the United States military and includes full time military active duty, military reserve active duty, and national guard military active duty service members stationed in Utah.

(2) "Active duty service member spouse" means a person recognized by the military as the spouse of an active duty service member and who resides with the active duty service member in Utah.

(3) "Board" means the Concealed Firearm Review Board created in Section 53-5-703.

(4) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201 within the Department of Public Safety.

(5) "Commissioner" means the commissioner of the Department of Public Safety.

(6) "Conviction" means criminal conduct where the filing of a criminal charge has resulted in:

(a) a finding of guilt based on evidence presented to a judge or jury;

(b) a guilty plea;

(c) a plea of nolo contendere;

(d) a plea of guilty or nolo contendere which is held in abeyance pending the successful completion of probation;

(e) a pending diversion agreement; or

(f) a conviction which has been reduced pursuant to Section 76-3-402.

53-5-703. Board -- Membership -- Compensation -- Terms -- Duties. (Amended 2010)

(1) There is created within the bureau the Concealed Firearm Review Board.

(2)(a) The board is comprised of not more than five members appointed by the commissioner on a bipartisan basis.

(b) The board shall include a member representing law enforcement and at least two citizens, one of whom represents sporting interests.

(3)(a) Except as required by Subsection (3)(b), as terms of current board members expire, the commissioner shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(5) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(6) The board shall meet at least quarterly, unless the board has no business to conduct during that quarter.

(7) The board, upon receiving a timely filed petition for review, shall review within a reasonable time the denial, suspension, or revocation of a permit or a temporary permit to carry a concealed firearm.

53-5-704. Bureau duties -- Permit to carry concealed firearm --

Certification for concealed firearms instructor -- Requirements for issuance -- Violation -- Denial, suspension, or revocation -- Appeal procedure. (Amended 2013)

(1)(a) The bureau shall issue a permit to carry a concealed firearm for lawful self defense to an applicant who is 21 years of age or older within 60 days after receiving an application, unless the bureau finds proof that the applicant does not meet the qualifications set forth in Subsection (2).

(b) The permit is valid throughout the state for five years, without restriction, except as otherwise provided by Section 53-5-710.

(c) The provisions of Subsections 76-10-504(1) and (2), and Section 76-10-505 do not apply to a person issued a permit under Subsection (1)(a).

(d) Subsection (4)(a) does not apply to a nonresident:

(i) active duty service member, who present to the bureau orders requiring the active duty service member to report for duty in this state; or

(ii) an active duty service member's spouse, stationed with the active duty service member, who presents to the bureau the active duty service member's orders requiring the service member to report for duty in this state.

(2)(a) The bureau may deny, suspend, or revoke a concealed firearm permit if the applicant or permit holder:

(i) has been or is convicted of a felony;

(ii) has been or is convicted of a crime of violence;

(iii) has been or is convicted of an offense involving the use of alcohol;

(iv) has been or is convicted of an offense involving the unlawful use of narcotics or other controlled substances;

(v) has been or is convicted of an offense involving moral turpitude;

(vi) has been or is convicted of an offense involving domestic violence;

(vii) has been or is adjudicated by a state or federal court as mentally incompetent, unless the adjudication has been withdrawn or reversed; and

(viii) is not qualified to purchase and possess a firearm pursuant to Section 76-10-503 and federal law.

(b) In determining whether an applicant or permit holder meets the qualifications set forth in Subsection (2)(a), the bureau shall consider mitigating circumstances.



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(3)(a) The bureau may deny, suspend, or revoke a concealed firearm permit if it has reasonable cause to believe that the applicant or permit holder has been or is a danger to self or others as demonstrated by evidence, including:

- (i) past pattern of behavior involving unlawful violence or threats of unlawful violence;
- (ii) past participation in incidents involving unlawful violence or threats of unlawful violence; or
- (iii) conviction of an offense in violation of Title 76, Chapter 10, Part 5, Weapons.

(b) The bureau may not deny, suspend, or revoke a concealed firearm permit solely for a single conviction of an infraction violation of Title 76, Chapter 10, Part 5, Weapons.

(c) In determining whether the applicant or permit holder has been or is a danger to self or others, the bureau may inspect:

- (i) expunged records of arrests and convictions of adults as provided in Section 77-40-109; and
- (ii) juvenile court records as provided in Section 78A-6-209.

(4)(a) In addition to meeting the other qualifications for the issuance of a concealed firearm permit under this section, a nonresident applicant who resides in a state that recognizes the validity of the Utah permit or has reciprocity with Utah's concealed firearm permit law shall:

- (i) hold a current concealed firearm or concealed weapon permit issued by the appropriate permitting authority of the nonresident applicant's state of residency; and
- (ii) submit a photocopy or electronic copy of the nonresident applicant's current concealed firearm or concealed weapon permit referred to in Subsection (4)(a)(i).

(b) A nonresident applicant who knowingly and willfully provides false information to the bureau under Subsection (4)(a) is prohibited from holding a Utah concealed firearm permit for a period of 10 years.

(c) Subsection (4)(a) applies to all applications for the issuance of a concealed firearm permit that are received by the bureau after May 10, 2011.

(d) Beginning January 1, 2012, Subsection (4)(a) also applies to an application for renewal of a concealed firearm permit by a nonresident.

(5) The bureau shall issue a concealed firearm permit to a former peace officer who departs full-time employment as a peace officer, in an honorable manner, within five years of that departure if the officer meets the requirements of this section.

(6) Except as provided in Subsection (7), the bureau shall also require the applicant to provide:

- (a) the address of the applicant's permanent residence;
- (b) one recent dated photograph;
- (c) one set of fingerprints; and
- (d) evidence of general familiarity with the types of firearms to be concealed as defined in Subsection (8).

(7) An applicant who is a law enforcement officer under Section 53-13-103 may provide a letter of good standing from the officer's commanding officer in place of the evidence required by Subsection (6)(d).

(8)(a) General familiarity with the types of firearms to be concealed includes training in:

- (i) the safe loading, unloading, storage, and carrying of the types of firearms to be concealed; and
- (ii) current laws defining lawful use of a firearm by a private citizen, including lawful self-defense, use of force by a private citizen, including use of deadly force, transportation, and concealment.

(b) An applicant may satisfy the general familiarity requirement of Subsection (8)(a) by one of the following:

- (i) completion of a course of instruction conducted by a national, state, or local firearms training organization approved by the bureau;
- (ii) certification of general familiarity by a person who has been certified by the bureau, which may include a law enforcement officer, military or civilian firearms instructor, or hunter safety instructor; or
- (iii) equivalent experience with a firearm through participation in an organized shooting competition, law enforcement, or military service.

(c) Instruction taken by a student under Subsection (8) shall be in person and not through electronic means.

(9)(a) An applicant for certification as a Utah concealed firearms instructor shall:

- (i) be at least 21 years of age;
- (ii) be currently eligible to possess a firearm under Section 76-10-503;
- (iii) have:
 - (A) completed a firearm instruction training course from the National Rifle Association or the Department of Public Safety, Division of Peace Officer Safety Standards and Training; or
 - (B) received training equivalent to one of the courses referred to in Subsection (9)(a)(iii)(A) as determined by the bureau;
- (iv) have taken a course of instruction and passed a certification test as described in Subsection (9)(c); and
- (v) possess a Utah concealed firearm permit.

(b) An instructor's certification is valid for three years from the date of issuance, unless revoked by the bureau.

(c)(i) In order to obtain initial certification or renew a certification, an instructor shall attend an instructional course and pass a test under the direction of the bureau.

(ii)(A) The bureau shall provide or contract to provide the course referred to in Subsection (9)(c)(i) twice every year.

(B) The course shall include instruction on current Utah law related to firearms, including concealed carry statutes and rules, and the use of deadly force by private citizens.

(d)(i) Each applicant for certification under this Subsection (9) shall pay a fee of \$50.00 at the time of application for initial certification.

(ii) The renewal fee for the certificate is \$25.

(iii) The bureau may use a fee paid under Subsections (9)(d)(i) and (ii) as a dedicated credit to cover the cost incurred in maintaining and improving the instruction program required for concealed firearm instructors under this Subsection (9).

(10) A certified concealed firearms instructor shall provide each of the instructor's students with the required course of instruction outline approved by the bureau.

(11)(a)(i) A concealed firearms instructor shall provide a signed certificate to a person successfully completing the offered course of instruction.

(ii) The instructor shall sign the certificate with the exact name indicated on the instructor's certification issued by the bureau under Subsection (9).

(iii)(A) The certificate shall also have affixed to it the instructor's official seal, which is the exclusive property of the instructor and may not be used by any other person.

(B) The instructor shall destroy the seal upon revocation or expiration of the instructor's certification under Subsection (9).

(C) The bureau shall determine the design and content of the seal to include at least the following:

- (I) the instructor's name as it appears on the instructor's certification;
- (II) the words "Utah Certified Concealed Firearms Instructor," "state of Utah," and "my certification expires on (the instructor's certification expiration date)"; and
- (III) the instructor's business or residence address.

(D) The seal shall be affixed to each student certificate issued by the instructor in a manner that does not obscure or render illegible any information or signatures contained in the document.

(b) The applicant shall provide the certificate to the bureau in compliance with Subsection (6)(d).

(12) The bureau may deny, suspend, or revoke the certification of an applicant or a concealed firearms instructor if it has reason to believe the applicant or the instructor has:

- (a) become ineligible to possess a firearm under Section 76-10-503 or federal law; or
- (b) knowingly and willfully provided false information to the bureau.

(13) An applicant for certification or a concealed firearms instructor has the same appeal rights as set forth in Subsection (16).

(14) In providing instruction and issuing a permit under this part, the concealed firearms instructor and the bureau are not vicariously liable for damages caused by the permit holder.

(15) An individual who knowingly and willfully provides false information on an application filed under this part is guilty of a class B misdemeanor, and the application may be denied, or the permit may be suspended or revoked.

(16)(a) In the event of a denial, suspension, or revocation of a permit, the applicant or permit holder may file a petition for review with the board within 60 days from the date the denial, suspension, or revocation is



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received by the applicant or permit holder by certified mail, return receipt requested.

(b) The bureau's denial of a permit shall be in writing and shall include the general reasons for the action.

(c) If an applicant or permit holder appeals the denial to the review board, the applicant or permit holder may have access to the evidence upon which the denial is based in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

(d) On appeal to the board, the bureau has the burden of proof by a preponderance of the evidence.

(e)(i) Upon a ruling by the board on the appeal of a denial, the board shall issue a final order within 30 days stating the board's decision.

(ii) The final order shall be in the form prescribed by Subsection 63G-4-203(1)(i).

(iii) The final order is final bureau action for purposes of judicial review under Section 63G-4-402.

(17) The commissioner may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to administer this chapter.

53-5-705. Temporary permit to carry concealed firearm -- Denial, suspension, or revocation -- Appeal. (Amended 2010)

(1) The bureau or its designated agent may issue a temporary permit to carry a concealed firearm to a person who:

(a) has applied for a permit under Section 53-5-704;

(b) has applied for a temporary permit under this section; and

(c) meets the criteria required in Subsections (2) and (3).

(2) To receive a temporary permit under this section, the applicant shall demonstrate in writing to the satisfaction of the bureau extenuating circumstances that would justify issuing a temporary permit.

(3) A temporary permit may not be issued under this section until preliminary record checks regarding the applicant have been made with the National Crime Information Center and the bureau to determine any criminal history.

(4)(a) A temporary permit is valid only for a maximum of 90 days or any lesser period specified by the bureau, or until a permit under Section 53-5-704 is issued to the holder of the temporary permit, whichever period is shorter.

(b) The provisions of Subsections 76-10-504(1) and (2) and Section 76-10-505 do not apply to a person issued a temporary permit under this section during the time period for which the temporary permit is valid.

(5) The bureau may deny, suspend, or revoke a temporary permit prior to expiration if the commissioner determines:

(a) the circumstances justifying the temporary permit no longer exist; or

(b) the holder of the temporary permit does not meet the requirements for a permit under Section 53-5-704.

(6)(a) The denial, suspension, or revocation of a temporary permit shall be in writing and shall include the reasons for the action.

(b) The bureau's decision to deny, suspend, or revoke a temporary permit may not be appealed to the board.

(c) Denial, suspension, or revocation under this subsection is final action for purposes of judicial review under Section 63G-4-402.

53-5-706. Permit -- Fingerprints transmitted to bureau -- Report from bureau. (Amended 2011)

(1)(a) Except as provided in Subsection (2), the fingerprints of each applicant shall be taken on a form prescribed by the bureau.

(b) Upon receipt of the fingerprints and the fee prescribed in Section 53-5-707, the bureau shall conduct a search of its files for criminal history information pertaining to the applicant, and shall request the Federal Bureau of Investigation to conduct a similar search through its files.

(c) If the fingerprints are insufficient for the Federal Bureau of Investigation to conduct a search of its files for criminal history information, the application or concealed firearm permit may be denied, suspended, or revoked until sufficient fingerprints are submitted by the applicant.

(2)(a) If the permit applicant has previously applied to the bureau for a permit to carry concealed firearms, the bureau shall note the previous identification numbers and other data which would provide positive

identification in the files of the bureau on the copy of any subsequent permit submitted to the bureau in accordance with this section.

(b) No additional application form, fingerprints, or fee are required under this Subsection (2).

53-5-707. Concealed firearm permit -- Fees -- Concealed Weapons Account. (Amended 2014)

(1)(a) An applicant for a concealed firearm permit shall pay a fee of \$24.75 at the time of filing an application.

(b) A nonresident applicant shall pay an additional \$10 for the additional cost of processing a nonresident application.

(c) The bureau shall waive the initial fee for an applicant who is a law enforcement officer under Section 53-13-103.

(d) Concealed firearm permit renewal fees for active duty service members and the spouse of an active duty service member shall be waived.

(2) The renewal fee for the permit is \$15.

(3) The replacement fee for the permit is \$10.

(4)(a) The late fee for the renewal permit is \$7.50.

(b) As used in this section, "late fee" means the fee charged by the bureau for a renewal submitted on a permit that has been expired for more than 30 days but less than one year.

(5)(a) There is created a restricted account within the General Fund known as the "Concealed Weapons Account."

(b) The account shall be funded from fees collected under this section.

(c) Funds in the account shall be used to cover costs relating to the issuance of concealed firearm permits under this part and may not be used for any other purpose.

(6)(a) The bureau may collect any fees charged by an outside agency for additional services required by statute as a prerequisite for issuance of a permit.

(b) The bureau may modify the fee under Subsection (1)(a) by adjusting that fee so that the total of the fee under Subsection (1)(a) and the fee under Subsection (6)(a) is the nearest even dollar amount to that total.

(c) The bureau shall promptly forward any fees collected under Subsection (6)(a) to the appropriate agency.

(7) The bureau shall make an annual report in writing to the Legislature's Law Enforcement and Criminal Justice Interim Committee on the amount and use of the fees collected under this section.

53-5-708. Permit -- Names private. (Amended 2013)

(1)(a) The bureau shall maintain a record in its office of any permit issued under this part.

(b) Notwithstanding the requirements of Subsection 63G-2-301(2)(b), the names, addresses, telephone numbers, dates of birth, and Social Security numbers of persons receiving permits are protected records under Subsection 63G-2-305 (11).

(c) Notwithstanding Section 63G-2-206, a person may not share any of the information listed in Subsection (1)(b) with any office, department, division, or other agency of the federal government unless:

(i) the disclosure is necessary to conduct a criminal background check on the individual who is the subject of the information;

(ii) the disclosure of information is made pursuant to a court order directly associated with an active investigation or prosecution of the individual who is the subject of the information;

(iii) the disclosure is made to a criminal justice agency in a criminal investigation or prosecution;

(iv) the disclosure is made by a law enforcement agency within the state to another law enforcement agency in the state or in another state in connection with an investigation, including a preliminary investigation, or a prosecution of the individual who is the subject of the information;

(v) the disclosure is made by a law enforcement agency within the state to an employee of a federal law enforcement agency in the course of a combined law enforcement effort involving the law enforcement agency within the state and the federal law enforcement agency; or

(vi) the disclosure is made in response to a routine request that a federal law enforcement officer makes to obtain information on an individual whom the federal law enforcement officer detains, including for a traffic stop, or questions because of the individual's suspected violation of state law.



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- (d) A person is guilty of a class A misdemeanor if the person knowingly:
- (i) discloses information listed in Subsection (1)(b) in violation of the provisions under Title 63G, Chapter 2, Government Records Access and Management Act, applicable to protected records; or
 - (ii) shares information in violation of Subsection (1)(c).
- (e)(i) As used in this Subsection (1)(e), "governmental agency" means:
- (A) the state or any department, division, agency, or other instrumentality of the state; or
 - (B) a political subdivision of the state, including a county, city, town, school district, local district, and special service district.
- (ii) A governmental agency may not compel or attempt to compel an individual who has been issued a concealed firearm permit to divulge whether the individual:
- (A) has been issued a concealed firearm permit; or
 - (B) is carrying a concealed firearm.
- (iii) Subsection (1)(e)(ii) does not apply to a law enforcement officer.
- (2) The bureau shall immediately file a copy of each permit it issues under this part.

53-5-710. Cross-references to concealed firearm permit restrictions. (Adopted 1999)

A person with a permit to carry a concealed firearm may not carry a concealed firearm in the following locations:

- (1) any secure area prescribed in Section 76-10-523.5 in which firearms are prohibited and notice of the prohibition posted;
- (2) in any airport secure area as provided in Section 76-10-529; or
- (3) in any house of worship or in any private residence where dangerous weapons are prohibited as provided in Section 76-10-530.

53-5-711. Law enforcement officials and judges -- Training requirements - Qualification -- Revocation. (Amended 2014)

- (1) For purposes of this section and Section 76-10-523:
- (a) "Judge" means a judge or justice of a court of record or court not of record, but does not include a judge pro tem or senior judge.
 - (b) "Law enforcement official of this state" means:
 - (i) a member of the Board of Pardons and Parole;
 - (ii) a district attorney, deputy district attorney, county attorney or deputy county attorney of a county not in a prosecution district;
 - (iii) the attorney general;
 - (iv) an assistant attorney general designated as a criminal prosecutor; or
 - (v) a city attorney or a deputy city attorney designated as a criminal prosecutor.
- (2) To qualify for an exemption in Section 76-10-523, a law enforcement official or judge shall complete the following training requirements:
- (a) meet the requirements of Sections 53-5-704, 53-5-706, and 53-5-707; and
 - (b) successfully complete an additional course of training as established by the commissioner of public safety designed to assist them while carrying out their official law enforcement and judicial duties as agents for the state or its political subdivisions.
- (3) Annual requalification requirements for law enforcement officials and judges shall be established by the commissioner of public safety. Additional requalification requirements may be established by the:
- (a) Board of Pardons and Parole by rule for its members;
 - (b) Judicial Council by rule for judges; and
 - (c) the district attorney, county attorney in a county not in a prosecution district, the attorney general, or city attorney by policy for prosecutors under their jurisdiction.
- (4) The bureau may:
- (a) issue a certificate of qualification to a judge or law enforcement official who has completed the requirements of Subsection (2), which certificate of qualification is valid until revoked;
 - (b) revoke the certificate of qualification of a judge or law enforcement official who:
 - (i) fails to meet the annual requalification criteria established pursuant to Subsection (3);
 - (ii) would be subject to revocation of a concealed firearm permit under Subsection 53-5-704(2)(a); or
 - (iii) is no longer employed as a judge or law enforcement official as defined in Subsection (1); and

- (c) certify instructors for the training requirements of this section.

53-5a-104. Firearm transfer certification. (Amended 2014)

- (1) As used in this section:
- (a) "Certification" means the participation and assent of the chief law enforcement officer necessary under federal law for the approval of the application to transfer or make a firearm.
 - (b) "Chief law enforcement officer" means any official the Bureau of Alcohol, Tobacco, Firearms and Explosives, or any successor agency, identifies by regulation or otherwise as eligible to provide any required certification for the making or transfer of a firearm.
 - (c) "Firearm" has the same meaning as provided in the National Firearms Act, 6 U.S.C. Sec. 5845(a).
- (2) A chief law enforcement officer may not make a certification under this section that the chief law enforcement officer knows to be untrue. The chief law enforcement officer may not refuse to provide certification based on a generalized objection to private persons or entities making, possessing, or receiving firearms or any certain type of firearm, the possession of which is not prohibited by law.
- (3) Upon receiving a federal firearm transfer form a chief law enforcement officer or the chief law enforcement officer's designee shall provide certification if the applicant:
- (a) is not prohibited by law from receiving or possessing the firearm; or
 - (b) is not the subject of a proceeding that could result in the applicant being prohibited by law from receiving or possessing the firearm.
- (4) The chief law enforcement officer, the chief law enforcement officer's designee, or official signing the federal transfer form shall:
- (a) return the federal transfer form to the applicant within 15 calendar days; or
 - (b) if the applicant is denied, provide to the applicant the reasons for denial in writing within 15 calendar days.
- (5) Chief law enforcement officers and their employees who act in good faith when acting within the scope of their duties are immune from liability arising from any act or omission in making a certification as required by this section. Any action taken against a chief law enforcement officer or an employee shall be in accordance with Title 63G, Chapter 7, Governmental Immunity Act of Utah.

