

Representative Elizabeth Weight proposes the following substitute bill:

SAFE STORAGE OF FIREARMS AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Elizabeth Weight

Senate Sponsor: _____

LONG TITLE

General Description:

This bill relates to firearm storage.

Highlighted Provisions:

This bill:

- ▶ modifies definitions;
- ▶ makes it a criminal offense if a firearm is stored in a place that the firearm owner

knows or has reason to believe a minor or person legally restricted from possessing a firearm has access and a person is injured by a minor or restricted person using the firearm;

▶ requires a firearm dealer to post written notice of possible prosecution for negligent storage of a firearm and provides a penalty for failure to post the notice; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



- 26 [53-5-704](#), as last amended by Laws of Utah 2013, Chapter 280
- 27 [53-5-705](#), as last amended by Laws of Utah 2010, Chapter 62
- 28 [76-10-501](#), as last amended by Laws of Utah 2015, Chapters 212 and 406
- 29 [76-10-523](#), as last amended by Laws of Utah 2014, Chapter 248

30 ENACTS:

- 31 [76-10-527.5](#), Utah Code Annotated 1953
- 32 [76-10-533](#), Utah Code Annotated 1953

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

35 Section 1. Section **53-5-704** is amended to read:

36 **53-5-704. Bureau duties -- Permit to carry concealed firearm -- Certification for**
 37 **concealed firearms instructor -- Requirements for issuance -- Violation -- Denial,**
 38 **suspension, or revocation -- Appeal procedure.**

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

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

45 (c) ~~[The]~~ Except as provided in Section [76-10-533](#), the provisions of Subsections
 46 [76-10-504](#)(1) and (2), and Section [76-10-505](#) do not apply to a person issued a permit under
 47 Subsection (1)(a).

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

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

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

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

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

57 (ii) has been or is convicted of a crime of violence;
58 (iii) has been or is convicted of an offense involving the use of alcohol;
59 (iv) has been or is convicted of an offense involving the unlawful use of narcotics or
60 other controlled substances;
61 (v) has been or is convicted of an offense involving moral turpitude;
62 (vi) has been or is convicted of an offense involving domestic violence;
63 (vii) has been or is adjudicated by a state or federal court as mentally incompetent,
64 unless the adjudication has been withdrawn or reversed; and
65 (viii) is not qualified to purchase and possess a firearm pursuant to Section 76-10-503
66 and federal law.

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

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

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

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

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

- 80 (i) expunged records of arrests and convictions of adults as provided in Section
81 77-40-109; and
- 82 (ii) juvenile court records as provided in Section 78A-6-209.

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

- 87 (i) hold a current concealed firearm or concealed weapon permit issued by the

88 appropriate permitting authority of the nonresident applicant's state of residency; and

89 (ii) submit a photocopy or electronic copy of the nonresident applicant's current
90 concealed firearm or concealed weapon permit referred to in Subsection (4)(a)(i).

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

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

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

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

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

103 (a) the address of the applicant's permanent residence;

104 (b) one recent dated photograph;

105 (c) one set of fingerprints; and

106 (d) evidence of general familiarity with the types of firearms to be concealed as defined
107 in Subsection (8).

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

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

113 (i) the safe loading, unloading, storage, and carrying of the types of firearms to be
114 concealed; and

115 (ii) current laws defining lawful use of a firearm by a private citizen, including lawful
116 self-defense, use of force by a private citizen, including use of deadly force, transportation, and
117 concealment.

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

119 one of the following:

120 (i) completion of a course of instruction conducted by a national, state, or local
121 firearms training organization approved by the bureau;

122 (ii) certification of general familiarity by a person who has been certified by the bureau,
123 which may include a law enforcement officer, military or civilian firearms instructor, or hunter
124 safety instructor; or

125 (iii) equivalent experience with a firearm through participation in an organized
126 shooting competition, law enforcement, or military service.

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

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

130 (i) be at least 21 years of age;

131 (ii) be currently eligible to possess a firearm under Section [76-10-503](#);

132 (iii) have:

133 (A) completed a firearm instruction training course from the National Rifle Association
134 or the Department of Public Safety, Division of Peace Officer Safety Standards and Training;

135 or

136 (B) received training equivalent to one of the courses referred to in Subsection

137 (9)(a)(iii)(A) as determined by the bureau;

138 (iv) have taken a course of instruction and passed a certification test as described in
139 Subsection (9)(c); and

140 (v) possess a Utah concealed firearm permit.