53-5d-102. Definitions. (Effective 5/10/2016)

As used in this chapter:

- (1) "Ammunition" means a bullet, a cartridge case, primer, propellant powder, or other ammunition designed for use in any firearm, either as an individual component part or in a completely assembled cartridge.
- (2) "Manufacturer" means, with respect to a qualified product, a person who is engaged in the business of manufacturing a qualified product and who is licensed to engage in business as a manufacturer under 18 U.S.C. Chapter 44.
- (3) "Negligent entrustment" means the supplying of a qualified product by a seller for use by another person when the seller knows, or reasonably should know, the person to whom the product is supplied is likely to, and does, use the product in a manner involving unreasonable risk of physical injury to the person or others.
- (4) "Person" means the same as that term is defined in Section 68-3-12.5.
- (5)
 - (a) "Qualified civil liability action" means a civil action or proceeding or an administrative proceeding brought by any person against a manufacturer or seller of a qualified product, or a trade association, for damages, punitive damages, injunctive or declaratory relief, abatement, restitution, fines, or penalties, or other relief, resulting from the criminal or unlawful misuse of a qualified product by the person or a third party.
 - (b) "Qualified civil liability action" does not include:
 - (i) an action brought against a transferor convicted under 18 U.S.C. Sec. 924(h) or Section 76-10-503 by a party directly harmed by the conduct of which the transferee was convicted;
 - (ii) an action brought against a seller for negligent entrustment or negligence per se;
 - (iii) an action in which a manufacturer or seller of a qualified product knowingly violated a state or federal statute applicable to the sale or marketing of the product, and the violation was a proximate cause of the harm for which relief is sought, including:



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- (A) any incident in which the manufacturer or seller knowingly made any false entry in, or failed to make appropriate entry in, any record required to be kept under federal or state law with respect to the qualified product, or aided, abetted, or conspired with any person in making any false or fictitious oral or written statement with respect to any fact material to the lawfulness of the sale or other disposition of a qualified product; or
- (B) any case in which the manufacturer or seller aided, abetted, or conspired with any other person to sell or otherwise dispose of a qualified product, knowing, or having reasonable cause to believe, that the actual buyer of the qualified product was prohibited from possessing or receiving a firearm or ammunition under 18 U.S.C. Sec. 922(g) or (n) or Section 76-10-503;
- (iv) an action for breach of contract or warranty in connection with the purchase of the product;
- (v) an action for death, physical injuries, or property damage resulting directly from a defect in design or manufacture of the product, when used as intended or in a reasonably foreseeable manner, except that where the discharge of the product was caused by a volitional act that constituted a criminal offense, then the act shall be considered the sole proximate cause of any resulting death, personal injuries, or property damage; or
- (vi) an action or proceeding commenced to enforce the provisions of 18 U.S.C. Chapter 44, 26 U.S.C. Chapter 53, or Title 76, Chapter 10, Part 5, Weapons.
- (6) "Qualified product" means a firearm or antique firearm, as defined in Section 76-10-501, ammunition, or a component part of a firearm or ammunition.
- (7) "Seller" means, with respect to a qualified product, a federal firearms licensee, as defined in Section 76-10-501.
- (8) "Trade association" means:
- (a) any corporation, unincorporated association, federation, business league, or professional or business organization not organized or operated for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual;
- (b) an organization described in 26 U.S.C. Sec. 501(c)(6) and exempt from tax under 26 U.S.C. Sec. 501(a); and
- (c) an organization, two or more members of which are manufacturers or sellers of a qualified product.
- (9) "Unlawful misuse" means conduct that violates a statute, ordinance, or regulation as it relates to the use of a qualified product.

53-10-202. Criminal identification -- Duties of bureau. (Effective 9 May 2017)

The bureau shall:

- (1) procure and file information relating to identification and activities of persons who:
- (a) are fugitives from justice;
- (b) are wanted or missing;
- (c) have been arrested for or convicted of a crime under the laws of any state or nation; and
- (d) are believed to be involved in racketeering, organized crime, or a dangerous offense;
- (2) establish a statewide uniform crime reporting system that shall include:
- (a) statistics concerning general categories of criminal activities;
- (b) statistics concerning crimes that exhibit evidence of prejudice based on race, religion, ancestry, national origin, ethnicity, or other categories that the division finds appropriate; and
- (c) other statistics as required by the Federal Bureau of Investigation;
- (3) make a complete and systematic record and index of the information obtained under this part;
- (4) subject to the restrictions in this part, establish policy concerning the use and dissemination of data obtained under this part;
- (5) publish an annual report concerning the extent, fluctuation, distribution, and nature of crime in Utah;
- (6) establish a statewide central register for the identification and location of missing persons, which may include:
- (a) identifying data including fingerprints of each missing person;
- (b) identifying data of any missing person who is reported as missing to a law enforcement agency having jurisdiction;
- (c) dates and circumstances of any persons requesting or receiving information from the register; and

- (d) any other information, including blood types and photographs found necessary in furthering the purposes of this part;
- (7) publish a quarterly directory of missing persons for distribution to persons or entities likely to be instrumental in the identification and location of missing persons;
- (8) list the name of every missing person with the appropriate nationally maintained missing persons lists;
- (9) establish and operate a 24-hour communication network for reports of missing persons and reports of sightings of missing persons;
- (10) coordinate with the National Center for Missing and Exploited Children and other agencies to facilitate the identification and location of missing persons and the identification of unidentified persons and bodies;
- (11) receive information regarding missing persons, as provided in Sections 26-2-27 and 53A-11-502, and stolen vehicles, vessels, and outboard motors, as provided in Section 41-1a-1401;
- (12) adopt systems of identification, including the fingerprint system, to be used by the division to facilitate law enforcement;
- (13) assign a distinguishing number or mark of identification to any pistol or revolver, as provided in Section 76-10-520;
- (14) check certain criminal records databases for information regarding motor vehicle salesperson applicants, maintain a separate file of fingerprints for motor vehicle salespersons, and inform the Motor Vehicle Enforcement Division when new entries are made for certain criminal offenses for motor vehicle salespersons in accordance with the requirements of Section 41-3-205.5;
- (15) check certain criminal records databases for information regarding driving privilege card applicants or cardholders and maintain a separate file of fingerprints for driving privilege applicants and cardholders and inform the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security when new entries are made in accordance with the requirements of Section 53-3-205.5.
- (16) review and approve or disapprove applications for license renewal that meet the requirements for renewal;
- (17) forward to the board those applications for renewal under Subsection (16) that do not meet the requirements for renewal; and
- (18) within funds appropriated by the Legislature for the purpose, implement and manage the operation of firearm safety and suicide prevention education programs, in conjunction with the state suicide prevention coordinator, as described in this section and Section 62A-15-1101, including:
- (a) coordinating with the Department of Health, local mental health and substance abuse authorities, a nonprofit behavioral health advocacy group, and a representative from a Utah-based nonprofit organization with expertise in the field of firearm use and safety that represents firearm owners, to:
- (i) produce a firearm safety brochure with information about the safe handling and use of firearms that includes:
- (A) rules for safe handling, storage, and use of firearms in a home environment;
- (B) information about at-risk individuals and individuals who are legally prohibited from possessing firearms;
- (C) information about suicide prevention and awareness; and
- (D) information about the availability of firearm safety packets;
- (ii) procure cable-style gun locks for distribution pursuant to this section;
- (iii) produce a firearm safety packet that includes both the firearm safety brochure described in Subsection (18)(a)(i) and the cable-style gun lock described in Subsection (18)(a)(ii); and
- (iv) create a suicide prevention education course that:
- (A) provides information that includes posters for display and pamphlets or brochures for distribution regarding firearm safety education;
- (B) incorporates current information on how to recognize suicidal behaviors and identify persons who may be suicidal;
- (C) provides information regarding crisis intervention resources; and
- (D) provides continuing education in the area of suicide prevention;
- (b) distributing, free of charge, the firearm safety packet to the following persons, who shall make the firearm safety packet available free of charge:
- (i) health care providers, including emergency rooms;
- (ii) mental health practitioners;
- (iii) other public health suicide prevention organizations;



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- (iv) entities that teach firearm safety courses; and
- (v) school districts for use in the seminar, described in Section 53A-15-1302, for parents of students in the school district;
- (c) creating and administering a redeemable coupon program described in this section and Section 76-10-526, that may include:
 - (i) producing a redeemable coupon that offers between \$10 and \$200 off the purchase of a gun safe from a participating federally licensed firearms dealer, as defined in Section 76-10-501, by a Utah resident who has filed an application for a concealed firearm permit;
 - (ii) advertising the redeemable coupon program to all federally licensed firearms dealers and maintaining a list of dealers who wish to participate in the program;
 - (iii) printing or writing the name of a Utah resident who has filed an application for a concealed firearm permit on the redeemable coupon;
 - (iv) mailing the redeemable coupon and the firearm safety brochure to Utah residents who have filed an application for a concealed firearm permit; and
 - (v) collecting from the participating dealers receipts described in Section 76-10-526 and reimbursing the dealers;
- (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, making rules that establish procedures for:
 - (i) producing and distributing the firearm safety brochures and packets;
 - (ii) procuring the cable-style gun locks for distribution; and
 - (iii) administering the redeemable coupon program; and
- (e) reporting to the Law Enforcement and Criminal Justice Interim Committee regarding implementation and success of the firearm safety program:

- (i) during the 2016 interim, before November 1; and
- (ii) during the 2018 interim, before June 1.

53-10-202.1 Firearm Safety Account. (Amended 2014)

- (1) There is created a restricted account within the General Fund known as the "Firearm Safety Account."
- (2) The account shall be funded by appropriations from the Legislature.
- (3) Funds in the account may only be used for the Firearm Safety Program established in Subsection 53-10-202(18).

53A-13-106.5. Firearm Safety and Violence Prevention Pilot Program. (Enacted 2016)

- (1) As used in this section:
 - (a) "District school" means a public school under the control of a local school board elected under Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.
 - (b) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle, or short barreled rifle, or a device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive.
 - (c) "Pilot program" means the Firearm Safety and Violence Prevention Pilot Program created under Subsection (2).
- (2) There is created a Firearm Safety and Violence Prevention Pilot Program to provide instruction that a public school may offer to a student in any of grades 5 through 12 on:
 - (a) firearm safety, including:
 - (i) developing the knowledge, habits, skills, and attitudes necessary for the safe handling of firearms; and
 - (ii) teaching a student that to avoid injury when the student finds a firearm the student should:
 - (A) not touch the firearm;
 - (B) tell an adult about finding the firearm and the location of the firearm; and
 - (C) share the information described in Subsection (2)(a)(ii)(A) and (B) with any other minors who are with the student when the student finds the firearm; and
 - (b) what to do if the student becomes aware of a threat against the school.
 - (3) The instruction described in Subsection (2):
 - (a) may be delivered:
 - (i) in a public school using live instruction or a video or online materials; or
 - (ii) at home using a video or online materials; and
 - (b) shall be neutral of political statements on guns.
 - (4) The Office of the Attorney General, in collaboration with the State Board of Education, shall select one or more providers, through the

standard procurement process or an exception to the standard procurement process as described in Title 63G, Chapter 6a, Utah Procurement Code, to supply materials and curriculum for the pilot program.

- (5)
 - (a) A district school or charter school may participate in the pilot program, subject to approval by the district school's local school board or charter school's charter school governing board.
 - (b) A district school or charter school that chooses to participate in the pilot program:
 - (i) shall use the materials and curriculum supplied by the provider selected under Subsection (4);
 - (ii) may permit the following to provide instruction on a voluntary basis:
 - (A) the Division of Wildlife Resources;
 - (B) a local law enforcement agency;
 - (C) a peace officer, as defined in Section 53-13-102; or
 - (D) another certified firearms safety instructor, as defined in rules made by the State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (iii) shall ensure that a firearm is not used in providing the instruction.
 - (c) A student may not be given the instruction described in Subsection (2) unless the student's parent or legal guardian has given prior written consent.
 - (6) The Office of the Attorney General, in collaboration with the State Board of Education, shall evaluate the pilot program and report to the Law Enforcement and Criminal Justice Interim Committee on or before December 1, 2018.

53A-13-302. Activities prohibited without prior written consent -- Validity of consent -- Qualifications -- Training on implementation. (Amended 2014)

- (1) Except as provided in Subsection (7), Section 53A-11a-203, and Section 53A-15-1301, policies adopted by a school district or charter school under Section 53A-13-301 shall include prohibitions on the administration to a student of any psychological or psychiatric examination, test, or treatment, or any survey, analysis, or evaluation without the prior written consent of the student's parent or legal guardian, in which the purpose or evident intended effect is to cause the student to reveal information, whether the information is personally identifiable or not, concerning the student's or any family member's:
 - (a) political affiliations or, except as provided under Section 53A-13-101.1 or rules of the State Board of Education, political philosophies;
 - (b) mental or psychological problems;
 - (c) sexual behavior, orientation, or attitudes;
 - (d) illegal, anti-social, self-incriminating, or demeaning behavior;
 - (e) critical appraisals of individuals with whom the student or family member has close family relationships;
 - (f) religious affiliations or beliefs;
 - (g) legally recognized privileged and analogous relationships, such as those with lawyers, medical personnel, or ministers; and
 - (h) income, except as required by law.
- (2) Prior written consent under Subsection (1) is required in all grades, kindergarten through grade 12.
- (3) Except as provided in Subsection (7), Section 53A-11a-203, and Section 53A-15-1301, the prohibitions under Subsection (1) shall also apply within the curriculum and other school activities unless prior written consent of the student's parent or legal guardian has been obtained.
- (4) Written parental consent is valid only if a parent or legal guardian has been first given written notice, including notice that a copy of the educational or student survey questions to be asked of the student in obtaining the desired information is made available at the school, and a reasonable opportunity to obtain written information concerning:
 - (a) records or information, including information about relationships, that may be examined or requested;
 - (b) the means by which the records or information shall be examined or reviewed;
 - (c) the means by which the information is to be obtained;
 - (d) the purposes for which the records or information are needed;
 - (e) the entities or persons, regardless of affiliation, who will have access to the personally identifiable information; and



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- (f) a method by which a parent of a student can grant permission to access or examine the personally identifiable information.
- (5)(a) Except in response to a situation which a school employee reasonably believes to be an emergency, or as authorized under Title 62A, Chapter 4a, Part 4, Child Abuse or Neglect Reporting Requirements, or by order of a court, disclosure to a parent or legal guardian must be given at least two weeks before information protected under this section is sought.
- (b) Following disclosure, a parent or guardian may waive the two week minimum notification period.
- (c) Unless otherwise agreed to by a student's parent or legal guardian and the person requesting written consent, the authorization is valid only for the activity for which it was granted.
- (d) A written withdrawal of authorization submitted to the school principal by the authorizing parent or guardian terminates the authorization.
- (e) A general consent used to approve admission to school or involvement in special education, remedial education, or a school activity does not constitute written consent under this section.
- (6)(a) This section does not limit the ability of a student under Section 53A-13-101.3 to spontaneously express sentiments or opinions otherwise protected against disclosure under this section.
- (b)(i) If a school employee or agent believes that a situation exists which presents a serious threat to the well-being of a student, that employee or agent shall notify the student's parent or guardian without delay.
- (ii) If, however, the matter has been reported to the Division of Child and Family Services within the Department of Human Services, it is the responsibility of the division to notify the student's parent or guardian of any possible investigation, prior to the student's return home from school.
- (iii) The division may be exempted from the notification requirements described in this Subsection (6)(b)(ii) only if it determines that the student would be endangered by notification of his parent or guardian, or if that notification is otherwise prohibited by state or federal law.
- (7)(a) If a school employee, agent, or school resource officer believes a student is at-risk of attempting suicide, physical self-harm, or harming others, the school employee, agent, or school resource officer may intervene and ask a student questions regarding the student's suicidal thoughts, physically self-harming behavior, or thoughts of harming others for the purposes of:
- (i) referring the student to appropriate prevention services; and
- (ii) informing the student's parent or legal guardian.
- (b) On or before September 1, 2014, a school district or charter school shall develop and adopt a policy regarding intervention measures consistent with Subsection (7)(a) while requiring the minimum degree of intervention to accomplish the goals of this section.
- (8) Local school boards and charter school governing boards shall provide inservice for teachers and administrators on the implementation of this section.
- (9) The board shall provide procedures for disciplinary action for violations of this section.

53B-3-103. Power of board to adopt rules and enact regulations. (Amended 2014)

- (1) The board may enact regulations governing the conduct of university and college students, faculty, and employees.
- (2)(a) The board may:
- (i) enact and authorize higher education institutions to enact traffic, parking, and related regulations governing all individuals on campuses and other facilities owned or controlled by the institutions or the board; and
- (ii) acknowledging that the Legislature has the authority to regulate, by law, firearms at higher education institutions:
- (A) authorize higher education institutions to establish no more than one secure area at each institution as a hearing room as prescribed in Section 76-8-311.1, but not otherwise restrict the lawful possession or carrying of firearms; and
- (B) authorize a higher education institution to make a rule that allows a resident of a dormitory located at the institution to request only roommates who are not licensed to carry a concealed firearm under Section 53-5-704 or 53-5-705.

- (b) In addition to the requirements and penalty prescribed in Subsections 76-8-311.1(3), (4), (5), and (6), the board shall make rules to ensure that:
- (i) reasonable means such as mechanical, electronic, x-ray, or similar devices are used to detect firearms, ammunition, or dangerous weapons contained in the personal property of or on the person of any individual attempting to enter a secure area hearing room;
- (ii) an individual required or requested to attend a hearing in a secure area hearing room is notified in writing of the requirements related to entering a secured area hearing room under this Subsection (2)(b) and Section 76-8-311.1;
- (iii) the restriction of firearms, ammunition, or dangerous weapons in the secure area hearing room is in effect only during the time the secure area hearing room is in use for hearings and for a reasonable time before and after its use; and
- (iv) reasonable space limitations are applied to the secure area hearing room as warranted by the number of individuals involved in a typical hearing.
- (3) The board shall enact regulations that require all testimony be given under oath during an employee grievance hearing for a non-faculty employee of an institution of higher education if the grievance hearing relates to the non-faculty employee's:
- (a) demotion; or
- (b) termination.
- (4) The board and institutions may enforce these rules and regulations in any reasonable manner, including the assessment of fees, fines, and forfeitures, the collection of which may be by withholding from money owed the violator, the imposition of probation, suspension, or expulsion from the institution, the revocation of privileges, the refusal to issue certificates, degrees, and diplomas, through judicial process or any reasonable combination of these alternatives.

53-5a-102. Uniform firearm laws. (Amended 2008)

- (1) The individual right to keep and bear arms being a constitutionally protected right under Article I, Section 6 of the Utah Constitution, the Legislature finds the need to provide uniform civil and criminal firearm laws throughout the state.
- (2) Except as specifically provided by state law, a local authority or state entity may not:
- (a) prohibit an individual from owning, possessing, purchasing, selling, transferring, transporting, or keeping a firearm at the individual's place of residence, property, business, or in any vehicle lawfully in the individual's possession or lawfully under the individual's control; or
- (b) require an individual to have a permit or license to purchase, own, possess, transport, or keep a firearm.
- (3) In conjunction with Title 76, Chapter 10, Part 5, Weapons, this section is uniformly applicable throughout this state and in all its political subdivisions and municipalities.
- (4) All authority to regulate firearms is reserved to the state except where the Legislature specifically delegates responsibility to local authorities or state entities.
- (5) Unless specifically authorized by the Legislature by statute, a local authority or state entity may not enact, establish, or enforce any ordinance, regulation, rule, or policy pertaining to firearms that in any way inhibits or restricts the possession or use of firearms on either public or private property.
- (6) As used in this section:
- (a) "firearm" has the same meaning as defined in Subsection 76-10-501(9); and
- (b) "local authority or state entity" includes public school districts, public schools, and state institutions of higher education.
- (7) Nothing in this section restricts or expands private property rights.

53-5a-103. Discharge of firearm on private property -- Liability. (Amended 2010)

- (1) Except as provided under Subsection (2), a private property owner, who knowingly allows a person who has a permit to carry a concealed firearm under Section 53-5-704 to bring the firearm onto the owner's property, is not civilly or criminally liable for any damage or harm resulting from the discharge of the firearm by the permit holder while on the owner's property.



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(2) Subsection (1) does not apply if the property owner solicits, requests, commands, encourages, or intentionally aids the concealed firearm permit holder in discharging the firearm while on the owner's property.

53-5a-104. Firearm transfer certification. (Amended 2015)

(1) As used in this section:

(a) "Certification" means the participation and assent of the chief law enforcement officer necessary under federal law for the approval of the application to transfer or make a firearm.

(b) "Chief law enforcement officer" means any official the Bureau of Alcohol, Tobacco, Firearms and Explosives, or any successor agency, identifies by regulation or otherwise as eligible to provide any required certification for the making or transfer of a firearm.

(c) "Firearm" means the same as that term is defined in the National Firearms Act, 26 U.S.C. Sec. 5845(a).

(2) A chief law enforcement officer may not make a certification under this section that the chief law enforcement officer knows to be untrue. The chief law enforcement officer may not refuse to provide certification based on a generalized objection to private persons or entities making, possessing, or receiving firearms or any certain type of firearm, the possession of which is not prohibited by law.

(3) Upon receiving a federal firearm transfer form a chief law enforcement officer or the chief law enforcement officer's designee shall provide certification if the applicant:

(a) is not prohibited by law from receiving or possessing the firearm; or

(b) is not the subject of a proceeding that could result in the applicant being prohibited by law from receiving or possessing the firearm.

(4) The chief law enforcement officer, the chief law enforcement officer's designee, or official signing the federal transfer form shall:

(a) return the federal transfer form to the applicant within 15 calendar days; or

(b) if the applicant is denied, provide to the applicant the reasons for denial in writing within 15 calendar days.

(5) Chief law enforcement officers and their employees who act in good faith when acting within the scope of their duties are immune from liability arising from any act or omission in making a certification as required by this section. Any action taken against a chief law enforcement officer or an employee shall be in accordance with Title 63G, Chapter 7, Governmental Immunity Act of Utah.

53-5b-102. Legal considerations. (Amended 2010)

In reviewing any matter covered by this chapter, a court shall consider the following:

(1) The Tenth Amendment to the United States Constitution guarantees to the state and its people all powers not granted to the federal government elsewhere in the Constitution and reserves to the state and people of Utah certain powers as they were understood at the time that Utah was admitted to statehood.

(2) The guarantee of powers to the state and its people under the Tenth Amendment is a matter of contract between the state and people of Utah and the United States as of the time of statehood.

(3) The Ninth Amendment to the United States Constitution guarantees to the people rights not granted in the Constitution and reserves to the people of Utah certain rights as they were understood at the time that Utah was admitted to statehood.

(4) The guarantee of rights to the people under the Ninth Amendment is a matter of contract between the state and people of Utah and the United States as of the time of statehood.

(5) The regulation of intrastate commerce is vested in the state under the Ninth and Tenth Amendments to the United States Constitution.

(6) The Second Amendment to the United States Constitution reserves to the people the right to keep and bear arms as that right was understood at the time that Utah was admitted to statehood, and the guarantee of the right is a matter of contract between the state and people of Utah and the United States as of the time of statehood.

(7) The Utah Constitution clearly secures to Utah citizens, and prohibits government interference with, the right of individual Utah citizens to keep and bear arms.

(8) A personal firearm, a firearm action or receiver, a firearm accessory, or ammunition that is manufactured commercially or privately in the state to

be used or sold within the state is not subject to federal law or federal regulation, including registration, under the authority of congress to regulate interstate commerce.

(9) The Legislature declares that a firearm, a firearm action or receiver, a firearm accessory, and ammunition described in Subsection (8) does not travel in interstate commerce.

(10) The importation into the state of generic and insignificant parts and those parts' incorporation into a firearm, a firearm action or receiver, a firearm accessory, or ammunition manufactured in the state does not subject the firearm, firearm accessory, firearm action or receiver, or ammunition to federal law or regulation.

(11) Basic materials, including unmachined steel and unshaped wood, are not firearms, firearm actions or receivers, firearms accessories, or ammunition.

(12) Trade in basic materials is not subject to congressional authority to regulate firearms, firearm actions or receivers, firearms accessories, and ammunition as if the basic materials were actually firearms, firearm actions or receivers, firearms accessories, or ammunition.

(13) Congress's authority to regulate interstate commerce in basic materials does not include authority to regulate firearms, firearm actions or receivers, firearms accessories, and ammunition made in the state from basic materials.

(14) The attachment or use of firearms accessories in conjunction with a firearm manufactured in the state does not subject the firearm to federal regulation under Congress's power to regulate interstate commerce, without regard to whether the firearms accessories are themselves subject to federal regulation.

53-5b-103. Definitions. (Amended 2010)

As used in this chapter:

(1) "Firearm" means a device from which is expelled a projectile by action of an explosive.

(2) "Firearm accessory" means an item that is used in conjunction with or mounted upon a firearm, firearm action, or firearm receiver but is not essential to the basic function of a firearm, including:

(a) a telescopic or laser sight;

(b) a magazine;

(c) a flash or sound suppressor;

(d) a folding or aftermarket stock or grip;

(e) a speed-loader;

(f) an ammunition carrier; and

(g) a light for target illumination.

(3) "Generic and insignificant parts:"

(a) means parts that have other manufacturing or consumer product applications; and

(b) includes:

(i) springs;

(ii) screws;

(iii) nuts; and

(iv) pins.

(4) "Manufactured" means creating a firearm, a firearm action or receiver, a firearm accessory, or ammunition from basic materials for functional usefulness, including:

(a) forging;

(b) casting;

(c) machining; and

(d) another process for working materials.

53-5c-101. Title. (Enacted 2013)

This chapter is known as "Firearms Safe Harbor."

53-5c-102. Definitions. (Adopted 2013)

(1) "Cohabitant" means a person who is 21 years of age or older who resides in the same residence as the other party.

(2) "Firearm" means a pistol, revolver, shotgun, short barrel shotgun, rifle or short barrel rifle, or a device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive.

(3) "Illegal firearm" means a firearm the ownership or possession of which is prohibited under state or federal law.



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(4) "Law enforcement agency" means a municipal or county police agency or an officer of that agency.

(5) "Owner cohabitant" means a cohabitant who owns, in whole or in part, a firearm.

(6) "Public interest use" means:

- (a) use by a government agency as determined by the legislative body of the agency's jurisdiction; or
- (b) donation to a bona fide charity.

53-5c-201. Voluntary commitment of a firearm by owner cohabitant -- Law enforcement to hold firearm. (Adopted 2013)

(1)(a) An owner cohabitant may voluntarily commit a firearm to a law enforcement agency for safekeeping if the owner cohabitant believes that another cohabitant is an immediate threat to:

- (i) himself or herself;
- (ii) the owner cohabitant; or
- (iii) any other person.

(b) A law enforcement agency may not hold a firearm under this section if the law enforcement agency obtains the firearm in a manner other than the owner cohabitant voluntarily presenting, of his or her own free will, the firearm to the law enforcement agency at the agency's office.

(2) Unless a firearm is an illegal firearm subject to Section 53-5c-202, a law enforcement agency that receives a firearm in accordance with this chapter shall:

(a) record:

- (i) the owner cohabitant's name, address, and phone number;
- (ii) the firearm serial number; and
- (iii) the date that the firearm was voluntarily committed;
- (b) require the owner cohabitant to sign a document attesting that the owner cohabitant has an ownership interest in the firearm;
- (c) hold the firearm in safe custody for 60 days after the day on which it is voluntarily committed; and
- (d) upon proof of identification, return the firearm to:

- (i) the owner cohabitant after the expiration of the 60-day period or, if the owner cohabitant requests return of the firearm before the expiration of the 60-day period, at the time of the request; or
- (ii) to an owner other than the owner cohabitant in accordance with Section 53-5c-202.

(3) The law enforcement agency shall hold the firearm for an additional 60 days:

- (a) if the initial 60-day period expires; and
- (b) the owner cohabitant requests that the law enforcement agency hold the firearm for an additional 60 days.

(4) A law enforcement agency may not request or require that the owner cohabitant provide the name or other information of the cohabitant who poses an immediate threat or any other cohabitant.

(5) Notwithstanding an ordinance or policy to the contrary adopted in accordance with Section 63G-2-701, a law enforcement agency shall destroy a record created under Subsection (2), Subsection 53-5c-202(4)(b)(iii), or any other record created in the application of this chapter no later than five days after:

- (a) returning a firearm in accordance with Subsection (2)(d); or
- (b) appropriating, selling, or destroying the firearm in accordance with Section 53-5c-202.

(6) Unless otherwise provided, the provisions of Title 77, Chapter 24, Disposal of Property Received by Peace Officer, do not apply to a firearm received by a law enforcement agency in accordance with this chapter.

(7) A law enforcement agency shall adopt a policy for the safekeeping of a firearm held in accordance with this chapter.

53-5c-202. Illegal firearms confiscated -- Disposition of unclaimed firearm. (Adopted 2013)

(1) If a law enforcement agency receives a firearm in accordance with Section 53-5c-201, and the firearm is an illegal firearm, the law enforcement agency shall:

- (a) notify the owner cohabitant attempting to voluntarily commit the firearm that the firearm is an illegal firearm; and
- (b) confiscate the firearm and dispose of it as the head of the law enforcement agency determines.

(2)(a) If a law enforcement agency cannot, after a reasonable attempt, locate an owner cohabitant to return a firearm in accordance with Section 53-5c-201, the law enforcement agency may:

- (i) appropriate the firearm to public interest use as provided in Subsection (3);
- (ii) sell the firearm at public auction as provided by law and appropriate the proceeds of the sale to public interest use; or
- (iii) destroy the firearm if unfit for sale.

(b) A law enforcement agency may take an action in accordance with Subsection (2)(a) no earlier than one year after the day on which the owner cohabitant initially voluntarily commits the firearm in accordance with Section 53-5c-201.

(3) Before appropriating the firearm to public interest use, the law enforcement agency, having possession of the firearm, shall obtain from the legislative body of its jurisdiction:

- (a) permission to appropriate the firearm to public interest use; and
- (b) the designation and approval of the public interest use of the firearm.

(4)(a) If a person other than an owner cohabitant who voluntarily commits a firearm in accordance with Section 53-5c-201 claims ownership of the firearm, the person may:

- (i) request that the law enforcement agency return the firearm in accordance with Subsection (4)(b); or
- (ii) petition the court for the firearm's return in accordance with Subsection (4)(c).

(b) Except as provided in Section 53-5c-201, the law enforcement agency shall return a firearm to a person other than an owner cohabitant who claims ownership of the firearm if:

- (i) the 60-day period described in Section 53-5c-201 has expired;
- (ii) the person provides identification; and
- (iii) the person signs a document attesting that the person has an ownership interest in the firearm.

(c) After sufficient notice is given to the prosecutor, the court may order that the firearm be:

- (i) returned to the rightful owner as determined by the court;
- (ii) converted to public interest use; or
- (iii) destroyed.

(d) A law enforcement agency shall return a firearm ordered returned to the rightful owner as expeditiously as possible after a court determination.

63-5a-12. Prohibition of restrictions on and confiscation of a firearm or ammunition during an emergency. (Adopted 2008)

(1) As used in this section:

- (a)(i) "Confiscate" means for an individual in Utah to intentionally deprive another of a privately owned firearm.
- (ii) "Confiscate" does not include the taking of a firearm from an individual:
 - (A) in self-defense;
 - (B) possessing a firearm while the individual is committing a felony or misdemeanor; or
 - (C) who may not, under state or federal law, possess the firearm.
- (b) "Firearm" has the same meaning as defined in Subsection 76-10-501(9).

(2) During a declared state of emergency or local emergency under this chapter:

(a) neither the governor nor an agency of a governmental entity or political subdivision of the state may impose restrictions on the lawful possession, transfer, sale, transport, storage, display, or use of a firearm or ammunition; and

(b) an individual, while purporting to act on behalf of the state or a political subdivision of the state, may not confiscate a privately owned firearm of another individual.

(3)(a) An individual who has a firearm confiscated in violation of Subsection (2)(a) may bring a civil action in a court having the appropriate jurisdiction:

- (i) for damages, in the maximum amount of \$10,000, against a person who violates Subsection (2)(b);
- (ii) for a civil penalty, in the amount of \$5,000 per violation, against a person who violates Subsection (2)(b); and
- (iii) for return of the confiscated firearm.



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(b) The court shall award costs and reasonable attorney fees to the prevailing party, other than the state or a political subdivision of the state, in an action brought under Subsection (3)(a).

63-98-102. Uniform firearm laws. (Adopted 2004)

- (1) The individual right to keep and bear arms being a constitutionally protected right under Article I, Section 6 of the Utah Constitution, the Legislature finds the need to provide uniform civil and criminal firearm laws throughout the state.
- (2) Except as specifically provided by state law, a local authority or state entity may not:
 - (a) prohibit an individual from owning, possessing, purchasing, selling, transferring, transporting, or keeping a firearm at the individual's place of residence, property, business, or in any vehicle lawfully in the individual's possession or lawfully under the individual's control; or
 - (b) require an individual to have a permit or license to purchase, own, possess, transport, or keep a firearm.
- (3) In conjunction with Title 76, Chapter 10, Part 5, Weapons, this section is uniformly applicable throughout this state and in all its political subdivisions and municipalities.
- (4) All authority to regulate firearms is reserved to the state except where the Legislature specifically delegates responsibility to local authorities or state entities.
- (5) Unless specifically authorized by the Legislature by statute, a local authority or state entity may not enact, establish, or enforce any ordinance, regulation, rule, or policy pertaining to firearms that in any way inhibits or restricts the possession or use of firearms on either public or private property.
- (6) As used in this section:
 - (a) "firearm" has the same meaning as defined in Subsection 76-10-501(9); and
 - (b) "local authority or state entity" includes public school districts, public schools, and state institutions of higher education.
- (7) Nothing in this section restricts or expands private property rights.

63G-1-601. State symbols. (Amended 2011)

- (1) Utah's state animal is the elk.
- (2) Utah's state bird is the sea gull.
- (3) Utah's state centennial astronomical symbol is the Beehive Cluster located in the constellation of Cancer the Crab.
- (4) Utah's state centennial star is Dubhe, one of the seven bright stars composing the Big Dipper in the constellation Ursa Major.
- (5) Utah's state centennial tartan, which honors the first Scots known to have been in Utah and those Utahns of Scottish heritage, shall have a pattern or repeating-half-set of white-2, blue-6, red-6, blue-4, red-6, green-18, red-6, and white-4 to represent the tartan worn anciently by the Logan and Skene clans, with the addition of a white stripe.
- (6) Utah's state cooking pot is the dutch oven.
- (7) Utah's state emblem is the beehive.
- (8) Utah's state emblem of service and sacrifice of lives lost by members of the military in defense of our freedom is the "Honor and Remember" flag, which consists of:
 - (a) a red field covering the top two-thirds of the flag;
 - (b) a white field covering the bottom one-third of the flag, which contains the words "honor" and "remember";
 - (c) a blue star overlaid by a gold star with a thin white border in the center of the flag spanning the red field and the white field; and
 - (d) a representation of a folded United States flag beneath the blue and gold stars with three tongues of flame emanating from its top point into the center of the gold star.
- (9) Utah's state firearm is the John M. Browning designed M1911 automatic pistol.
- (10) Utah's state fish is the Bonneville cutthroat trout.
- (11) Utah's state flower is the sego lily.
- (12) Utah's state folk dance is the square dance, the folk dance that is called, cued, or prompted to the dancers and includes squares, rounds, clogging, contra, line, and heritage dances.
- (13) Utah's state fossil is the Allosaurus.
- (14) Utah's state fruit is the cherry.
- (15) Utah's state vegetable is the Spanish sweet onion.

- (16) Utah's historic state vegetable is the sugar beet.
- (17) Utah's state gem is topaz, as is prominently found in the Thomas Mountain Range in Juab County, Utah.
- (18) Utah's state grass is Indian rice grass.
- (19) Utah's state hymn is "Utah We Love Thee" by Evan Stephens.
- (20) Utah's state insect is the honeybee.
- (21) Utah's state mineral is copper.
- (22) Utah's state motto is "Industry."
- (23) Utah's state railroad museum is Ogden Union Station.
- (24) Utah's state rock is coal.
- (25) Utah's state song is "Utah This is the Place" by Sam and Gary Francis.
- (26) Utah's state tree is the blue spruce.

63K-4-405. Prohibition of restrictions on and confiscation of a firearm or ammunition during an emergency. (Amended 2011)

- (1) As used in this section:
 - (a)(i) "Confiscate" means for an individual in Utah to intentionally deprive another of a privately owned firearm.
 - (ii) "Confiscate" does not include the taking of a firearm from an individual:
 - (A) in self-defense;
 - (B) possessing a firearm while the individual is committing a felony or misdemeanor; or
 - (C) who may not, under state or federal law, possess the firearm.
 - (b) "Firearm" has the same meaning as defined in Section 76-10-501.
- (2) During a declared state of emergency or local emergency under this chapter:
 - (a) neither the governor nor an agency of a governmental entity or political subdivision of the state may impose restrictions, which were not in force before the declared state of emergency, on the lawful possession, transfer, sale, transport, storage, display, or use of a firearm or ammunition; and
 - (b) an individual, while acting or purporting to act on behalf of the state or a political subdivision of the state, may not confiscate a privately owned firearm of another individual.
- (3) A law or regulation passed during a declared state of emergency that does not relate specifically to the lawful possession or use of a firearm and that has attached criminal penalties may not be used to justify the confiscation of a firearm from an individual acting in defense of self, property, or others when on:
 - (a) the individual's private property; or
 - (b) the private property of another as an invitee.
- (4)(a) An individual who has a firearm confiscated in violation of Subsection (2) may bring a civil action in a court having the appropriate jurisdiction:
 - (i) for damages, in the maximum amount of \$10,000, against a person who violates Subsection (2);
 - (ii) for a civil penalty, in the amount of \$5,000 per violation, against a person who violates Subsection (2); and
 - (iii) for return of the confiscated firearm.
- (b) As used in this Subsection (4), "person" means an individual, the governmental entity on whose behalf the individual is acting or purporting to act, or both the individual and the governmental entity.
- (5)(a) A law enforcement officer is not subject to disciplinary action for refusing to confiscate a firearm under this section if:
 - (i) ordered or directed to do so by a superior officer; and
 - (ii) by obeying the order or direction, the law enforcement officer would be committing a violation of this section.
- (b) For purposes of this Subsection (5), disciplinary action might include:
 - (i) dismissal, suspension, or demotion;
 - (ii) loss of or decrease in benefits, pay, privileges or conditions of employment; and
 - (iii) any type of written or electronic indication, permanent or temporary, on the officer's personnel record of the officer's refusal to obey the unlawful order.
- (6)(a) If a law enforcement officer commits a violation of this section, the officer's liability in an action brought under Subsection (4)(a) is limited to 5% of the damages and civil



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penalty allowed under Subsection (4)(a) if the officer can show by clear and convincing evidence that the officer was obeying a direct and unlawful order from a superior officer or authority.
(b) The court shall assess the balance of the damages and civil penalty, the remaining 95%, against the superior officer or authority who ordered or directed the confiscation in violation of this section.

65A-3-2. Wildland fire prevention -- Prohibited acts. (Amended 2015)
(1) A person is guilty of a class B misdemeanor who:
(a) throws or places a lighted cigarette, cigar, firecracker, ashes, or other flaming or glowing substance that may cause a fire on a highway or a wildland fire;
(b) obstructs the state forester, an employee of the division, or an agent of the division, in the performance of controlling a fire;
(c) refuses, on proper request of the state forester, an employee of the division, or an agent of the division, to assist in the controlling of a fire, without good and sufficient reason; or
(d) fires a tracer or incendiary ammunition:
(i) anywhere except within the confines of established military reservations; or
(ii) except with the written permission of the director of the Division of Forestry, Fire, and State Lands, given upon written request, if the director:
(A) specifies a limited period of time and a limited area in which the ammunition may be used; and
(B) issues the written permission in accordance with this title and applicable rules.
(2) Fines assessed under this section are deposited in the General Fund.

65A-8-212. Power of state forester to close hazardous areas -- Violations of an order closing an area. (Amended 2013)
(1)(a) If the state forester finds conditions in a given area in the state to be extremely hazardous, "extremely hazardous" means categorized as "extreme" under a nationally recognized standard for rating fire danger, he shall close those areas to any forms of use by the public, or to limit that use.
(b) The closure shall include, for the period of time the state forester considers necessary, the prohibition of open fires, and may include restrictions and prohibitions on:
(i) smoking;
(ii) the use of vehicles or equipment;
(iii) welding, cutting, or grinding of metals;
(iv) fireworks;
(v) explosives; or
(vi) the use of firearms for target shooting.
(c) Any restriction or closure relating to firearms use:
(i) shall be done with support of the duly elected county sheriff of the affected county or counties;
(ii) shall undergo a formal review by the State Forester and County Sheriff every 14 days; and
(iii) may not prohibit a person from legally possessing a firearm or lawfully participating in a hunt.
(d) The State Forester and County Sheriff shall:
(i) agree to the terms of any restriction or closure relating to firearms use;
(ii) reduce the agreement to writing;
(iii) sign the agreement indicating approval of its terms and duration; and
(iv) complete the steps in Subsections (1)(d)(i) through (d)(iii) at each 14 day review and at termination of the restriction or closure.
(2) Nothing in this chapter prohibits any resident within the area from full and free access to his home or property, or any legitimate use by the owner or lessee of the property.
(3) The order or proclamation closing or limiting the use in the area shall set forth:
(a) the exact area coming under the order;
(b) the date when the order becomes effective; and
(c) if advisable, the authority from whom permits for entry into the area may be obtained.
(4) Any entry into or use of any area in violation of this section is a class B misdemeanor.

76-2-401. Justification as defense -- When allowed. (Adopted 2000)

(1) Conduct which is justified is a defense to prosecution for any offense based on the conduct. The defense of justification may be claimed:
(a) when the actor's conduct is in defense of persons or property under the circumstances described in Sections 76-2-402 through 76-2-406 of this part;
(b) when the actor's conduct is reasonable and in fulfillment of his duties as a governmental officer or employee;
(c) when the actor's conduct is reasonable discipline of minors by parents, guardians, teachers, or other persons in loco parentis, as limited by Subsection (2);
(d) when the actor's conduct is reasonable discipline of persons in custody under the laws of the state; or
(e) when the actor's conduct is justified for any other reason under the laws of this state.
(2) The defense of justification under Subsection (1)(c) is not available if the offense charged involves causing serious bodily injury, as defined in Section 76-1-601, serious physical injury, as defined in Section 76-5-109, or the death of the minor.