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

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

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

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

149 (d) (i) Each applicant for certification under this Subsection (9) shall pay a fee of

150 \$50.00 at the time of application for initial certification.

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

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

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

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

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

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

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

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

167 (I) the instructor's name as it appears on the instructor's certification;

168 (II) the words "Utah Certified Concealed Firearms Instructor," "state of Utah," and "my
169 certification expires on (the instructor's certification expiration date)"; and

170 (III) the instructor's business or residence address.

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

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

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

178 (a) become ineligible to possess a firearm under Section 76-10-503 or federal law; or

179 (b) knowingly and willfully provided false information to the bureau.

180 (13) An applicant for certification or a concealed firearms instructor has the same

181 appeal rights as set forth in Subsection (16).

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

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

188 (16) (a) In the event of a denial, suspension, or revocation of a permit, the applicant or
189 permit holder may file a petition for review with the board within 60 days from the date the
190 denial, suspension, or revocation is received by the applicant or permit holder by certified mail,
191 return receipt requested.

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

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

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

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

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

202 (iii) The final order is final bureau action for purposes of judicial review under Section
203 [63G-4-402](#).

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

206 Section 2. Section **53-5-705** is amended to read:

207 **53-5-705. Temporary permit to carry concealed firearm -- Denial, suspension, or**
208 **revocation -- Appeal.**

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

211 (a) has applied for a permit under Section [53-5-704](#);

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

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

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

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

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

223 (b) ~~[The]~~ Except as provided in Section 76-10-533, the provisions of Subsections
224 76-10-504(1) and (2) and Section 76-10-505 do not apply to a person issued a temporary
225 permit under this section during the time period for which the temporary permit is valid.

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

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

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

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

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

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

237 Section 3. Section 76-10-501 is amended to read:

238 **76-10-501. Definitions.**

239 As used in this part:

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

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

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

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

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

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

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

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

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

253 (b) "Antique firearm" does not include:

254 (i) a weapon that incorporates a firearm frame or receiver;

255 (ii) a firearm that is converted into a muzzle loading weapon; or

256 (iii) a muzzle loading weapon that can be readily converted to fire fixed ammunition by
257 replacing the:

258 (A) barrel;

259 (B) bolt;

260 (C) breechblock; or

261 (D) any combination of Subsection (1)(b)(iii)(A), (B), or (C).

262 (2) "Bureau" means the Bureau of Criminal Identification created in Section [53-10-201](#)
263 within the Department of Public Safety.

264 (3) (a) "Concealed firearm" means a firearm that is:

265 (i) covered, hidden, or secreted in a manner that the public would not be aware of its
266 presence; and

267 (ii) readily accessible for immediate use.

268 (b) A firearm that is unloaded and securely encased is not a concealed firearm for the
269 purposes of this part.

270 (4) "Criminal history background check" means a criminal background check
271 conducted by a licensed firearms dealer on every purchaser of a handgun, except a Federal
272 Firearms Licensee, through the bureau or the local law enforcement agency where the firearms
273 dealer conducts business.

- 274 (5) "Curio or relic firearm" means a firearm that:
275 (a) is of special interest to a collector because of a quality that is not associated with
276 firearms intended for:
277 (i) sporting use;
278 (ii) use as an offensive weapon; or
279 (iii) use as a defensive weapon;
280 (b) (i) was manufactured at least 50 years before the current date; and
281 (ii) is not a replica of a firearm described in Subsection (5)(b)(i);
282 (c) is certified by the curator of a municipal, state, or federal museum that exhibits
283 firearms to be a curio or relic of museum interest;
284 (d) derives a substantial part of its monetary value:
285 (i) from the fact that the firearm is:
286 (A) novel;
287 (B) rare; or
288 (C) bizarre; or
289 (ii) because of the firearm's association with an historical:
290 (A) figure;
291 (B) period; or
292 (C) event; and
293 (e) has been designated as a curio or relic firearm by the director of the United States
294 Treasury Department Bureau of Alcohol, Tobacco, and Firearms under 27 C.F.R. Sec. 478.11.
295 (6) (a) "Dangerous weapon" means:
296 (i) a firearm; or
297 (ii) an object that in the manner of its use or intended use is capable of causing death or
298 serious bodily injury.
299 (b) The following factors are used in determining whether any object, other than a
300 firearm, is a dangerous weapon:
301 (i) the location and circumstances in which the object was used or possessed;
302 (ii) the primary purpose for which the object was made;
303 (iii) the character of the wound, if any, produced by the object's unlawful use;
304 (iv) the manner in which the object was unlawfully used;