76-2-402. Force in defense of person -- Forcible felony defined. (Amended 2018)
(1)
(a) A person is justified in threatening or using force against another when and to the extent that the person reasonably believes that force or a threat of force is necessary to defend the person or a third person against another person's imminent use of unlawful force.
(b) A person is justified in using force intended or likely to cause death or serious bodily injury only if the person reasonably believes that force is necessary to prevent death or serious bodily injury to the person or a third person as a result of another person's imminent use of unlawful force, or to prevent the commission of a forcible felony.
(2)
(a) A person is not justified in using force under the circumstances specified in Subsection (1) if the person:
(i) initially provokes the use of force against the person with the intent to use force as an excuse to inflict bodily harm upon the assailant;
(ii) is attempting to commit, committing, or fleeing after the commission or attempted commission of a felony, unless the use of force is a reasonable response to factors unrelated to the commission, attempted commission, or fleeing after the commission of that felony; or
(iii) was the aggressor or was engaged in a combat by agreement, unless the person withdraws from the encounter and effectively communicates to the other person his intent to do so and, notwithstanding, the other person continues or threatens to continue the use of unlawful force.
(b) For purposes of Subsection (2)(a)(iii) the following do not, by themselves, constitute "combat by agreement":
(i) voluntarily entering into or remaining in an ongoing relationship; or
(ii) entering or remaining in a place where one has a legal right to be.
(3) A person does not have a duty to retreat from the force or threatened force described in Subsection (1) in a place where that person has lawfully entered or remained, except as provided in Subsection (2)(a)(iii).
(4)
(a) For purposes of this section, a forcible felony includes aggravated assault, mayhem, aggravated murder, murder, manslaughter, kidnapping, and aggravated kidnapping, rape, forcible sodomy, rape of a child, object rape, object rape of a child, sexual abuse of a child, aggravated sexual abuse of a child, and aggravated sexual assault as defined in Title 76, Chapter 5, Offenses Against the Person, and arson, robbery, and burglary as defined in Title 76, Chapter 6, Offenses Against Property.
(b) Any other felony offense which involves the use of force or violence against a person so as to create a substantial danger of death or serious bodily injury also constitutes a forcible felony.
(c) Burglary of a vehicle, defined in Section 76-6-204, does not constitute a forcible felony except when the vehicle is occupied at the time unlawful entry is made or attempted.
(5) In determining imminence or reasonableness under Subsection (1), the trier of fact may consider, but is not limited to, any of the following factors:
(a) the nature of the danger;
(b) the immediacy of the danger;



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(c) the probability that the unlawful force would result in death or serious bodily injury;

(d) the other's prior violent acts or violent propensities; and
(e) any patterns of abuse or violence in the parties' relationship.

76-2-403. Force in arrest. (Enacted 1973)

Any person is justified in using any force, except deadly force, which he reasonably believes to be necessary to effect an arrest or to defend himself or another from bodily harm while making an arrest.

76-2-404. Peace officer's use of deadly force. (Amended 2004)

(1) A peace officer, or any person acting by his command in his aid and assistance, is justified in using deadly force when:

(a) the officer is acting in obedience to and in accordance with the judgment of a competent court in executing a penalty of death under Subsection 77-18-5.5(3) or (4);

(b) effecting an arrest or preventing an escape from custody following an arrest, where the officer reasonably believes that deadly force is necessary to prevent the arrest from being defeated by escape; and

(i) the officer has probable cause to believe that the suspect has committed a felony offense involving the infliction or threatened infliction of death or serious bodily injury; or

(ii) the officer has probable cause to believe the suspect poses a threat of death or serious bodily injury to the officer or to others if apprehension is delayed; or

(c) the officer reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury to the officer or another person.

(2) If feasible, a verbal warning should be given by the officer prior to any use of deadly force under Subsection (1)(b) or (1)(c).

76-2-405. Force in defense of habitation. (Adopted 1985)

(1) A person is justified in using force against another when and to the extent that he reasonably believes that the force is necessary to prevent or terminate the other's unlawful entry into or attack upon his habitation; however, he is justified in the use of force which is intended or likely to cause death or serious bodily injury only if:

(a) the entry is made or attempted in a violent and tumultuous manner, surreptitiously, or by stealth, and he reasonably believes that the entry is attempted or made for the purpose of assaulting or offering personal violence to any person, dwelling, or being in the habitation and he reasonably believes that the force is necessary to prevent the assault or offer of personal violence; or

(b) he reasonably believes that the entry is made or attempted for the purpose of committing a felony in the habitation and that the force is necessary to prevent the commission of the felony.

(2) The person using force or deadly force in defense of habitation is presumed for the purpose of both civil and criminal cases to have acted reasonably and had a reasonable fear of imminent peril of death or serious bodily injury if the entry or attempted entry is unlawful and is made or attempted by use of force, or in a violent and tumultuous manner, or surreptitiously or by stealth, or for the purpose of committing a felony.

76-2-406. Force in defense of property. (Adopted 1973)

A person is justified in using force, other than deadly force, against another when and to the extent that he reasonably believes that force is necessary to prevent or terminate criminal interference with real property or personal property:

(1) Lawfully in his possession; or

(2) Lawfully in the possession of a member of his immediate family; or

(3) Belonging to a person whose property he has a legal duty to protect.

76-2-407. Deadly force in defense of persons on real property. (Adopted 2002)

(1) A person is justified in using force intended or likely to cause death or serious bodily injury against another in his defense of persons on real property other than his habitation if:

(a) he is in lawful possession of the real property;

(b) he reasonably believes that the force is necessary to prevent or terminate the other person's trespass onto the real property;

(c) the trespass is made or attempted by use of force or in a violent and tumultuous manner; and

(d)(i) the person reasonably believes that the trespass is attempted or made for the purpose of committing violence against any person on the real property and he reasonably believes that the force is necessary to prevent personal violence; or

(ii) the person reasonably believes that the trespass is made or attempted for the purpose of committing a forcible felony as defined in Section 76-2-402 that poses imminent peril of death or serious bodily injury to a person on the real property and that the force is necessary to prevent the commission of that forcible felony.

(2) The person using deadly force in defense of persons on real property under Subsection (1) is presumed for the purpose of both civil and criminal cases to have acted reasonably and had a reasonable fear of imminent peril of death or serious bodily injury if the trespass or attempted trespass is unlawful and is made or attempted by use of force, or in a violent and tumultuous manner, or for the purpose of committing a forcible felony.

76-3-203.2. Definitions -- Use of dangerous weapon in offenses committed on or about school premises -- Enhanced penalties. (Amended 2011)

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

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

(B) on the grounds of any of those schools;

(ii)(A) in a public or private institution of higher education; or

(B) on the grounds of a public or private institution of higher education;

(iii) within 1,000 feet of any school, institution, or grounds included in

Subsections (1)(a)(i) and (ii); and

(iv) in or on the grounds of a preschool or child care facility.

(b) As used in this section:

(i) "Dangerous weapon" has the same definition as in Section 76-1-601.

(ii) "Educator" means a person who is:

(A) employed by a public school district; and

(B) required to hold a certificate issued by the State Board of Education in order to perform duties of employment.

(iii) "Within the course of employment" means that an educator is providing services or engaging in conduct required by the educator's employer to perform the duties of employment.

(2) A person who, on or about school premises, commits an offense and uses or threatens to use a dangerous weapon, as defined in Section 76-1-601, in the commission of the offense is subject to an enhanced degree of offense as provided in Subsection (4).

(3)(a) A person who commits an offense against an educator when the educator is acting within the course of employment is subject to an enhanced degree of offense as provided in Subsection (4).

(b) As used in Subsection (3)(a), "offense" means:

(i) an offense under Title 76, Chapter 5, Offenses Against the Person; and

(ii) an offense under Title 76, Chapter 6, Part 3, Robbery.

(4) If the trier of fact finds beyond a reasonable doubt that the defendant, while on or about school premises, commits an offense and in the commission of the offense uses or threatens to use a dangerous weapon, or that the defendant committed an offense against an educator when the educator was acting within the course of the educator's employment, the enhanced penalty for a:

(a) class B misdemeanor is a class A misdemeanor;

(b) class A misdemeanor is a third degree felony;

(c) third degree felony is a second degree felony; or

(d) second degree felony is a first degree felony.

(5) The enhanced penalty for a first degree felony offense of a convicted person:

(a) is imprisonment for a term of not less than five years and which may be for life, and imposition or execution of the sentence may not be suspended unless the court finds that the interests of justice would be best served and states the specific circumstances justifying the disposition on the record; and

(b) is subject also to the dangerous weapon enhancement provided in Section 76-3-203.8, except for an offense committed under Subsection (3) that does not involve a firearm.



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(6) The prosecuting attorney, or grand jury if an indictment is returned, shall provide notice upon the information or indictment that the defendant is subject to the enhanced degree of offense or penalty under Subsection (4) or (5).

(7) In cases where an offense is enhanced under Subsection (4), or under Subsection (5)(a) for an offense committed under Subsection (2) that does not involve a firearm, the convicted person is not subject to the dangerous weapon enhancement in Section 76-3-203.8.

(8) The sentencing enhancement described in this section does not apply if:

(a) the offense for which the person is being sentenced is:

(i) a grievous sexual offense;

(ii) child kidnapping under Section 76-5-301.1;

(iii) aggravated kidnapping under Section 76-5-302; or

(iv) forcible sexual abuse under Section 76-5-404; and

(b) applying the sentencing enhancement provided for in this section would result in a lower maximum penalty than the penalty provided for under the section that describes the offense for which the person is being sentenced.

76-5-102. Assault -- Penalties. (Amended 2015)

(1) Assault is:

(a) an attempt, with unlawful force or violence, to do bodily injury to another; or

(b) an act, committed with unlawful force or violence, that causes bodily injury to another or creates a substantial risk of bodily injury to another.

(2) Assault is a class B misdemeanor.

(3) Assault is a class A misdemeanor if:

(a) the person causes substantial bodily injury to another; or

(b) the victim is pregnant and the person has knowledge of the pregnancy.

(4) It is not a defense against assault, that the accused caused serious bodily injury to another.

76-5-103. Aggravated assault. (Adopted 1995)

(1) A person commits aggravated assault if he commits assault as defined in Section 76-5-102 and he:

(a) intentionally causes serious bodily injury to another; or

(b) under circumstances not amounting to a violation of Subsection (1)(a), uses a dangerous weapon as defined in Section 76-1-601 or other means or force likely to produce death or serious bodily injury.

(2) A violation of Subsection (1)(a) is a second degree felony.

(3) A violation of Subsection (1)(b) is a third degree felony.

76-5-104. Consensual altercation. (Adopted 1997)

In any prosecution for criminal homicide under Part 2 of this chapter or assault, it is no defense to the prosecution that the defendant was a party to any duel, mutual combat, or other consensual altercation if during the course of the duel, combat, or altercation any dangerous weapon as defined in Section 76-1-601 was used or if the defendant was engaged in an ultimate fighting match as defined in Section 76-9-705.

76-5-107. Threat of violence -- Penalty. (Amended 2015)

(1) A person commits a threat of violence if:

(a) the person threatens to commit any offense involving bodily injury, death, or substantial property damage, and acts with intent to place a person in fear of imminent serious bodily injury, substantial bodily injury, or death; or

(b) the person makes a threat, accompanied by a show of immediate force or violence, to do bodily injury to another.

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

(3) It is not a defense under this section that the person did not attempt to or was incapable of carrying out the threat.

(4) A threat under this section may be express or implied.

(5) A person who commits an offense under this section is subject to punishment for that offense, in addition to any other offense committed, including the carrying out of the threatened act.

(6) In addition to any other penalty authorized by law, a court shall order any person convicted of any violation of this section to reimburse any federal, state, or local unit of government, or any private business,

organization, individual, or entity for all expenses and losses incurred in responding to the violation, unless the court states on the record the reasons why the reimbursement would be inappropriate.

76-5-107.3. Threat of terrorism -- Penalty. (Amended 2013)

(1) A person commits a threat of terrorism if the person threatens to commit any offense involving bodily injury, death, or substantial property damage, and:

(a)(i) threatens the use of a weapon of mass destruction, as defined in Section 76-10-401; or

(ii) threatens the use of a hoax weapon of mass destruction, as defined in Section 76-10-401; or

(b) acts with intent to:

(i) intimidate or coerce a civilian population or to influence or affect the conduct of a government or a unit of government;

(ii) prevent or interrupt the occupation of a building or a portion of the building, a place to which the public has access, or a facility or vehicle of public transportation operated by a common carrier; or

(iii) cause an official or volunteer agency organized to deal with emergencies to take action due to the person's conduct posing a serious and substantial risk to the general public.

(2)(a) A violation of Subsection (1)(a) or (1)(b)(i) is a second degree felony.

(b) A violation of Subsection (1)(b)(ii) is a third degree felony.

(c) A violation of Subsection (1)(b)(iii) is a class B misdemeanor.

(3) It is not a defense under this section that the person did not attempt to carry out or was incapable of carrying out the threat.

(4) A threat under this section may be express or implied.

(5) A person who commits an offense under this section is subject to punishment for that offense, in addition to any other offense committed, including the carrying out of the threatened act.

(6) In addition to any other penalty authorized by law, a court shall order any person convicted of any violation of this section to reimburse any federal, state, or local unit of government, or any private business, organization, individual, or entity for all expenses and losses incurred in responding to the violation, unless the court states on the record the reasons why the reimbursement would be inappropriate.

76-6-101. Definitions. (Offenses Against Property) (Amended 2011)

(1) For purposes of this chapter:

(a) "Fire" means a flame, heat source capable of combustion, or material capable of combustion that is caused, set, or maintained by a person for any purpose.

(b) "Habitable structure" means any building, vehicle, trailer, railway car, aircraft, or watercraft used for lodging or assembling persons or conducting business whether a person is actually present or not.

(c) "Property" means:

(i) any form of real property or tangible personal property which is capable of being damaged or destroyed and includes a habitable structure; and

(ii) the property of another, if anyone other than the actor has a possessory or proprietary interest in any portion of the property.

(d) "Value" means:

(i) the market value of the property, if totally destroyed, at the time and place of the offense, or where cost of replacement exceeds the market value; or

(ii) where the market value cannot be ascertained, the cost of repairing or replacing the property within a reasonable time following the offense.

(2) If the property damaged has a value that cannot be ascertained by the criteria set forth in Subsection (1)(d), the property shall be considered to have a value less than \$500.

76-8-311.1. Secure areas -- Items prohibited -- Penalty. (Adopted 2002)

(1) In addition to the definitions in Section 76-10-501, as used in this section:

(a) "Correctional facility" has the same meaning as defined in Section 76-8-311.3.

(b) "Explosive" has the same meaning as defined for "explosive, chemical, or incendiary device" defined in Section 76-10-306.

(c) "Law enforcement facility" means a facility which is owned, leased, or operated by a law enforcement agency.



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(d) "Mental health facility" has the same meaning as defined in Section 62A-15-602.

(e)(i) "Secure area" means any area into which certain persons are restricted from transporting any firearm, ammunition, dangerous weapon, or explosive.

(ii) A "secure area" may not include any area normally accessible to the public.

(2)(a) A person in charge of a correctional, law enforcement, or mental health facility may establish secure areas within the facility and may prohibit or control by rule any firearm, ammunition, dangerous weapon, or explosive.

(b) Subsections (2)(a), (3), (4), (5), and (6) apply to higher education secure area hearing rooms referred to in Subsections 53B-3-103(2)(a)(ii) and (b).

(3) At least one notice shall be prominently displayed at each entrance to an area in which a firearm, ammunition, dangerous weapon, or explosive is restricted.

(4)(a) Provisions shall be made to provide a secure weapons storage area so that persons entering the secure area may store their weapons prior to entering the secure area.

(b) The entity operating the facility shall be responsible for weapons while they are stored in the storage area.

(5) It is a defense to any prosecution under this section that the accused, in committing the act made criminal by this section, acted in conformity with the facility's rule or policy established pursuant to this section.

(6)(a) Any person who knowingly or intentionally transports into a secure area of a facility any firearm, ammunition, or dangerous weapon is guilty of a third degree felony.

(b) Any person violates Section 76-10-306 who knowingly or intentionally transports, possesses, distributes, or sells any explosive in a secure area of a facility.

76-8-311.3. Items prohibited in correctional and mental health facilities -- Penalties. (Adopted 2004)

(1) As used in this section:

(a) "Contraband" means any item not specifically prohibited for possession by offenders under this section or Title 58, Chapter 37, Utah Controlled Substances Act.

(b) "Controlled substance" means any substance defined as a controlled substance under Title 58, Chapter 37, Utah Controlled Substances Act.

(c) "Correctional facility" means:

(i) any facility operated by or contracting with the Department of Corrections to house offenders in either a secure or nonsecure setting;

(ii) any facility operated by a municipality or a county to house or detain criminal offenders;

(iii) any juvenile detention facility; and

(iv) any building or grounds appurtenant to the facility or lands granted to the state, municipality, or county for use as a correctional facility.

(d) "Medicine" means any prescription drug as defined in Title 58, Chapter 17b, Pharmacy Practice Act, but does not include any controlled substances as defined in Title 58, Chapter 37, Utah Controlled Substances Act.

(e) "Mental health facility" has the same meaning as defined in Section 62A-15-602.

(f) "Offender" means a person in custody at a correctional facility.

(g) "Secure area" has the same meaning as provided in Section 76-8-311.1.

(2) Notwithstanding Section 76-10-500, a correctional or mental health facility may provide by rule that no firearm, ammunition, dangerous weapon, implement of escape, explosive, controlled substance, spirituous or fermented liquor, medicine, or poison in any quantity may be:

(a) transported to or upon a correctional or mental health facility;

(b) sold or given away at any correctional or mental health facility;

(c) given to or used by any offender at a correctional or mental health facility; or

(d) knowingly or intentionally possessed at a correctional or mental health facility.

(3) It is a defense to any prosecution under this section if the accused in committing the act made criminal by this section:

(a) with respect to a correctional facility operated by the Department of Corrections, acted in conformity with departmental rule or policy;

(b) with respect to a correctional facility operated by a municipality, acted in conformity with the policy of the municipality;

(c) with respect to a correctional facility operated by a county, acted in conformity with the policy of the county; or

(d) with respect to a mental health facility, acted in conformity with the policy of the mental health facility.

(4)(a) Any person who transports to or upon a correctional facility, or into a secure area of a mental health facility, any firearm, ammunition, dangerous weapon, or implement of escape with intent to provide or sell it to any offender, is guilty of a second degree felony.

(b) Any person who provides or sells to any offender at a correctional facility, or any detainee at a secure area of a mental health facility, any firearm, ammunition, dangerous weapon, or implement of escape is guilty of a second degree felony.

(c) Any offender who possesses at a correctional facility, or any detainee who possesses at a secure area of a mental health facility, any firearm, ammunition, dangerous weapon, or implement of escape is guilty of a second degree felony.

(d) Any person who, without the permission of the authority operating the correctional facility or the secure area of a mental health facility, knowingly possesses at a correctional facility or a secure area of a mental health facility any firearm, ammunition, dangerous weapon, or implement of escape is guilty of a third degree felony.

(e) Any person violates Section 76-10-306 who knowingly or intentionally transports, possesses, distributes, or sells any explosive in a correctional facility or mental health facility.

(5)(a) A person is guilty of a third degree felony who, without the permission of the authority operating the correctional facility or secure area of a mental health facility, knowingly transports to or upon a correctional facility or into a secure area of a mental health facility any:

(i) spirituous or fermented liquor;

(ii) medicine, whether or not lawfully prescribed for the offender; or

(iii) poison in any quantity.

(b) A person is guilty of a third degree felony who knowingly violates correctional or mental health facility policy or rule by providing or selling to any offender at a correctional facility or detainee within a secure area of a mental health facility any:

(i) spirituous or fermented liquor;

(ii) medicine, whether or not lawfully prescribed for the offender; or

(iii) poison in any quantity.

(c) An inmate is guilty of a third degree felony who, in violation of correctional or mental health facility policy or rule, possesses at a correctional facility or in a secure area of a mental health facility any:

(i) spirituous or fermented liquor;

(ii) medicine, other than medicine provided by the facility's health care providers in compliance with facility policy; or

(iii) poison in any quantity.

(d) A person is guilty of a class A misdemeanor who, with the intent to directly or indirectly provide or sell any tobacco product to an offender, directly or indirectly:

(i) transports, delivers, or distributes any tobacco product to an offender or on the grounds of any correctional facility;

(ii) solicits, requests, commands, coerces, encourages, or intentionally aids another person to transport any tobacco product to an offender or on any correctional facility, if the person is acting with the mental state required for the commission of an offense; or

(iii) facilitates, arranges, or causes the transport of any tobacco product in violation of this section to an offender or on the grounds of any correctional facility.

(e) A person is guilty of a class A misdemeanor who, without the permission of the authority operating the correctional or mental health facility, fails to declare or knowingly possesses at a correctional facility or in a secure area of a mental health facility any:

(i) spirituous or fermented liquor;

(ii) medicine; or

(iii) poison in any quantity.

(f) A person is guilty of a class B misdemeanor who, without the permission of the authority operating the correctional facility, knowingly



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engages in any activity that would facilitate the possession of any contraband by an offender in a correctional facility. The provisions of Subsection (5)(d) regarding any tobacco product take precedence over this Subsection (5)(f).

(g) Exemptions may be granted for worship for Native American inmates pursuant to Section 64-13-40.

(6) The possession, distribution, or use of a controlled substance at a correctional facility or in a secure area of a mental health facility shall be prosecuted in accordance with Title 58, Chapter 37, Utah Controlled Substances Act.

(7) The department shall make rules under Title 63, Chapter 46a, Utah Administrative Rulemaking Act, to establish guidelines for providing written notice to visitors that providing any tobacco product to offenders is a class A misdemeanor.

76-8-512. Impersonation of officer. (Adopted 1991)

A person is guilty of a class B misdemeanor who:

(1) impersonates a public servant or a peace officer with intent to deceive another or with intent to induce another to submit to his pretended official authority or to rely upon his pretended official act;

(2) falsely states he is a public servant or a peace officer with intent to deceive another or to induce another to submit to his pretended official authority or to rely upon his pretended official act; or

(3) displays or possesses without authority any badge, identification card, other form of identification, any restraint device, or the uniform of any state or local governmental entity, or a reasonable facsimile of any of these items, with the intent to deceive another or with the intent to induce another to submit to his pretended official authority or to rely upon his pretended official act.

76-8-703. Criminal trespass upon an institution of higher education.

(Amended 2013)

(1)(a) A chief administrative officer may order a person to leave property that is owned, operated, or controlled by an institution of higher education if the person:

(i) acts or if the chief administrative officer has reasonable cause to believe that the person intends to act to:

(A) cause injury to a person;

(B) cause damage to property;

(C) commit a crime;

(D) interfere with the peaceful conduct of the activities of the institution;

(E) violate any rule or regulation of the institution if that rule or regulation is not in conflict with state law; or

(F) disrupt the institution, its pupils, or the institution's activities; or
(ii) is reckless as to whether the person's actions will cause fear for the safety of another.

(b) A person is guilty of criminal trespass upon an institution of higher education if the person enters or remains on property that is owned, operated, or controlled by an institution of higher education after being ordered to leave under Subsection (1)(a).

(c) The mere carrying or possession of a firearm on the campus of a state institution of higher education, as defined in Section 53B-3-102, does not warrant an order to leave under Subsection (1)(a) if the person carrying or possessing the firearm is otherwise complying with all state laws regulating the possession and use of a firearm.

(2) A person is guilty of criminal trespass upon an institution of higher education if the person enters or remains without authorization upon property that is owned, operated, or controlled by an institution of higher education if notice against entry or remaining has been given by:

(a) personal communication to the person by the chief administrative officer or a person with apparent authority to act for the institution;

(b) the posting of signs reasonably likely to come to the attention of trespassers;

(c) fencing or other enclosure obviously designed to exclude trespassers; or

(d) a current order of suspension or expulsion.

(3) If an employee or student of an institution of higher education is ordered to leave under Subsection (1) or receives a notice against entry or remaining under Subsection (2), the institution of higher education shall

afford the employee or student the process required by the institution of higher education's rules and regulations.

(4) A person who violates this section shall be punished as provided in Section 76-8-717.

76-9-102. Disorderly conduct. (Amended 2014)

(1) A person is guilty of disorderly conduct if:

(a) the person refuses to comply with the lawful order of a law enforcement officer to move from a public place, or knowingly creates a hazardous or physically offensive condition, by any act which serves no legitimate purpose; or

(b) intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, the person:

(i) engages in fighting or in violent, tumultuous, or threatening behavior;

(ii) makes unreasonable noises in a public place;

(iii) makes unreasonable noises in a private place which can be heard in a public place; or

(iv) obstructs vehicular or pedestrian traffic.

(2) "Public place," for the purpose of this section, means any place to which the public or a substantial group of the public has access and includes but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(3) The mere carrying or possession of a holstered or encased firearm, whether visible or concealed, without additional behavior or circumstances that would cause a reasonable person to believe the holstered or encased firearm was carried or possessed with criminal intent, does not constitute a violation of this section. Nothing in this Subsection (3) may limit or prohibit a law enforcement officer from approaching or engaging any person in a voluntary conversation.

(4) Disorderly conduct is a class C misdemeanor if the offense continues after a request by a person to desist. Otherwise it is an infraction.

76-10-500. Uniform law. (Adopted 1999)

(1) The individual right to keep and bear arms being a constitutionally protected right, the Legislature finds the need to provide uniform laws throughout the state. Except as specifically provided by state law, a citizen of the United States or a lawfully admitted alien shall not be:

(a) prohibited from owning, possessing, purchasing, selling, transferring, transporting, or keeping any firearm at his place of residence, property, business, or in any vehicle lawfully in his possession or lawfully under his control; or

(b) required to have a permit or license to purchase, own, possess, transport, or keep a firearm.

(2) This part is uniformly applicable throughout this state and in all its political subdivisions and municipalities. All authority to regulate firearms shall be reserved to the state except where the Legislature specifically delegates responsibility to local authorities or state entities. Unless specifically authorized by the Legislature by statute, a local authority or state entity may not enact or enforce any ordinance, regulation, or rule pertaining to firearms.

76-10-501. Definitions. (Amended 2015)

As used in this part:

(1)(a) "Antique firearm" means:

(i) any firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898; or

(ii) a firearm that is a replica of any firearm described in this Subsection (1)(a), if the replica:

(A) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

(B) uses rimfire or centerfire fixed ammunition which is:

(I) no longer manufactured in the United States; and

(II) is not readily available in ordinary channels of commercial trade; or
(iii)

(A) that is a muzzle loading rifle, shotgun, or pistol; and

(B) is designed to use black powder, or a black powder substitute, and cannot use fixed ammunition.

(b) "Antique firearm" does not include:



Utah State and Federal Arms Laws

of Special Interest to Utah Concealed Firearm Permit Holders and Applicants

Compiled by Blaine S. Nay, Cedar City, Utah

Believed to be correct as of 4 November 2018; subject to change

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- (i) a weapon that incorporates a firearm frame or receiver;
- (ii) a firearm that is converted into a muzzle loading weapon; or
- (iii) a muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the:
 - (A) barrel;
 - (B) bolt;
 - (C) breechblock; or
 - (D) any combination of Subsection (1)(b)(iii)(A), (B), or (C).
- (2) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201 within the Department of Public Safety.
- (3)(a) "Concealed firearm" means a firearm that is:
 - (i) covered, hidden, or secreted in a manner that the public would not be aware of its presence; and
 - (ii) readily accessible for immediate use.
- (b) A firearm that is unloaded and securely encased is not a concealed firearm for the purposes of this part.
- (4) "Criminal history background check" means a criminal background check conducted by a licensed firearms dealer on every purchaser of a handgun, except a Federal Firearms Licensee, through the bureau or the local law enforcement agency where the firearms dealer conducts business.
- (5) "Curio or relic firearm" means a firearm that:
 - (a) is of special interest to a collector because of a quality that is not associated with firearms intended for:
 - (i) sporting use;
 - (ii) use as an offensive weapon; or
 - (iii) use as a defensive weapon;
 - (b)(i) was manufactured at least 50 years before the current date; and
 - (ii) is not a replica of a firearm described in Subsection (5)(b)(i);
 - (c) is certified by the curator of a municipal, state, or federal museum that exhibits firearms to be a curio or relic of museum interest;
 - (d) derives a substantial part of its monetary value:
 - (i) from the fact that the firearm is:
 - (A) novel;
 - (B) rare; or
 - (C) bizarre; or
 - (ii) because of the firearm's association with an historical:
 - (A) figure;
 - (B) period; or
 - (C) event; and
 - (e) has been designated as a curio or relic firearm by the director of the United States Treasury Department Bureau of Alcohol, Tobacco, and Firearms under 27 C.F.R. Sec. 478.11.
- (6)(a) "Dangerous weapon" means:
 - (i) a firearm; or
 - (ii) an object that in the manner of its use or intended use is capable of causing death or serious bodily injury.
- (b) The following factors are used in determining whether any object, other than a firearm, is a dangerous weapon:
 - (i) the location and circumstances in which the object was used or possessed;
 - (ii) the primary purpose for which the object was made;
 - (iii) the character of the wound, if any, produced by the object's unlawful use;
 - (iv) the manner in which the object was unlawfully used;
 - (v) whether the manner in which the object is used or possessed constitutes a potential imminent threat to public safety; and
 - (vi) the lawful purposes for which the object may be used.
- (c) "Dangerous weapon" does not include an explosive, chemical, or incendiary device as defined by Section 76-10-306.
- (7) "Dealer" means a person who is:
 - (a) licensed under 18 U.S.C. Sec. 923; and
 - (b) engaged in the business of selling, leasing, or otherwise transferring a handgun, whether the person is a retail or wholesale dealer, pawnbroker, or otherwise.
- (8) "Enter" means intrusion of the entire body.
- (9) "Federal Firearms Licensee" means a person who:
 - (a) holds a valid Federal Firearms License issued under 18 U.S.C. Sec. 923; and

- (b) is engaged in the activities authorized by the specific category of license held.
- (10)(a) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle or short barreled rifle, or a device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive.
- (b) As used in Sections 76-10-526 and 76-10-527, "firearm" does not include an antique firearm.
- (11) "Firearms transaction record form" means a form created by the bureau to be completed by a person purchasing, selling, or transferring a handgun from a dealer in the state.
- (12) "Fully automatic weapon" means a firearm which fires, is designed to fire, or can be readily restored to fire, automatically more than one shot without manual reloading by a single function of the trigger.
- (13)(a) "Handgun" means a pistol, revolver, or other firearm of any description, loaded or unloaded, from which a shot, bullet, or other missile can be discharged, the length of which, not including any revolving, detachable, or magazine breech, does not exceed 12 inches.
- (b) As used in Sections 76-10-520, 76-10-521, and 76-10-522, "handgun" and "pistol or revolver" do not include an antique firearm.
- (14) "House of worship" means a church, temple, synagogue, mosque, or other building set apart primarily for the purpose of worship in which religious services are held and the main body of which is kept for that use and not put to any other use inconsistent with its primary purpose.
- (15) "Prohibited area" means a place where it is unlawful to discharge a firearm.
- (16) "Readily accessible for immediate use" means that a firearm or other dangerous weapon is carried on the person or within such close proximity and in such a manner that it can be retrieved and used as readily as if carried on the person.
- (17) "Residence" means an improvement to real property used or occupied as a primary or secondary residence.
- (18) "Securely encased" means not readily accessible for immediate use, such as held in a gun rack, or in a closed case or container, whether or not locked, or in a trunk or other storage area of a motor vehicle, not including a glove box or console box.
- (19) "Short barreled shotgun" or "short barreled rifle" means a shotgun having a barrel or barrels of fewer than 18 inches in length, or in the case of a rifle, having a barrel or barrels of fewer than 16 inches in length, or a dangerous weapon made from a rifle or shotgun by alteration, modification, or otherwise, if the weapon as modified has an overall length of fewer than 26 inches.
- (20) "Shotgun" means a smooth bore firearm designed to fire cartridges containing pellets or a single slug.
- (21) "Shoulder arm" means a firearm that is designed to be fired while braced against the shoulder.
- (22) "Slug" means a single projectile discharged from a shotgun shell.
- (23) "State entity" means a department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.
- (24) "Violent felony" means the same as that term is defined in Section 76-3-203.5.

76-10-502. When weapon deemed loaded. (Adopted 1990)

- (1) For the purpose of this chapter, any pistol, revolver, shotgun, rifle, or other weapon described in this part shall be deemed to be loaded when there is an unexpended cartridge, shell, or projectile in the firing position.
- (2) Pistols and revolvers shall also be deemed to be loaded when an unexpended cartridge, shell, or projectile is in a position whereby the manual operation of any mechanism once would cause the unexpended cartridge, shell, or projectile to be fired.
- (3) A muzzle loading firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinders.

76-10-503. Restrictions on possession, purchase, transfer, and ownership of dangerous weapons by certain persons -- Exceptions. (Amended 2017)

- (1) For purposes of this section:
 - (a) A Category I restricted person is a person who:



Utah State and Federal Arms Laws

of Special Interest to Utah Concealed Firearm Permit Holders and Applicants
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Believed to be correct as of 4 November 2018; subject to change
Latest version available at http://three-peaks.net/utah_ccw_laws.pdf



(i) has been convicted of any violent felony as defined in Section 76-3-203.5;

(ii) is on probation or parole for any felony;

(iii) is on parole from a secure facility as defined in Section 62A-7-101;

(iv) within the last 10 years has been adjudicated delinquent for an offense which if committed by an adult would have been a violent felony as defined in Section 76-3-203.5;

(v) is an alien who is illegally or unlawfully in the United States; or

(vi) is on probation for a conviction of possessing:

(A) a substance classified in Section 58-37-4 as a Schedule I or II controlled substance;

(B) a controlled substance analog; or

(C) a substance listed in Section 58-37-4.2.

(b) A Category II restricted person is a person who:

(i) has been convicted of any felony;

(ii) within the last seven years has been adjudicated delinquent for an offense which if committed by an adult would have been a felony;

(iii) is an unlawful user of a controlled substance as defined in Section 58-37-2;

(iv) is in possession of a dangerous weapon and is knowingly and intentionally in unlawful possession of a Schedule I or II controlled substance as defined in Section 58-37-2;

(v) has been found not guilty by reason of insanity for a felony offense;

(vi) has been found mentally incompetent to stand trial for a felony offense;

(vii) has been adjudicated as mentally defective as provided in the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993), or has been committed to a mental institution;

(viii) has been dishonorably discharged from the armed forces;

(ix) has renounced the individual's citizenship after having been a citizen of the United States;

(x) is a respondent or defendant subject to a protective order or child protective order that is issued after a hearing for which the respondent or defendant received actual notice and at which the respondent or defendant has an opportunity to participate, that restrains the respondent or defendant from harassing, stalking, threatening, or engaging in other conduct that would place an intimate partner, as defined in 18 U.S.C. Sec. 921, or a child of the intimate partner, in reasonable fear of bodily injury to the intimate partner or child of the intimate partner, and that:

(A) includes a finding that the respondent or defendant represents a credible threat to the physical safety of an individual who meets the definition of an intimate partner in 18 U.S.C. Sec. 921 or the child of the individual; or

(B) explicitly prohibits the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily harm against an intimate partner or the child of an intimate partner; or

(xi) has been convicted of the commission or attempted commission of assault under Section 76-5-102 or aggravated assault under Section 76-5-103 against a current or former spouse, parent, guardian, individual with whom the restricted person shares a child in common, individual who is cohabitating or has cohabitated with the restricted person as a spouse, parent, or guardian, or against an individual similarly situated to a spouse, parent, or guardian of the restricted person.

(c) As used in this section, a conviction of a felony or adjudication of delinquency for an offense which would be a felony if committed by an adult does not include:

(i) a conviction or adjudication of delinquency for an offense pertaining to antitrust violations, unfair trade practices, restraint of trade, or other similar offenses relating to the regulation of business practices not involving theft or fraud; or

(ii) a conviction or adjudication of delinquency which, according to the law of the jurisdiction in which it occurred, has been expunged, set aside, reduced to a misdemeanor by court order, pardoned or regarding which the person's civil rights have been restored unless the pardon, reduction, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

(d) It is the burden of the defendant in a criminal case to provide evidence that a conviction or adjudication of delinquency is subject to an exception provided in Subsection (1)(c), after which it is the burden of the state to

prove beyond a reasonable doubt that the conviction or adjudication of delinquency is not subject to that exception.

(2) A Category I restricted person who intentionally or knowingly agrees, consents, offers, or arranges to purchase, transfer, possess, use, or have under the person's custody or control, or who intentionally or knowingly purchases, transfers, possesses, uses, or has under the person's custody or control:

(a) any firearm is guilty of a second degree felony; or

(b) any dangerous weapon other than a firearm is guilty of a third degree felony.

(3) A Category II restricted person who intentionally or knowingly purchases, transfers, possesses, uses, or has under the person's custody or control:

(a) any firearm is guilty of a third degree felony; or

(b) any dangerous weapon other than a firearm is guilty of a class A misdemeanor.

(4) A person may be subject to the restrictions of both categories at the same time.

(5) If a higher penalty than is prescribed in this section is provided in another section for one who purchases, transfers, possesses, uses, or has under this custody or control any dangerous weapon, the penalties of that section control.

(6) It is an affirmative defense to a charge based on the definition in Subsection (1)(b)(iv) that the person was:

(a) in possession of a controlled substance pursuant to a lawful order of a practitioner for use of a member of the person's household or for administration to an animal owned by the person or a member of the person's household; or

(b) otherwise authorized by law to possess the substance.

(7)

(a) It is an affirmative defense to transferring a firearm or other dangerous weapon by a person restricted under Subsection (2) or (3) that the firearm or dangerous weapon:

(i) was possessed by the person or was under the person's custody or control before the person became a restricted person;

(ii) was not used in or possessed during the commission of a crime or subject to disposition under Section 24-3-103;

(iii) is not being held as evidence by a court or law enforcement agency;

(iv) was transferred to a person not legally prohibited from possessing the weapon; and

(v) unless a different time is ordered by the court, was transferred within 10 days of the person becoming a restricted person.

(b) Subsection (7)(a) is not a defense to the use, purchase, or possession on the person of a firearm or other dangerous weapon by a restricted person.

(8)

(a) A person may not sell, transfer, or otherwise dispose of any firearm or dangerous weapon to any person, knowing that the recipient is a person described in Subsection (1)(a) or (b).

(b) A person who violates Subsection (8)(a) when the recipient is:

(i) a person described in Subsection (1)(a) and the transaction involves a firearm, is guilty of a second degree felony;

(ii) a person described in Subsection (1)(a) and the transaction involves any dangerous weapon other than a firearm, and the transferor has knowledge that the recipient intends to use the weapon for any unlawful purpose, is guilty of a third degree felony;

(iii) a person described in Subsection (1)(b) and the transaction involves a firearm, is guilty of a third degree felony; or

(iv) a person described in Subsection (1)(b) and the transaction involves any dangerous weapon other than a firearm, and the transferor has knowledge that the recipient intends to use the weapon for any unlawful purpose, is guilty of a class A misdemeanor.

(9)

(a) A person may not knowingly solicit, persuade, encourage or entice a dealer or other person to sell, transfer or otherwise dispose of a firearm or dangerous weapon under circumstances which the person knows would be a violation of the law.

(b) A person may not provide to a dealer or other person any information that the person knows to be materially false information with intent to



Utah State and Federal Arms Laws

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deceive the dealer or other person about the legality of a sale, transfer or other disposition of a firearm or dangerous weapon.

(c) "Materially false information" means information that portrays an illegal transaction as legal or a legal transaction as illegal.

(d) A person who violates this Subsection (9) is guilty of:

(i) a third degree felony if the transaction involved a firearm; or

(ii) a class A misdemeanor if the transaction involved a dangerous weapon other than a firearm.

76-10-504. Carrying concealed firearm -- Penalties. (Amended 2015)

(1) Except as provided in Section 76-10-503 and in Subsections (2), (3), and (4), a person who carries a concealed firearm, as defined in Section 76-10-501, including an unloaded firearm on his or her person or one that is readily accessible for immediate use which is not securely encased, as defined in this part, in or on a place other than the person's residence, property, a vehicle in the person's lawful possession, or a vehicle, with the consent of the individual who is lawfully in possession of the vehicle, or business under the person's control is guilty of a class B misdemeanor.

(2) A person who carries a concealed firearm that is a loaded firearm in violation of Subsection (1) is guilty of a class A misdemeanor.

(3) A person who carries concealed an unlawfully possessed short barreled shotgun or a short barreled rifle is guilty of a second degree felony.

(4) If the concealed firearm is used in the commission of a violent felony as defined in Section 76-3-203.5, and the person is a party to the offense, the person is guilty of a second degree felony.

(5) Nothing in Subsection (1) or (2) prohibits a person engaged in the lawful taking of protected or unprotected wildlife as defined in Title 23, Wildlife Resources Code of Utah, from carrying a concealed firearm as long as the taking of wildlife does not occur:

(a) within the limits of a municipality in violation of that municipality's ordinances; or

(b) upon the highways of the state as defined in Section 41-6a-102.

76-10-505. Carrying loaded firearm in vehicle or on street. (Adopted 2009)

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

(a) in or on a vehicle, unless:

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

(ii) the person is carrying the loaded firearm in a vehicle with the consent of the person lawfully in possession of the vehicle; *(Editor's note: Federal law prohibits firearms in school zones. I don't see how this state law gets around US CFR Title 18, Part I, Chapter 44, Sec. 922(q) for persons who do not have a Utah Concealed Firearm Permit.)*

(b) on a public street; or

(c) in a posted prohibited area.

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

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

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

76-10-505.5. Possession of a dangerous weapon, firearm, or sawed-off shotgun on or about school premises -- Penalties. (Amended 2011)

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

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

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

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

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

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

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

(2) A person may not possess any dangerous weapon, firearm, or sawed-off shotgun, as those terms are defined in Section 76-10-501, at a place

that the person knows, or has reasonable cause to believe, is on or about school premises as defined in this section.

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

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

(4) This section does not apply if:

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

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

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

(d) the possession is:

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

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

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

76-10-506. Threatening with or using dangerous weapon in fight or quarrel. (Amended 2014)

(1) As used in this section:

(a) "Dangerous weapon" means an item that in the manner of its use or intended use is capable of causing death or serious bodily injury. The following factors shall be used in determining whether an item, object, or thing is a dangerous weapon:

(i) the character of the instrument, object, or thing;

(ii) the character of the wound produced, if any; and

(iii) the manner in which the instrument, object, or thing was exhibited or used.