305 (v) whether the manner in which the object is used or possessed constitutes a potential
306 imminent threat to public safety; and

307 (vi) the lawful purposes for which the object may be used.

308 (c) "Dangerous weapon" does not include an explosive, chemical, or incendiary device
309 as defined by Section [76-10-306](#).

310 (7) [~~"Dealer"~~] (a) Except as provided in Subsection (7)(b), "dealer" means a person
311 who is:

312 [~~(a)~~] (i) licensed under 18 U.S.C. Sec. 923; and

313 [~~(b)~~] (ii) engaged in the business of selling, leasing, or otherwise transferring a
314 handgun, whether the person is a retail or wholesale dealer, pawnbroker, or otherwise.

315 (b) As used in Section [76-10-527.5](#), "dealer" means a person who is:

316 (i) licensed under 18 U.S.C. Sec. 923; and

317 (ii) engaged in the business of selling, leasing, or otherwise transferring a firearm,
318 whether the person is a retail or wholesale dealer, pawnbroker, or otherwise.

319 (8) "Enter" means intrusion of the entire body.

320 (9) "Federal Firearms Licensee" means a person who:

321 (a) holds a valid Federal Firearms License issued under 18 U.S.C. Sec. 923; and

322 (b) is engaged in the activities authorized by the specific category of license held.

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

326 (b) As used in Sections [76-10-526](#) and [76-10-527](#), "firearm" does not include an
327 antique firearm.

328 (11) "Firearms transaction record form" means a form created by the bureau to be
329 completed by a person purchasing, selling, or transferring a handgun from a dealer in the state.

330 (12) "Fully automatic weapon" means a firearm which fires, is designed to fire, or can
331 be readily restored to fire, automatically more than one shot without manual reloading by a
332 single function of the trigger.

333 (13) (a) "Handgun" means a pistol, revolver, or other firearm of any description, loaded
334 or unloaded, from which a shot, bullet, or other missile can be discharged, the length of which,
335 not including any revolving, detachable, or magazine breech, does not exceed 12 inches.

336 (b) As used in Sections 76-10-520, 76-10-521, and 76-10-522, "handgun" and "pistol
337 or revolver" do not include an antique firearm.

338 (14) "House of worship" means a church, temple, synagogue, mosque, or other
339 building set apart primarily for the purpose of worship in which religious services are held and
340 the main body of which is kept for that use and not put to any other use inconsistent with its
341 primary purpose.

342 (15) "Prohibited area" means a place where it is unlawful to discharge a firearm.

343 (16) "Readily accessible for immediate use" means that a firearm or other dangerous
344 weapon is carried on the person or within such close proximity and in such a manner that it can
345 be retrieved and used as readily as if carried on the person.

346 (17) "Residence" means an improvement to real property used or occupied as a
347 primary or secondary residence.

348 (18) [~~"Securely encased"~~] (a) Except as provided in Subsection (18)(b), "securely
349 encased" means not readily accessible for immediate use, such as held in a gun rack, or in a
350 closed case or container, whether or not locked, or in a trunk or other storage area of a motor
351 vehicle, not including a glove box or console box.

352 (b) As used in Section 76-10-533, "securely encased" means held in a locked case,
353 container, safe, lock box, or other device or storage area, not including a trunk, glove box, or
354 other storage area of a motor vehicle, that may be unlocked only by means of a key, a
355 combination, a biometric reader, or other similar means.

356 (19) "Short barreled shotgun" or "short barreled rifle" means a shotgun having a barrel
357 or barrels of fewer than 18 inches in length, or in the case of a rifle, having a barrel or barrels
358 of fewer than 16 inches in length, or a dangerous weapon made from a rifle or shotgun by
359 alteration, modification, or otherwise, if the weapon as modified has an overall length of fewer
360 than 26 inches.