(b) "Threatening manner" does not include:

(i) the possession of a dangerous weapon, whether visible or concealed, without additional behavior which is threatening; or

(ii) informing another of the actor's possession of a deadly weapon in order to prevent what the actor reasonably perceives as a possible use of unlawful force by the other and the actor is not engaged in any activity described in Subsection 76-2-402(2)(a).

(2) Except as otherwise provided in Section 76-2-402 and for those persons described in Section 76-10-503, a person who, in the presence of two or more persons, and not amounting to a violation of Section 76-5-103, draws or exhibits a dangerous weapon in an angry and threatening manner or unlawfully uses a dangerous weapon in a fight or quarrel is guilty of a class A misdemeanor.

(3) This section does not apply to a person who, reasonably believing the action to be necessary in compliance with Section 76-2-402, with purpose to prevent another's use of unlawful force:

(a) threatens the use of a dangerous weapon; or

(b) draws or exhibits a dangerous weapon.

(4) This section does not apply to a person listed in Subsections 76-10-523(1)(a) through (e) in performance of the person's duties.

76-10-507. Possession of deadly weapon with criminal intent. (Amended 2015)

Every person having upon his person any dangerous weapon with intent to use it to commit a criminal offense is guilty of a class A misdemeanor.

76-10-508. Discharge of firearm from a vehicle, near a highway, or in direction of any person, building, or vehicle -- Penalties. (Amended 2014)

(1)(a) A person may not discharge any kind of dangerous weapon or firearm:

(i) from an automobile or other vehicle;

(ii) from, upon, or across any highway;

(iii) at any road signs placed upon any highways of the state;

(iv) at any communications equipment or property of public utilities including facilities, lines, poles, or devices of transmission or distribution;

(v) at railroad equipment or facilities including any sign or signal;

(vi) within Utah State Park buildings, designated camp or picnic sites, overlooks, golf courses, boat ramps, and developed beaches; or



Utah State and Federal Arms Laws

of Special Interest to Utah Concealed Firearm Permit Holders and Applicants
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(vii) without written permission to discharge the dangerous weapon from the owner or person in charge of the property within 600 feet of:

- (A) a house, dwelling, or any other building; or
 - (B) any structure in which a domestic animal is kept or fed, including a barn, poultry yard, corral, feeding pen, or stockyard.
- (b) It is a defense to any charge for violating this section that the person being accused had actual permission of the owner or person in charge of the property at the time in question.

(2) A violation of any provision of Subsection (1) is a class B misdemeanor.

(3) In addition to any other penalties, the court shall:

- (a) notify the Driver License Division of the conviction for purposes of any revocation, denial, suspension, or disqualification of a driver license under Subsection 53-3-220(1)(a)(xi); and
- (b) specify in court at the time of sentencing the length of the revocation under Subsection 53-3-225(1)(c).

(4) This section does not apply to a person who:

- (a) discharges any kind of firearm when that person is in lawful defense of self or others;
- (b) is performing official duties as provided in Section 23-20-1.5 and Subsections 76-10-523(1)(a) through (e) and as otherwise provided by law; or
- (c) discharges a dangerous weapon or firearm from an automobile or other vehicle, if:
 - (i) the discharge occurs at a firing range or training ground;
 - (ii) at no time after the discharge does the projectile that is discharged cross over or stop at a location other than within the boundaries of the firing range or training ground described in Subsection (4)(c)(i);
 - (iii) the discharge is made as practice or training for a lawful purpose;
 - (iv) the discharge and the location, time, and manner of the discharge are approved by the owner or operator of the firing range or training ground prior to the discharge; and
 - (v) the discharge is not made in violation of Subsection (1).

76-10-508.1. Felony discharge of a firearm -- Penalties. (Amended 2014)

- (1) Except as provided under Subsection (2) or (3), a person who discharges a firearm is guilty of a third degree felony punishable by imprisonment for a term of not less than three years nor more than five years if:
- (a) the actor discharges a firearm in the direction of any person or persons, knowing or having reason to believe that any person may be endangered by the discharge of the firearm;
 - (b) the actor, with intent to intimidate or harass another or with intent to damage a habitable structure as defined in Section 76-6-101, discharges a firearm in the direction of any person or habitable structure; or
 - (c) the actor, with intent to intimidate or harass another, discharges a firearm in the direction of any vehicle.
- (2) A violation of Subsection (1) which causes bodily injury to any person is a second degree felony punishable by imprisonment for a term of not less than three years nor more than 15 years.
- (3) A violation of Subsection (1) which causes serious bodily injury to any person is a first degree felony.
- (4) In addition to any other penalties for a violation of this section, the court shall:
- (a) notify the Driver License Division of the conviction for purposes of any revocation, denial, suspension, or disqualification of a driver license under Subsection 53-3-220(1)(a)(xi); and
 - (b) specify in court at the time of sentencing the length of the revocation under Subsection 53-3-225(1)(c).
- (5) This section does not apply to a person:
- (a) who discharges any kind of firearm when that person is in lawful defense of self or others;
 - (b) who is performing official duties as provided in Section 23-20-1.5 or Subsections 76-10-523(1)(a) through (e) or as otherwise authorized by law; or
 - (c) who discharges a dangerous weapon or firearm from an automobile or other vehicle, if:
 - (i) the discharge occurs at a firing range or training ground;

- (ii) at no time after the discharge does the projectile that is discharged cross over or stop at a location other than within the boundaries of the firing range or training ground described in Subsection (5)(c)(i);
- (iii) the discharge is made as practice or training for a lawful purpose;
- (iv) the discharge and the location, time, and manner of the discharge are approved by the owner or operator of the firing range or training ground prior to the discharge; and
- (v) the discharge is not made in violation of Subsection (1).

76-10-509. Possession of dangerous weapon by minor. (Adopted 1993)

- (1) A minor under 18 years of age may not possess a dangerous weapon unless he:
- (a) has the permission of his parent or guardian to have the weapon; or
 - (b) is accompanied by a parent or guardian while he has the weapon in his possession.
- (2) Any minor under 14 years of age in possession of a dangerous weapon shall be accompanied by a responsible adult.
- (3) Any person who violates this section is guilty of:
- (a) a class B misdemeanor upon the first offense; and
 - (b) a class A misdemeanor for each subsequent offense.

76-10-509.4. Prohibition of possession of certain weapons by minors. (Amended 2013)

- (1) A minor under 18 years of age may not possess a handgun.
- (2) Except as provided by federal law, a minor under 18 years of age may not possess the following:
- (a) a short barreled rifle or short barreled shotgun; or
 - (b) a fully automatic weapon.
- (3) Any person who violates Subsection (1) is guilty of:
- (a) a class B misdemeanor upon the first offense; and
 - (b) a class A misdemeanor for each subsequent offense.
- (4) Any person who violates Subsection (2) is guilty of a third degree felony.

76-10-509.5. Penalties for providing certain weapons to a minor. (Amended 2013)

- (1) Any person who provides a handgun to a minor when the possession of the handgun by the minor is a violation of Section 76-10-509.4 is guilty of:
- (a) a class B misdemeanor upon the first offense; and
 - (b) a class A misdemeanor for each subsequent offense.
- (2) Any person who transfers in violation of applicable state or federal law a short barreled rifle, short barreled shotgun, or fully automatic weapon to a minor is guilty of a third degree felony.

76-10-509.6. Parent or guardian providing firearm to violent minor. (Adopted 2000)

- (1) A parent or guardian may not intentionally or knowingly provide a firearm to, or permit the possession of a firearm by, any minor who has been convicted of a crime of violence or any minor who has been adjudicated in juvenile court for an offense which would constitute a crime of violence if the minor were an adult.
- (2) Any person who violates this section is guilty of:
- (a) a class A misdemeanor upon the first offense; and
 - (b) a third degree felony for each subsequent offense.

76-10-509.7. Parent or guardian knowing of minor's possession of dangerous weapon. (Amended 2014)

- Any parent or guardian of a minor who knows that the minor is in possession of a dangerous weapon in violation of Section 76-10-509 or a firearm in violation of Section 76-10-509.4 and fails to make reasonable efforts to remove the dangerous weapon or firearm from the minor's possession is guilty of a class B misdemeanor.

76-10-509.9. Sales of firearms to juveniles. (Adopted 1993)

- (1) A person may not sell any firearm to a minor under 18 years of age unless the minor is accompanied by a parent or guardian.
- (2) Any person who violates this section is guilty of a third degree felony.



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76-10-511. Possession of loaded firearm at residence or on real property authorized. (Adopted 2009)

Except for persons described in Section 76-10-503 and 18 U.S.C. Sec. 922(g) and as otherwise prescribed in this part, a person may have a loaded firearm:

- (1) at the person's place of residence, including any temporary residence or camp; or
- (2) on the person's real property.

76-10-512. Target concessions, shooting ranges, competitions, and hunting excepted from prohibitions. (Amended 2014)

(1) The provisions of Section 76-10-509 and Subsection 76-10-509.4(1) regarding possession of handguns by minors do not apply to any of the following:

- (a) patrons firing at lawfully operated target concessions at amusement parks, piers, and similar locations provided that the firearms to be used are firmly chained or affixed to the counters;
 - (b) any person in attendance at a hunter's safety course or a firearms safety course;
 - (c) any person engaging in practice or any other lawful use of a firearm at an established range or any other area where the discharge of a firearm is not prohibited by state or local law;
 - (d) any person engaging in an organized competition involving the use of a firearm, or participating in or practicing for such competition;
 - (e) any minor under 18 years of age who is on real property with the permission of the owner, licensee, or lessee of the property and who has the permission of a parent or legal guardian or the owner, licensee, or lessee to possess a firearm not otherwise in violation of law;
 - (f) any resident or nonresident hunters with a valid hunting license or other persons who are lawfully engaged in hunting; or
 - (g) any person traveling to or from any activity described in Subsection (1)(b), (c), (d), (e), or (f) with an unloaded firearm in the person's possession.
- (2) It is not a violation of Subsection 76-10-503(2) or (3) for a restricted person defined in Subsection 76-10-503(1) to own, possess, or have under the person's custody or control, archery equipment, including crossbows, for the purpose of lawful hunting and lawful target shooting.
- (3) Notwithstanding Subsection (2), the possession of archery equipment, including crossbows, by a restricted person defined in Subsection 76-10-503(1) may be prohibited by:
- (a) a court, as a condition of pre-trial release or probation; or
 - (b) the Board of Pardons and Parole, as a condition of parole.

76-10-520. Number or mark assigned to pistol or revolver by Department of Public Safety. (Adopted 1993)

The Department of Public Safety upon request may assign a distinguishing number or mark of identification to any pistol or revolver whenever it is without a manufacturer's number, or other mark of identification or whenever the manufacturer's number or other mark of identification or the distinguishing number or mark assigned by the Department of Public Safety has been destroyed or obliterated.

76-10-521. Unlawful marking of pistol or revolver. (Adopted 1993)

- (1) Any person who places or stamps on any pistol or revolver any number except one assigned to it by the Department of Public Safety is guilty of a class A misdemeanor.
- (2) This section does not prohibit restoration by the owner of the name of the maker, model, or of the original manufacturer's number or other mark of identification when the restoration is authorized by the Department of Public Safety, nor prevent any manufacturer from placing in the ordinary course of business the name of the make, model, manufacturer's number, or other mark of identification upon a new pistol or revolver.

76-10-522. Alteration of number or mark on pistol or revolver. (Adopted 1993)

Any person who changes, alters, removes, or obliterates the name of the maker, the model, manufacturer's number, or other mark of identification, including any distinguishing number or mark assigned by the Department of Public Safety, on any pistol or revolver, without first having secured

written permission from the Department of Public Safety to make the change, alteration, or removal, is guilty of a class A misdemeanor.

76-10-523. Persons exempt from weapons laws. (Amended 2014)

- (1) Except for Sections 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 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.

76-10-523.5. Compliance with rules for secure facilities. (Adopted 2002)

Any person, including a person licensed to carry a concealed firearm under Title 53, Chapter 5, Part 7, Concealed Weapons, shall comply with any rule established for secure facilities pursuant to Sections 53B-3-103, 76-8-311.1, 76-8-311.3, and 78-7-6 and shall be subject to any penalty provided in those sections.

76-10-526. Criminal background check prior to purchase of a firearm -- Fee -- Exemption for concealed firearm permit holders and law enforcement officers. (Amended 2014)

- (1) For purposes of this section, "valid permit to carry a concealed firearm" does not include a temporary permit issued under Section 53-5-705.
- (2)(a) To establish personal identification and residence in this state for purposes of this part, a dealer shall require an individual receiving a firearm to present one photo identification on a form issued by a governmental agency of the state.
- (b) A dealer may not accept a driving privilege card issued under Section 53-3-207 as proof of identification for the purpose of establishing personal identification and residence in this state as required under this Subsection (2).
- (3)(a) A criminal history background check is required for the sale of a firearm by a licensed firearm dealer in the state.
- (b) Subsection (3)(a) does not apply to the sale of a firearm to a Federal Firearms Licensee.
- (4)(a) An individual purchasing a firearm from a dealer shall consent in writing to a criminal background check, on a form provided by the bureau.
- (b) The form shall contain the following information:
- (i) the dealer identification number;
 - (ii) the name and address of the individual receiving the firearm;
 - (iii) the date of birth, height, weight, eye color, and hair color of the individual receiving the firearm; and
 - (iv) the Social Security number or any other identification number of the individual receiving the firearm.
- (5)(a) The dealer shall send the information required by Subsection (4) to the bureau immediately upon its receipt by the dealer.
- (b) A dealer may not sell or transfer a firearm to an individual until the dealer has provided the bureau with the information in Subsection (4) and has received approval from the bureau under Subsection (7).
- (6) The dealer shall make a request for criminal history background information by telephone or other electronic means to the bureau and shall receive approval or denial of the inquiry by telephone or other electronic means.



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(7) When the dealer calls for or requests a criminal history background check, the bureau shall:

(a) review the criminal history files, including juvenile court records, to determine if the individual is prohibited from purchasing, possessing, or transferring a firearm by state or federal law;

(b) inform the dealer that:

(i) the records indicate the individual is prohibited; or

(ii) the individual is approved for purchasing, possessing, or transferring a firearm;

(c) provide the dealer with a unique transaction number for that inquiry; and

(d) provide a response to the requesting dealer during the call for a criminal background check, or by return call, or other electronic means, without delay, except in case of electronic failure or other circumstances beyond the control of the bureau, the bureau shall advise the dealer of the reason for the delay and give the dealer an estimate of the length of the delay.

(8)(a) The bureau may not maintain any records of the criminal history background check longer than 20 days from the date of the dealer's request, if the bureau determines that the individual receiving the firearm is not prohibited from purchasing, possessing, or transferring the firearm under state or federal law.

(b) However, the bureau shall maintain a log of requests containing the dealer's federal firearms number, the transaction number, and the transaction date for a period of 12 months.

(9) If the criminal history background check discloses information indicating that the individual attempting to purchase the firearm is prohibited from purchasing, possessing, or transferring a firearm, the bureau shall inform the law enforcement agency in the jurisdiction where the individual resides.

(10) If an individual is denied the right to purchase a firearm under this section, the individual may review the individual's criminal history information and may challenge or amend the information as provided in Section 53-10-108.

(11) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of all records provided by the bureau under this part are in conformance with the requirements of the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993).

(12)(a)(i) A dealer shall collect a criminal history background check fee of \$7.50 for the sale of a firearm under this section.

(ii) This fee remains in effect until changed by the bureau through the process under Section 63J-1-504.

(b)(i) The dealer shall forward at one time all fees collected for criminal history background checks performed during the month to the bureau by the last day of the month following the sale of a firearm.

(ii) The bureau shall deposit the fees in the General Fund as dedicated credits to cover the cost of administering and conducting the criminal history background check program.

(13) An individual with a concealed firearm permit issued under Title 53, Chapter 5, Part 7, Concealed Firearm Act, is exempt from the background check and corresponding fee required in this section for the purchase of a firearm if:

(a) the individual presents the individual's concealed firearm permit to the dealer prior to purchase of the firearm; and

(b) the dealer verifies with the bureau that the individual's concealed firearm permit is valid.

(14) A law enforcement officer, as defined in Section 53-13-103, is exempt from the background check fee required in this section for the purchase of a personal firearm to be carried while off-duty if the law enforcement officer verifies current employment by providing a letter of good standing from the officer's commanding officer and current law enforcement photo identification. This section may only be used by a law enforcement officer to purchase a personal firearm once in a 24-month period.

(15)(a) A dealer may participate in the redeemable coupon program described in this Subsection (15) and Subsection 53-10-202(18).

(b) A participating dealer shall:

(i) accept the redeemable coupon only from the individual whose name is on the coupon and apply it only toward the purchase of a gun safe;

(ii) collect the receipts from the purchase of gun safes using the redeemable coupon and send them to the Bureau of Criminal Identification for redemption; and

(iii) make the firearm safety brochure described in Subsection 53-10-202(18) available to customers free of charge.

76-10-527. Penalties. (Adopted 2009)

(1) A dealer is guilty of a class A misdemeanor who willfully and intentionally:

(a) requests, obtains, or seeks to obtain criminal history background information under false pretenses;

(b) disseminates criminal history background information; or

(c) violates Section 76-10-526.

(2) A person who purchases or transfers a firearm is guilty of a felony of the third degree if the person willfully and intentionally makes a false statement of the information required for a criminal background check in Section 76-10-526.

(3) Except as otherwise provided in Subsection (1), a dealer is guilty of a felony of the third degree if the dealer willfully and intentionally sells or transfers a firearm in violation of this part.

(4) A person is guilty of a felony of the third degree if the person purchases a firearm with the intent to:

(a) resell or otherwise provide a firearm to a person who is ineligible to purchase or receive a firearm from a dealer; or

(b) transport a firearm out of this state to be resold to an ineligible person.

76-10-528. Carrying a dangerous weapon while under influence of alcohol or drugs unlawful. (Amended 2008)

(1) Any person who carries a dangerous weapon while under the influence of alcohol or a controlled substance as defined in Section 58-37-2 is guilty of a class B misdemeanor. Under the influence means the same level of influence or blood or breath alcohol concentration as provided in Subsections 41-6a-502(1)(a) through(c).

(2) It is not a defense to prosecution under this section that the person:

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

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

76-10-529. Possession of dangerous weapons, firearms, or explosives in airport secure areas prohibited -- Penalty. (Adopted 2004)

(1) As used in this section:

(a) "Airport authority" has the same meaning as defined in Section 72-10-102.

(b) "Dangerous weapon" is the same as defined in Section 76-10-501.

(c) "Explosive" is the same as defined for "explosive, chemical, or incendiary device" in Section 76-10-306.

(d) "Firearm" is the same as defined in Section 76-10-501.

(2)(a) Within a secure area of an airport established pursuant to this section, a person, including a person licensed to carry a concealed firearm under Title 53, Chapter 5, Part 7, Concealed Weapon Act, is guilty of:

(i) a class A misdemeanor if the person knowingly or intentionally possesses any dangerous weapon or firearm;

(ii) an infraction if the person recklessly or with criminal negligence possesses any dangerous weapon or firearm; or

(iii) a violation of Section 76-10-306 if the person transports, possesses, distributes, or sells any explosive, chemical, or incendiary device.

(b) Subsection (2)(a) does not apply to:

(i) persons exempted under Section 76-10-523; and

(ii) members of the state or federal military forces while engaged in the performance of their official duties.

(3) An airport authority, county, or municipality regulating the airport may:

(a) establish any secure area located beyond the main area where the public generally buys tickets, checks and retrieves luggage; and

(b) use reasonable means, including mechanical, electronic, x-ray, or any other device, to detect dangerous weapons, firearms, or explosives concealed in baggage or upon the person of any individual attempting to enter the secure area.

(4) At least one notice shall be prominently displayed at each entrance to a secure area in which a dangerous weapon, firearm, or explosive is restricted.



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- (5) Upon the discovery of any dangerous weapon, firearm, or explosive, the airport authority, county, or municipality, the employees, or other personnel administering the secure area may:
- require the individual to deliver the item to the air freight office or airline ticket counter;
 - require the individual to exit the secure area; or
 - obtain possession or retain custody of the item until it is transferred to law enforcement officers.

76-10-530. Trespass with a firearm in a house of worship or private residence -- Notice -- Penalty. (Amended 2009)

- (1) A person, including a person licensed to carry a concealed firearm pursuant to Title 53, Chapter 5, Part 7, Concealed Weapon Act, after notice has been given as provided in Subsection (2) that firearms are prohibited, may not knowingly and intentionally:
- transport a firearm into:
 - a house of worship; or
 - a private residence; or
 - while in possession of a firearm, enter or remain in:
 - a house of worship; or
 - a private residence.
- (2) Notice that firearms are prohibited may be given by:
- personal communication to the actor by:
 - the church or organization operating the house of worship;
 - the owner, lessee, or person with lawful right of possession of the private residence; or
 - a person with authority to act for the person or entity in Subsections (2)(a)(i) and (ii);
 - posting of signs reasonably likely to come to the attention of persons entering the house of worship or private residence;
 - announcement, by a person with authority to act for the church or organization operating the house of worship, in a regular congregational meeting in the house of worship;
 - publication in a bulletin, newsletter, worship program, or similar document generally circulated or available to the members of the congregation regularly meeting in the house of worship; or
 - publication:
 - in a newspaper of general circulation in the county in which the house of worship is located or the church or organization operating the house of worship has its principal office in this state; and
 - as required in Section 45-1-101.
- (3) A church or organization operating a house of worship and giving notice that firearms are prohibited may:
- revoke the notice, with or without supersedure, by giving further notice in any manner provided in Subsection (2); and
 - provide or allow exceptions to the prohibition as the church or organization considers advisable.
- (4)(a)(i) Within 30 days of giving or revoking any notice pursuant to Subsection (2)(c), (d), or (e), a church or organization operating a house of worship shall notify the division on a form and in a manner as the division shall prescribe.
- (ii) The division shall post on its website a list of the churches and organizations operating houses of worship who have given notice under Subsection (4)(a)(i).
- (b) Any notice given pursuant to Subsection (2)(c), (d), or (e) shall remain in effect until revoked or for a period of one year from the date the notice was originally given, whichever occurs first.
- (5) Nothing in this section permits an owner who has granted the lawful right of possession to a renter or lessee to restrict the renter or lessee from lawfully possessing a firearm in the residence.
- (6) A violation of this section is an infraction.

76-10-531. Restricting dangerous weapons in a private residence -- Defense -- Penalty. (Adopted 1999)

- (1) A person, including a person licensed to carry a concealed firearm pursuant to Title 53, Chapter 5, Part 7, Concealed Weapon Act, may not knowingly or intentionally:
- transport a dangerous weapon into a private residence; or
 - enter or remain in a private residence while in possession of a dangerous weapon.

- (2) It is a defense to prosecution under this section that the person had prior permission to possess the dangerous weapon in the private residence of:
- the owner, lessee, or person with lawful right of possession of the private residence; or
 - a person with apparent authority to act for the person in Subsection (2)(a).
- (3) A violation of this section is a class C misdemeanor.

76-10-532. Removal from National Instant Check System database. (Amended 2015)

- (1) A person who is subject to the restrictions in Subsection 76-10-503(1)(b)(v), (vi), or (vii), or 18 U.S.C. 922(d)(4) and (g)(4) based on a commitment, finding, or adjudication that occurred in this state may petition the district court in the county in which the commitment, finding, or adjudication occurred to remove the disability imposed.
- (2) The petition shall be filed in the district court in the county where the commitment, finding, or adjudication occurred. The petition shall include:
- a listing of facilities, with their addresses, where the petitioner has ever received mental health treatment;
 - a release signed by the petitioner to allow the prosecutor or county attorney to obtain the petitioner's mental health records;
 - a verified report of a mental health evaluation conducted by a licensed psychiatrist occurring within 30 days prior to the filing of the petition, which shall include a statement regarding:
 - the nature of the commitment, finding, or adjudication that resulted in the restriction on the petitioner's ability to purchase or possess a dangerous weapon;
 - the petitioner's previous and current mental health treatment;
 - the petitioner's previous violent behavior, if any;
 - the petitioner's current mental health medications and medication management;
 - the length of time the petitioner has been stable;
 - external factors that may influence the petitioner's stability;
 - the ability of the petitioner to maintain stability with or without medication; and
 - whether the petitioner is dangerous to public safety; and
 - a copy of the petitioner's state and federal criminal history record.
- (3) The petitioner shall serve the petition on the prosecuting entity that prosecuted the case or, if the disability is not based on a criminal case, on the county or district attorney's office having jurisdiction where the petition was filed and the individual who filed the original action which resulted in the disability.
- (4) The court shall schedule a hearing as soon as practicable. The petitioner may present evidence and subpoena witnesses to appear at the hearing. The prosecuting, county attorney, or the individual who filed the original action which resulted in the disability may object to the petition and present evidence in support of the objection.
- (5) The court shall consider the following evidence:
- the facts and circumstances that resulted in the commitment, finding, or adjudication;
 - the person's mental health and criminal history records; and
 - the person's reputation, including the testimony of character witnesses.
- (6) The court shall grant the relief if the court finds by clear and convincing evidence that:
- the person is not a danger to the person or to others;
 - the person is not likely to act in a manner dangerous to public safety; and
 - the requested relief would not be contrary to the public interest.
- (7) The court shall issue an order with its findings and send a copy to the bureau.
- (8) The bureau, upon receipt of a court order removing a person's disability under Subsection 76-10-503(1)(b)(vii), shall send a copy of the court order to the National Instant Check System requesting removal of the person's name from the database. In addition, if the person is listed in a state database utilized by the bureau to determine eligibility for the purchase or possession of a firearm or to obtain a concealed firearm permit, the bureau shall remove the petitioner's name or send a copy of the court's order to the agency responsible for the database for removal of the petitioner's name.



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- (9) If the court denies the petition, the petitioner may not petition again for relief until at least two years after the date of the court's final order.
- (10) The petitioner may appeal a denial of the requested relief. The review on appeal shall be de novo.

76-10-801. "Nuisance" defined -- Violation -- Classification of offense. (Adopted 1973)

- (1) A nuisance is any item, thing, manner, condition whatsoever that is dangerous to human life or health or renders soil, air, water, or food impure or unwholesome.
- (2) Any person, whether as owner, agent, or occupant who creates, aids in creating, or contributes to a nuisance, or who supports, continues, or retains a nuisance, is guilty of a class B misdemeanor.

76-10-1504. Bus hijacking -- Assault with intent to commit hijacking -- Use of a dangerous weapon -- Penalties. (Amended 2016)

- (1)
- (a) A person is guilty of bus hijacking if the person seizes or exercises control, by force or violence or threat of force or violence, of a bus within the state.
- (b) Bus hijacking is a first degree felony.
- (2)
- (a) A person is guilty of assault with the intent to commit bus hijacking if the person intimidates, threatens, or commits assault or battery toward a driver, attendant, guard, or any other person in control of a bus so as to interfere with the performance of duties by the person.
- (b) Assault with the intent to commit bus hijacking is a second degree felony.
- (3) A person who, in the commission of assault with intent to commit bus hijacking, uses a dangerous weapon, as defined in Section 76-1-601, is guilty of a first degree felony.

77-7-1. "Arrest" defined -- Restraint allowed. (Adopted 1980)

An arrest is an actual restraint of the person arrested or submission to custody. The person shall not be subjected to any more restraint than is necessary for his arrest and detention.

77-7-3. By private persons. (Adopted 1980)

A private person may arrest another:

- (1) For a public offense committed or attempted in his presence; or
- (2) When a felony has been committed and he has reasonable cause to believe the person arrested has committed it.

77-7-15. Authority of peace officer to stop and question suspect -- Grounds. (Adopted 1980)

A peace officer may stop any person in a public place when he has a reasonable suspicion to believe he has committed or is in the act of committing or is attempting to commit a public offense and may demand his name, address and an explanation of his actions.

78A-2-203. Rules -- Right to make -- Limitation -- Security. Amended 2008

- (1) Every court of record may make rules, not inconsistent with law, for its own government and the government of its officers; but such rules must neither impose any tax or charge upon any legal proceeding nor give any allowance to any officer for service.
- (2)(a) The judicial council may provide, through the rules of judicial administration, for security in or about a courthouse or courtroom, or establish a secure area as prescribed in Section 76-8-311.1.
- (b)(i) If the council establishes a secure area under Subsection (2)(a), it shall provide a secure firearms storage area on site so that persons with lawfully carried firearms may store them while they are in the secure area.
- (ii) The entity operating the facility with the secure area shall be responsible for the firearms while they are stored in the storage area referred to in Subsection (2)(b)(i).
- (iii) The entity may not charge a fee to individuals for storage of their firearms under Subsection (2)(b)(i).
- (3)(a) Unless authorized by the rules of judicial administration, any person who knowingly or intentionally possesses a firearm, ammunition, or dangerous weapon within a secure area established by the judicial council under this section is guilty of a third degree felony.

- (b) Any person is guilty of violating Section 76-10-306 who transports, possesses, distributes, or sells an explosive, chemical, or incendiary device, as defined by Section 76-10-306, within a secure area, established by the Judicial Council under this section.

78B-3-110. Defense to civil action for damages resulting from commission of crime. (Amended 2012)

- (1) A person may not recover from the victim of a crime for personal injury or property damage if:
- (a) the person entered the property of the victim or the victim's family with criminal intent and the injury or damage was inflicted by the victim or occurred while the person was on the victim's property; or
- (b) the person committed a crime against the victim or the victim's family, during which the damage or injury occurred.
- (2) The provisions of Subsection (1) do not apply if the person can prove by clear and convincing evidence that the person's actions did not constitute a crime.
- (3) Subsection (1) applies to any next-of-kin, heirs, or personal representatives of the person if the person acquires a disability or is killed.
- (4) Subsections (1) and (2) do not apply if the person committing or attempting to commit the crime has clearly retreated from the criminal activity.
- (5) "Clearly retreated" means that the person committing the criminal act has fully, clearly, and immediately ceased all hostile, threatening, violent, or criminal behavior or activity.

78B-7-401. Title. (Enacted 2013)

- (1) This part is known as the "Dating Violence Protection Act."
- (2) This part is not related to marriage.

78B-7-402. Definitions. (Enacted 2013)

As used in this part:

- (1) "Abuse" means intentionally or knowingly:
- (a) causing or attempting to cause physical harm to a dating partner; or
- (b) placing a dating partner in reasonable fear of imminent physical harm.
- (2)(a) "Dating partner" means a person who:
- (i)(A) is an emancipated person under Section 15-2-1 or Title 78A, Chapter 6, Part 8, Emancipation; or
- (B) is 18 years of age or older; and
- (ii) is, or has been, in a dating relationship with the other party.
- (b) "Dating partner" does not include an intimate partner, as defined in federal law in Title 18 U.S.C. Section 921.
- (3)(a) "Dating relationship" means a social relationship of a romantic or intimate nature, or a relationship which has romance or intimacy as a goal by one or both parties, regardless of whether the relationship involves sexual intimacy.
- (b) "Dating relationship" does not mean casual fraternization in a business, educational, or social context.
- (c) In determining, based on a totality of the circumstances, whether a dating relationship exists:
- (i) all relevant factors shall be considered, including:
- (A) whether the parties developed interpersonal bonding above a mere casual fraternization;
- (B) the length of the parties' relationship;
- (C) the nature and the frequency of the parties' interactions, including communications indicating that the parties intended to begin a dating relationship;
- (D) the ongoing expectations of the parties, individual or jointly, with respect to the relationship;
- (E) whether, by statement or conduct, the parties demonstrated an affirmation of their relationship to others; and
- (F) whether other reasons exist that support or detract from a finding that a dating relationship exists; and
- (ii) it is not necessary that all, or a particular number, of the factors described in Subsection (3)(c)(i) are found to support the existence of a dating relationship.
- (4) "Dating violence" means:
- (a) any criminal offense involving violence or physical harm, or threat of violence or physical harm, when committed by a person against a dating partner of the person; or



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(b) any attempt, conspiracy, or solicitation by a person to commit a criminal offense involving violence or physical harm against a dating partner of the person.

(5) "Dating violence protective order" means an order issued pursuant to this part subsequent to a hearing on the petition, as described in Section 78B-7-403.

(6) "Ex parte dating violence protective order" means an order issued without notice to the respondent, in accordance with the requirements of this part.

(7) "Protective order" means:

- (a) a dating violence protective order; or
- (b) an ex parte dating violence protective order.

78B-7-403. Abuse or danger of abuse -- Dating violence protective orders. (Enacted 2013)

(1) A person may seek a protective order if the person is subjected to, or there is a substantial likelihood the person will be subjected to:

- (a) abuse by a dating partner of the person; or
- (b) dating violence by a dating partner of the person.

(2) A person may seek an order described in Subsection (1) whether or not the person has taken other action to end the relationship.

(3) A person seeking a protective order may include another party in the petition for a protective order if:

- (a) the person seeking the order meets the requirements of Subsection (1); and
- (b) the other party:

(i) is a family or household member of the person seeking the protective order; and

(ii) there is a substantial likelihood the other party will be subjected to abuse by the dating partner of the person.

(4) A person seeking a protective order under this part shall, to the extent possible, provide information to facilitate identification of the respondent, including a name, Social Security number, driver license number, date of birth, address, telephone number, and physical description.

(5) A petition seeking a protective order under this part may not be withdrawn without written order of the court.

(6)(a) A person may not seek a protective order against an intimate partner, as defined by federal law in Title 18 U.S.C. Section 921, of the person under this part.

(b) A person may seek a protective order against a cohabitant, as defined by section 78B-7-102, or an intimate partner, as defined by federal law, of the person under Title 78B, Chapter 7, Part 1, Cohabitant Abuse Act.

78B-7-404. Dating violence orders -- Ex parte dating violence protective orders -- Modification of orders -- Service of process -- Duties of the court. (Enacted 2013)

(1) If it appears from a petition for a protective order or a petition to modify an existing protective order that a dating partner of the petitioner has abused or committed dating violence against the petitioner, the district court may:

- (a) without notice, immediately issue an ex parte dating violence protective order against the dating partner or modify an existing dating protective order ex parte if necessary to protect the petitioner and all parties named in the petition; or
- (b) upon notice to the respondent, issue a dating violence protective order or modify a dating violence protective order after a hearing, regardless of whether the respondent appears.

(2) A district court may grant the following relief without notice in a dating violence protective order or a modification issued ex parte:

- (a) prohibit the respondent from threatening to commit or committing dating violence or abuse against the petitioner and any designated family or household member described in the protective order;
- (b) prohibit the respondent from telephoning, contacting, or otherwise communicating with the petitioner or any designated family or household member, directly or indirectly;
- (c) order that the respondent:
 - (i) is excluded and shall stay away from the petitioner's residence and its premises;
 - (ii) except as provided in Subsection (4), stay away from the petitioner's:
 - (A) school and the school's premises; and

(B) place of employment and its premises; and

(iii) stay away from any specified place frequented by the petitioner or any designated family or household member;

(d) prohibit the respondent from being within a specified distance of the petitioner; and

(e) order any further relief that the court considers necessary to provide for the safety and welfare of the petitioner and any designated family or household member.

(3) A court may grant the following relief in a dating violence protective order or a modification of a dating violence protective order, after notice and a hearing, regardless of whether the respondent appears:

(a) the relief described in Subsection (2); and

(b) except as provided in Subsection (5), upon finding that the respondent's use or possession of a weapon poses a serious threat of harm to the petitioner or any designated family or household member, prohibit the respondent from purchasing, using, or possessing a weapon specified by the court.

(4) If the petitioner or designated family or household member attends the same school as the respondent, or is employed at the same place of employment as the respondent, the district court:

(a) may not enter an order under Subsection (2)(c)(ii) that excludes the respondent from the respondent's school or place of employment; and

(b) may enter an order governing the respondent's conduct at the respondent's school or place of employment.

(5) The district court may not prohibit the respondent from possessing a firearm:

(a) if the respondent has not been given notice of the petition for a protective order and an opportunity to be heard; and

(b) unless the petition establishes:

(i) by a preponderance of the evidence that the respondent has committed abuse or dating violence against the petitioner; and

(ii) by clear and convincing evidence that the respondent's use or possession of a firearm poses a serious threat of harm to petitioner or the designated family or household member.

(6) Any protective order issued under this part shall expire 180 days after the day on which the order is issued.

(7) After the district court issues a dating violence protective order, the district court shall:

(a) as soon as possible, deliver the order to the county sheriff for service of process;

(b) make reasonable efforts at the hearing to ensure that the dating violence protective order is understood by the petitioner and the respondent, if present;

(c) transmit electronically, by the end of the business day after the day on which the order is issued, a copy of the dating violence protective order to the local law enforcement agency designated by the petitioner; and

(d) transmit a copy of the protective order issued under this part in the same manner as described in Section 78B-7-113.

(8)(a) The county sheriff that receives the order from the court, pursuant to Subsection (7)(a), shall:

(i) provide expedited service for protective orders issued in accordance with this part; and

(ii) after the order has been served, transmit verification of service of process to the statewide network described in Section 78B-7-110.

(b) This section does not prohibit another law enforcement agency from providing service of process if that law enforcement agency:

(i) has contact with the respondent and service by that law enforcement agency is possible; or

(ii) determines that, under the circumstances, providing service of process on the respondent is in the best interests of the petitioner.

(9) When a protective order is served on a respondent in jail, or other holding facility, the law enforcement agency managing the facility shall make a reasonable effort to provide notice to the petitioner at the time the respondent is released from incarceration.

(10) A district court may modify or vacate a protective order under this part after notice and hearing, if the petitioner:

(a) is personally served with notice of the hearing, as provided in the Utah Rules of Civil Procedure, and appears before the court to give specific consent to the modification or vacation of the provisions of the protective order; or



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(b) submits an affidavit agreeing to the modification or vacation of the provisions of the protective order.

(11) To the extent that the provisions of this part are more specific than the Utah Rules of Civil Procedure regarding protective orders, the provisions of this part govern.

78B-7-405. Hearings on ex parte dating violence protective orders. (Enacted 2013)

(1)(a) Within 20 days after the day on which the court issues an ex parte protective order, the district court shall set a date for a hearing on the petition.

(b) If, at the hearing described in Subsection (1)(a), the district court does not issue a dating violence protective order, the ex parte dating protective order shall expire, unless it is extended by the district court. Extensions beyond the 20-day period may not be granted unless:

- (i) the petitioner is unable to be present at the hearing;
- (ii) the respondent has not been served; or
- (iii) exigent circumstances exist.

(c) Under no circumstances may an ex parte order be extended beyond 180 days from the day on which the court issues the initial ex parte protective order.

(d) If, at the hearing described in Subsection (1)(a), the district court issues a dating violence protective order, the ex parte protective order shall remain in effect until service of process of the dating violence protective order is completed.

(e) A dating violence protective order issued after notice and a hearing shall remain in effect from 180 days after the day on which the petition is issued.

(f) If the hearing on the petition is heard by a commissioner, either the petitioner or respondent may file an objection within 10 calendar days after the day on which the recommended order is entered, and the assigned judge shall hold a hearing on the objection within 20 days after the day on which the objection is filed.

(2) Upon a hearing under this section, the district court may grant any of the relief permitted under Section 78B-7-404, except the district court shall not grant the relief described in Subsection 78B-7-404(3)(b) without providing the respondent notice and an opportunity to be heard.

(3) If a district court denies a petition for an ex parte dating violence protective order or a petition to modify a dating violence protective order ex parte, the district court shall, upon the petitioner's request:

- (a) set the matter for hearing; and
- (b) notify and serve the respondent.

78B-7-406. Fees -- Service of process. (Enacted 2013)

(1) Protective orders issued under this part shall be served by the sheriff's office, constable's office, or any law enforcement agency or peace officer, in accordance with Subsection 78B-7-404(8).

(2) Fees may not be imposed by a court clerk, sheriff, constable, or law enforcement agency for:

- (a) filing a petition under this part;
- (b) obtaining a protective order under this part; or
- (c) service of a protective order issued under this part.

(3)(a) The offices of the court clerk shall provide forms and nonlegal assistance to an individual seeking to proceed under this part.

(b) The Administrative Office of the Courts shall:

- (i) develop and adopt uniform forms for petitions and orders for protection in accordance with the provisions of this chapter; and
- (ii) provide the forms described in Subsection (3)(b)(i) to the clerk of each court authorized to issue protective orders.

(c) The forms described in Subsection (3)(b)(i) shall include:

- (i) a statement notifying the petitioner for an ex parte dating violence protective order that knowing falsification of any statement or information provided for the purpose of obtaining a protective order may subject the petitioner to felony prosecution;
- (ii) language stating violating of any criminal provision is a class B misdemeanor; and
- (iii) a space for any information the petitioner is able to provide to facilitate identification of the respondent, including Social Security number, driver license number, date of birth, address, telephone number, and physical description.

(4) If the individual seeking to proceed under this chapter is not represented by an attorney, it is the responsibility of the court clerk's office to provide:

- (a) the forms adopted pursuant to Subsection (3);
- (b) all other forms required to petition for an order for protection, including forms for service;
- (c) except for as provided by Subsection (5), clerical assistance in filling out the forms and filing the petition, in accordance with Subsection (3)(a);
- (d) information regarding the means available for the service of process;
- (e) a list of legal service organizations that may represent the petitioner in an action brought under this part, with the phone numbers of those organizations; and
- (f) written information regarding the procedure for transporting a jailed or imprisoned respondent to the protective order hearing, including an explanation for the use of transportation order forms when necessary.

(5) A court clerk's office may designate any other entity, agency, or individual to provide the service described in Subsection (4)(c), but the court clerk's office is responsible to see that the service is provided.

(6) A petition for a dating violence protective order or ex parte dating violence protective order shall be in writing and verified.

(7)(a) All protective orders issued under this part shall be issued in the form adopted by the Administrative Office of the Courts under Subsection (3)(b).

(b) Each protective order issued under this part, except orders issued ex parte, shall include the following language:

"Respondent was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, P.L. 103-322, 108 Stat. 1796, 18 U.S.C.A. 2265, this order is valid in all the United States, the District of Columbia, tribal lands, and United States territories. This order complies with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act."

78B-7-407. Enforcement. (Enacted 2013)

(1) A law enforcement officer shall, without a warrant, arrest a person if the officer has probable cause to believe that the person has intentionally or knowingly violated a protective order issued under this part, regardless of whether the violation occurred in the presence of the officer.

(2) A violation of a protective order issued under this part constitutes a class B misdemeanor.