361 (20) "Shotgun" means a smooth bore firearm designed to fire cartridges containing
362 pellets or a single slug.

363 (21) "Shoulder arm" means a firearm that is designed to be fired while braced against
364 the shoulder.

365 (22) "Slug" means a single projectile discharged from a shotgun shell.

366 (23) "State entity" means a department, commission, board, council, agency,

367 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
368 unit, bureau, panel, or other administrative unit of the state.

369 (24) "Violent felony" means the same as that term is defined in Section [76-3-203.5](#).

370 Section 4. Section **76-10-523** is amended to read:

371 **76-10-523. Persons exempt from weapons laws.**

372 (1) Except for Sections [76-10-506](#), [76-10-508](#), [~~and~~] [76-10-508.1](#), and [76-10-533](#), this
373 part and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to any of the
374 following:

375 (a) a United States marshal;

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

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

378 (d) a law enforcement official as defined and qualified under Section [53-5-711](#);

379 (e) a judge as defined and qualified under Section [53-5-711](#); or

380 (f) a common carrier while engaged in the regular and ordinary transport of firearms as
381 merchandise.

382 (2) [~~The~~] Except as provided in Section [76-10-533](#), the provisions of Subsections
383 [76-10-504](#)(1) and (2), and Section [76-10-505](#) do not apply to any person to whom a permit to
384 carry a concealed firearm has been issued:

385 (a) pursuant to Section [53-5-704](#) or [53-5-705](#); or

386 (b) by another state or county.

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

390 (a) unloaded; and

391 (b) securely encased as defined in Section [76-10-501](#).

392 Section 5. Section **76-10-527.5** is enacted to read:

393 **76-10-527.5. Dealer requirement for storage warning -- Penalty.**

394 (1) (a) A dealer shall conspicuously post the following written warning at a purchase
395 counter:

396 "AN ADULT MAY BE PROSECUTED FOR LEAVING A FIREARM IN A PLACE
397 EASILY ACCESSIBLE BY A MINOR OR A PERSON RESTRICTED BY SECTION

398 76-10-503 IF A PERSON IS INJURED BY A MINOR OR RESTRICTED PERSON USING
399 AN UNSECURED FIREARM. A FIREARM SHOULD BE SECURED WITH A LOCKING
400 DEVICE OR STORED IN A LOCKED CONTAINER OR LOCATION."

401 (b) A dealer shall print the written warning described in Subsection (1)(a) on yellow
402 paper in black, capital letters using Arial, Calibri, Cambria, or Times New Roman in no
403 smaller than 35-point font.

404 (2) A retail or wholesale dealer who violates Subsection (1) is guilty of a class C
405 misdemeanor.

406 Section 6. Section **76-10-533** is enacted to read:

407 **76-10-533. Criminally negligent storage of a firearm.**

408 (1) As used in this section, "firearm safety device" means a device:

409 (a) installed on a firearm and designed to prevent the firearm from being operated
410 without first deactivating the device; or

411 (b) incorporated into the design of a firearm and designed to prevent operation of the
412 firearm by a person unauthorized to operate the firearm.

413 (2) Notwithstanding any other provision of this part, it is unlawful for an owner of a
414 firearm to store a loaded firearm in a place the owner knows or has reason to believe a minor
415 under 18 years of age or a person restricted from possessing a firearm under Section [76-10-503](#)
416 has access, unless the firearm is:

417 (a) securely encased;

418 (b) disabled or rendered inoperable by a firearm safety device; or

419 (c) readily accessible for immediate use by the owner.

420 (3) A violation of Subsection (2) is a class B misdemeanor if a minor under 18 years of
421 age or a person restricted from possessing a firearm under Section [76-10-503](#) accesses a
422 firearm and a person is injured by the firearm as a result of the minor's or restricted person's
423 unauthorized access.

424 (4) This section does not prohibit a minor from possessing a firearm in accordance
425 with Section [76-10-509](#) or [76-10-512](#).

426 (5) A person issued a permit to carry a concealed firearm under Title 53, Chapter 5,
427 Part 7, Concealed Firearm Act, is not exempt from this section.