R52-7. Horse Racing

R52-7-11. General Conduct. (Amended 2009)

6. Firearms. No person shall possess any firearm within the enclosure unless he is a fully qualified peace officer as defined in the laws of the State of Utah, or is acting in accordance with Title 53, Chapter 5, Part 7, Concealed Weapons Act and Title 76, chapter 10, Part 5, Utah Code. A person carrying a concealed weapon may be asked to show a valid, current concealed weapons permit before being allowed to enter the facility.

Rule R430-100. Child Care Centers.

R430-100-12. Injury Prevention. (Amended 2009)

(4) The following items shall be inaccessible to children:

- (a) firearms, ammunition, and other weapons on the premises. Firearms shall be stored separately from ammunition, in a locked cabinet or area, unless the use is in accordance with the Utah Concealed Weapons Act, or as otherwise allowed by law;

Rule R512-302. Out-of-Home Services, Responsibilities Pertaining to an Out-of-Home Caregiver. (Amended 2009)

R512-302-4. Selection of a Caregiver for a Child Receiving Out-of-Home Services.

(a) Child and Family Services may consider the Out-of-Home caregiver's possession or use of a firearm or other weapon, espoused religious beliefs, or choice to school the child outside the public education system in accordance with Section 63G-4-104.

R651-612-1. Unlawful Discharge of Weapons or Firearms. (Amended 2008)



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The discharge of weapons or firearms, including air and gas powered types, and all other devices capable of launching a projectile which could immobilize, injure, or kill any person or animal or damage property are prohibited in the park system unless:

(1) The weapon or device is being used for the legal pursuit of wildlife as per R651-614.

(2) The use of the weapon or device is authorized by a Special Use Permit or an authorized event as per R651-608.

(3) The weapon or device is used in accordance with UCA 53-5-701 Concealed Weapons Act, or UCA 76-2-402, 76-2-403, or 76-2-405.

(4) The weapon or device is being used by authorized law enforcement officers in the performance of their official duties in accordance with UCA 76-2-402.

R657-63-3. Self Defense (As in effect 1 Sep 2018).

(1) A person is legally justified in killing or seriously injuring a threatening wild animal when the person reasonably believes such action is necessary to protect them self, another person, or a domestic animal against an imminent attack by the wild animal that will likely result in severe bodily injury or death to the victim.

(2)(a) In determining imminence or reasonableness under Subsection (1), the trier of fact may consider, but is not limited to, any of the following factors:

(i) the nature of the danger;

(ii) the immediacy of the danger;

(iii) the probability that the threatening wild animal will attack;

(iv) the probability that the attack will result in death or serious bodily injury;

(v) the ability to safely avoid the danger;

(vi) the fault of the person in creating the encounter; and

(vii) any previous pattern of aggressive or threatening behavior by the individual wild animal which was known to the person claiming self defense.

(b) Notwithstanding Subsection (2)(a), a person who is legally located or traveling in a place where attacked or approached by a threatening wild animal is not required to retreat.

(c) In all cases involving a reasonably plausible assertion of self defense, it is presumed the life and safety of a human being is paramount to the life or safety of a wild animal.

(3)(a) A person shall notify the division within 12 hours after killing or wounding a wild animal under Subsection (1).

(b) No wild animal killed pursuant to Subsection (1) or the parts thereof may be removed from the site, repositioned, retained, sold, or transferred without written authorization from the division.

(4)(a) A person is not legally justified in killing or seriously injuring a threatening wild animal under the circumstances specified in Subsection (1) if the person intentionally, knowingly, or recklessly provokes or attracts the wild animal into a situation in which it is probable it will threaten the person, another person, or a domestic animal. (b) Notwithstanding Subsection (4)(a), a person lawfully pursuing a cougar or bear with dogs may seriously injure or kill that cougar or bear when they reasonably believe such action is necessary to protect them self or another person against an imminent attack that will likely result in severe bodily injury or death.

(5) A person that kills or seriously injures a wild animal that enters a home, tent, camper, or other permanent or temporary living structure occupied by a person is presumed to have acted reasonably and had a reasonable fear the wild animal's entry presented an imminent threat of severe bodily injury or death to an occupant of the structure, provided the intruding wild animal is:

(a) reasonably perceived as an animal physically capable of causing severe bodily injury or death to a human being; and

(b) killed or injured while attempting to enter, entering, or occupying the involved structure.

R657-5-11. Muzzleloaders. (Amended 2010)

(1) A muzzleloader may be used during any big game hunt, except an archery hunt, provided the muzzleloader:

(a) can be loaded only from the muzzle;

(b) has open sights, peep sights, or a fixed non-magnifying 1x scope;

(c) has a single barrel;

(d) has a minimum barrel length of 18 inches;

(e) is capable of being fired only once without reloading;

(f) powder and bullet, or powder, sabot and bullet are not bonded together as one unit for loading;

(g) is loaded with black powder or black powder substitute, which must not contain nitrocellulose based smokeless powder.

(2)(a) A lead or expanding bullet or projectile of at least 40 caliber must be used to hunt big game.

(b) A 170 grain or heavier bullet, including sabots must be used for taking deer and pronghorn.

(c) A 210 grain or heavier bullet must be used for taking elk, moose, bison, bighorn sheep, and Rocky Mountain goat, except sabot bullets used for taking these species must be a minimum of 240 grains.

(3)(a) A person who has obtained a muzzleloader permit may not possess or be in control of any firearm other than a muzzleloading rifle or have a firearm other than a muzzleloading rifle in his camp or motor vehicle during a muzzleloader hunt.

(b) The provisions of Subsection (a) do not apply to:

(i) a person licensed to hunt upland game or waterfowl provided the person complies with Rules R657-6 and R657-9 and the Upland Game Proclamation and Waterfowl Proclamation, respectively, and possessing only legal weapons to take upland game or waterfowl;

(ii) a person licensed to hunt big game species during hunts that coincide with the muzzleloader hunt;

(iii) livestock owners protecting their livestock; or

(iv) a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing the concealed firearm to hunt or take protected wildlife.

R657-5-12. Archery Equipment. (Amended 2010)

(1) Archery equipment may be used during any big game hunt, except a muzzleloader hunt, provided:

(a) the minimum bow pull is 40 pounds at the draw or the peak, whichever comes first; and

(b) arrowheads used have two or more sharp cutting edges that cannot pass through a 7/8 inch ring;

(c) expanding arrowheads cannot pass through a 7/8 inch ring when expanded, and

(d) arrows must be a minimum of 20 inches in length from the tip of the arrowhead to the tip of the nock, and must weigh at least 300 grains.

(2) The following equipment or devices may not be used to take big game:

(a) a crossbow, except as provided in Rule R657-12;

(b) arrows with chemically treated or explosive arrowheads;

(c) a mechanical device for holding the bow at any increment of draw;

(d) a release aid that is not hand held or that supports the draw weight of the bow; or

(e) a bow with an attached electronic range finding device or a magnifying aiming device.

(3) Arrows carried in or on a vehicle where a person is riding must be in an arrow quiver or a closed case.

(4)(a) A person who has obtained an archery permit may not possess or be in control of a firearm or have a firearm in his camp or motor vehicle during an archery hunt.

(b) The provisions of Subsection (a) do not apply to:

(i) a person licensed to hunt upland game or waterfowl provided the person complies with Rules R657-6 and R657-9 and the Upland Game Proclamation and Waterfowl Proclamation, respectively, and possessing only legal weapons to take upland game or waterfowl;

(ii) a person licensed to hunt big game species during hunts that coincide with the archery hunt;

(iii) livestock owners protecting their livestock; or

(iv) a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing the concealed firearm to hunt or take protected wildlife.

R722-300. Concealed Firearm Permit and Instructor Rule (Oct 2011) – see <http://www.rules.utah.gov/publicat/code/r722/r722-300.htm>



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Selected Federal Laws

US Codes of Federal Regulations

18 CFR § 922. - Unlawful acts

- (a) It shall be unlawful—
- (3) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector to transport into or receive in the State where he resides (or if the person is a corporation or other business entity, the State where it maintains a place of business) any firearm purchased or otherwise obtained by such person outside that State, except that this paragraph (A) shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than his State of residence from transporting the firearm into or receiving it in that State, if it is lawful for such person to purchase or possess such firearm in that State, (B) shall not apply to the transportation or receipt of a firearm obtained in conformity with subsection (b)(3) of this section, and (C) shall not apply to the transportation of any firearm acquired in any State prior to the effective date of this chapter;
- (6) for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter;
- (b) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver -
- (1) any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age, and, if the firearm, or ammunition is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age;
- (d) It shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person -
- (1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
- (2) is a fugitive from justice;
- (3) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));
- (4) has been adjudicated as a mental defective or has been committed to any mental institution;
- (5) who, being an alien -
- (A) is illegally or unlawfully in the United States; or
- (B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));
- (6) who [1] has been discharged from the Armed Forces under dishonorable conditions;
- (7) who, having been a citizen of the United States, has renounced his citizenship;
- (8) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that -
- (A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and
- (B)
- (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
- (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or
- (9) has been convicted in any court of a misdemeanor crime of domestic violence.

- This subsection shall not apply with respect to the sale or disposition of a firearm or ammunition to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector who pursuant to subsection (b) of section 925 of this chapter is not precluded from dealing in firearms or ammunition, or to a person who has been granted relief from disabilities pursuant to subsection (c) of section 925 of this chapter.
- (e) It shall be unlawful for any person knowingly to deliver or cause to be delivered to any common or contract carrier for transportation or shipment in interstate or foreign commerce, to persons other than licensed importers, licensed manufacturers, licensed dealers, or licensed collectors, any package or other container in which there is any firearm or ammunition without written notice to the carrier that such firearm or ammunition is being transported or shipped; except that any passenger who owns or legally possesses a firearm or ammunition being transported aboard any common or contract carrier for movement with the passenger in interstate or foreign commerce may deliver said firearm or ammunition into the custody of the pilot, captain, conductor or operator of such common or contract carrier for the duration of the trip without violating any of the provisions of this chapter. No common or contract carrier shall require or cause any label, tag, or other written notice to be placed on the outside of any package, luggage, or other container that such package, luggage, or other container contains a firearm.
- (g) It shall be unlawful for any person -
- (1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
- (2) who is a fugitive from justice;
- (3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));
- (4) who has been adjudicated as a mental defective or who has been committed to a mental institution;
- (5) who, being an alien -
- (A) is illegally or unlawfully in the United States; or
- (B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));
- (6) who has been discharged from the Armed Forces under dishonorable conditions;
- (7) who, having been a citizen of the United States, has renounced his citizenship;
- (8) who is subject to a court order that -
- (A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;
- (B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
- (C)
- (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
- (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or
- (9) who has been convicted in any court of a misdemeanor crime of domestic violence, to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.
- (k) It shall be unlawful for any person knowingly to transport, ship, or receive, in interstate or foreign commerce, any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered or to possess or receive any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered and has, at any time, been shipped or transported in interstate or foreign commerce.
- (q)(1) The Congress finds and declares that -
- (l) the Congress has the power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to ensure the integrity and safety of the Nation's schools by enactment of this subsection.



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(2)(A) It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.

(B) Subparagraph (A) does not apply to the possession of a firearm -

(i) on private property not part of school grounds;

(ii) if the individual possessing the firearm is licensed to do so by the State in which the school zone is located or a political subdivision of the State, and the law of the State or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;

(iii) that is -

(I) not loaded; and

(II) in a locked container, or a locked firearms rack that is on a motor vehicle;

(iv) by an individual for use in a program approved by a school in the school zone;

(v) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

(vi) by a law enforcement officer acting in his or her official capacity; or

(vii) that is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

(3)(A) Except as provided in subparagraph (B), it shall be unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the person knows is a school zone.

(B) Subparagraph (A) does not apply to the discharge of a firearm -

(i) on private property not part of school grounds;

(ii) as part of a program approved by a school in the school zone, by an individual who is participating in the program;

(iii) by an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or

(iv) by a law enforcement officer acting in his or her official capacity.

(x)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile -

(A) a handgun; or

(B) ammunition that is suitable for use only in a handgun.

(2) It shall be unlawful for any person who is a juvenile to knowingly possess -

(A) a handgun; or

(B) ammunition that is suitable for use only in a handgun.

(3) This subsection does not apply to -

(A) a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun and ammunition are possessed and used by the juvenile -

(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

(ii) with the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm, except -

(I) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in clause (i) is to take place and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or

(II) with respect to ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun or ammunition with the prior written approval of the juvenile's parent or legal guardian and at the

direction of an adult who is not prohibited by Federal, State or local law from possessing a firearm;

(iii) the juvenile has the prior written consent in the juvenile's possession at all times when a handgun is in the possession of the juvenile; and

(iv) in accordance with State and local law;

(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;

(C) a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or

(D) the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

(5) For purposes of this subsection, the term "juvenile" means a person who is less than 18 years of age.

(6)

(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

(B) The court may use the contempt power to enforce subparagraph (A).

(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

18 CFR § 926A. - Interstate transportation of firearms

Notwithstanding any other provision of any law or any rule or regulation of a State or any political subdivision thereof, any person who is not otherwise prohibited by this chapter from transporting, shipping, or receiving a firearm shall be entitled to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry such firearm to any other place where he may lawfully possess and carry such firearm if, during such transportation the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of such transporting vehicle: Provided, That in the case of a vehicle without a compartment separate from the driver's compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console.

18 CFR § 930. - Possession of firearms and dangerous weapons in Federal facilities

(a) Except as provided in subsection (d), whoever knowingly possesses or causes to be present a firearm or other dangerous weapon in a Federal facility (other than a Federal court facility), or attempts to do so, shall be fined under this title or imprisoned not more than 1 year, or both.

(b) Whoever, with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon in a Federal facility, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.

(c) A person who kills any person in the course of a violation of subsection (a) or (b), or in the course of an attack on a Federal facility involving the use of a firearm or other dangerous weapon, or attempts or conspires to do such an act, shall be punished as provided in sections 1111, 1112, 1113, and 1117.

(d) Subsection (a) shall not apply to -

(1) the lawful performance of official duties by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law;



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(2) the possession of a firearm or other dangerous weapon by a Federal official or a member of the Armed Forces if such possession is authorized by law; or

(3) the lawful carrying of firearms or other dangerous weapons in a Federal facility incident to hunting or other lawful purposes.

(e)(1) Except as provided in paragraph (2), whoever knowingly possesses or causes to be present a firearm in a Federal court facility, or attempts to do so, shall be fined under this title, imprisoned not more than 2 years, or both.

(2) Paragraph (1) shall not apply to conduct which is described in paragraph (1) or (2) of subsection (d).

(f) Nothing in this section limits the power of a court of the United States to punish for contempt or to promulgate rules or orders regulating, restricting, or prohibiting the possession of weapons within any building housing such court or any of its proceedings, or upon any grounds appurtenant to such building.

(g) As used in this section:

(1) The term "Federal facility" means a building or part thereof owned or leased by the Federal Government, where Federal employees are regularly present for the purpose of performing their official duties.

(2) The term "dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length.

(3) The term "Federal court facility" means the courtroom, judges' chambers, witness rooms, jury deliberation rooms, attorney conference rooms, prisoner holding cells, offices of the court clerks, the United States attorney, and the United States marshal, probation and parole offices, and adjoining corridors of any court of the United States.

(h) Notice of the provisions of subsections (a) and (b) shall be posted conspicuously at each public entrance to each Federal facility, and notice of subsection (e) shall be posted conspicuously at each public entrance to each Federal court facility, and no person shall be convicted of an offense under subsection (a) or (e) with respect to a Federal facility if such notice is not so posted at such facility, unless such person had actual notice of subsection (a) or (e), as the case may be.

Title 36: Parks, Forests, and Public Property

36 CFR § 2.4 Weapons, Traps, and Nets:

(a)(1) Except as otherwise provided in this section and parts 7 (special regulations), and 13 (Alaska regulations), the following are prohibited:

(i) Possessing a weapon, trap or net

(ii) Carrying a weapon, trap or net

(iii) Using a weapon, trap or net

(2) Weapons, traps or nets may be carried, possessed or used:

(i) At designated times and locations in park areas where:

(A) The taking of wildlife is authorized by law in accordance with Sec. 2.2 of this chapter;

(B) The taking of fish is authorized by law in accordance with Sec. 2.3 of this part.

(ii) When used for target practice at designated times and at facilities or locations designed and constructed specifically for this purpose and designated pursuant to special regulations.

(iii) Within a residential dwelling. For purposes of this subparagraph only, the term "residential dwelling" means a fixed housing structure which is either the principal residence of its occupants, or is occupied on a regular and recurring basis by its occupants as an alternate residence or vacation home.

(3) Traps, nets and unloaded weapons may be possessed within a temporary lodging or mechanical mode of conveyance when such implements are rendered temporarily inoperable or are packed, cased or stored in a manner that will prevent their ready use.

(b) Carrying or possessing a loaded weapon in a motor vehicle, vessel or other mode of transportation is prohibited, except that carrying or possessing a loaded weapon in a vessel is allowed when such vessel is not being propelled by machinery and is used as a shooting platform in accordance with Federal and State law.

(c) The use of a weapon, trap or net in a manner that endangers persons or property is prohibited.

(d) The superintendent may issue a permit to carry or possess a weapon, trap or net under the following circumstances:

(1) When necessary to support research activities conducted in accordance with Sec. 2.5

(2) To carry firearms for persons in charge of pack trains or saddle horses for emergency use.

(3) For employees, agents or cooperating officials in the performance of their official duties.

(4) To provide access to otherwise inaccessible lands or waters contiguous to a park area when other means of access are otherwise impracticable or impossible.

Violation of the terms and conditions of a permit issued pursuant to this paragraph is prohibited and may result in the suspension or revocation of the permit.

(e) Authorized Federal, State and local law enforcement officer may carry firearms in the performance of their official duties.

(f) The carrying or possession of a weapon, trap or net in violation of applicable Federal and State laws is prohibited.

(g) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

(h) Notwithstanding any other provision in this Chapter, a person may possess, carry, and transport concealed, loaded, and operable firearms within a national park area in accordance with the laws of the state in which the national park area, or that portion thereof, is located, except as otherwise prohibited by applicable federal law.

36 CFR § 261.10 Occupancy and use.

The following are prohibited:

(d) Discharging a firearm or any other implement capable of taking human life, causing injury, or damaging property as follows:

(1) In or within 150 yards of a residence, building, campsite, developed recreation site or occupied area, or

(2) Across or on a National Forest System road or a body of water adjacent thereto, or in any manner or place whereby any person or property is exposed to injury or damage as a result in such discharge.

(3) Into or within any cave.

Title 39: Postal Service

39 CFR § 232.1(l) Weapons and explosives. No person while on postal property may carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, or store the same on postal property, except for official purposes.

Title 49: Transportation

49 CFR § 46505. Carrying a weapon or explosive on an aircraft (Amended 2009)

(a) Definition. - In this section, "loaded firearm" means a starter gun or a weapon designed or converted to expel a projectile through an explosive, that has a cartridge, a detonator, or powder in the chamber, magazine, cylinder, or clip.

(b) General Criminal Penalty. - An individual shall be fined under title 18, imprisoned for not more than 10 years, or both, if the individual -

(1) when on, or attempting to get on, an aircraft in, or intended for operation in, air transportation or intrastate air transportation, has on or about the individual or the property of the individual a concealed dangerous weapon that is or would be accessible to the individual in flight;

(2) has placed, attempted to place, or attempted to have placed a loaded firearm on that aircraft in property not accessible to passengers in flight; or

(3) has on or about the individual, or has placed, attempted to place, or attempted to have placed on that aircraft, an explosive or incendiary device.

(c) Criminal Penalty Involving Disregard for Human Life. - An individual who willfully and without regard for the safety of human life, or with reckless disregard for the safety of human life, violates subsection (b) of this section, shall be fined under title 18, imprisoned for not more than 20 years, or both, and, if death results to any person, shall be imprisoned for any term of years or for life.

(d) Nonapplication. - Subsection (b)(1) of this section does not apply to -



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- (1) a law enforcement officer of a State or political subdivision of a State, or an officer or employee of the United States Government, authorized to carry arms in an official capacity;
 - (2) another individual the Administrator of the Federal Aviation Administration or the Under Secretary of Transportation for Security by regulation authorizes to carry a dangerous weapon in air transportation or intrastate air transportation; or
 - (3) an individual transporting a weapon (except a loaded firearm) in baggage not accessible to a passenger in flight if the air carrier was informed of the presence of the weapon.
- (e) Conspiracy.— If two or more persons conspire to violate subsection (b) or (c), and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in such subsection.

Title 50: Wildlife and Fisheries 50 CFR § 27.42 Firearms.

Only the following persons may possess, use, or transport firearms on national wildlife refuges in accordance with this section and applicable Federal and State law:

- (a) Persons using firearms for public hunting under the provisions of 50 CFR part 32.
- (b) Persons carrying unloaded firearms, that are dismantled or cased, in vehicles and boats over routes of travel designated under the provision of subchapter C.
- (c) Persons authorized to use firearms for the taking of specimens of wildlife for scientific purposes.
- (d) Persons authorized by special regulations or permits to possess or use firearms for the protection of property, for field trials, and other special purposes.
- (e) Notwithstanding any other provision in this Chapter, persons may possess, carry, and transport concealed, loaded, and operable firearms within a national wildlife refuge in accordance with the laws of the state in which the wildlife refuge, or that portion thereof, is located, except as otherwise prohibited by applicable Federal law.