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Exemptions from Dangerous Weapons Provisions

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Calvin Roberts

Senate Sponsor: Ronald M. Winterton

LONG TITLE

General Description:

This bill addresses the discharge of a dangerous weapon.

Highlighted Provisions:

This bill:

- ▶ exempts certain individuals performing official duties;
- ▶ exempts farm custom slaughter licensees when acting pursuant to statute; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-10-508, as last amended by Laws of Utah 2023, Chapter 34

76-10-508.1, as last amended by Laws of Utah 2023, Chapter 34

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

Section 1. Section **76-10-508** is amended to read:

76-10-508 . Discharge of dangerous weapon from a vehicle, near a highway, or in direction of specified items -- Penalties.

(1)(a) An individual may not discharge a dangerous weapon or firearm:

- (i) from an automobile or other vehicle;
- (ii) from, upon, or across a highway;
- (iii) at a road sign placed upon a highway of the state;
- (iv) at communications equipment or property of public utilities including facilities,

- 29 lines, poles, or devices of transmission or distribution;
- 30 (v) at railroad equipment or facilities including a sign or signal;
- 31 (vi) within a Utah State Park building, designated camp or picnic sites, overlooks,
- 32 golf courses, boat ramps, and developed beaches; or
- 33 (vii) without written permission to discharge the dangerous weapon from the owner
- 34 or person in charge of the property within 600 feet of:
- 35 (A) a house, dwelling, or any other building; or
- 36 (B) any structure in which a domestic animal is kept or fed, including a barn,
- 37 poultry yard, corral, feeding pen, or stockyard.
- 38 (b) It is a defense to any charge for violating this section that the individual being
- 39 accused had actual permission of the owner or person in charge of the property at the
- 40 time in question.
- 41 (2) A violation of any provision of Subsection (1) is a class B misdemeanor.
- 42 (3) In addition to any other penalties, the court shall:
- 43 (a) notify the Driver License Division of the conviction for purposes of any revocation,
- 44 denial, suspension, or disqualification of a driver license under Subsection
- 45 53-3-220(1)(a)(xi); and
- 46 (b) specify in court at the time of sentencing the length of the revocation under
- 47 Subsection 53-3-225(1)(c).
- 48 (4) This section does not apply to an individual who:
- 49 (a) discharges a firearm when that individual is in lawful defense of self or others;
- 50 (b) is performing official duties as provided in Section [~~23A-5-202 and~~] 23A-2-207 or
- 51 79-2-704 or Subsections 76-10-523(1)(a) through (f) and as otherwise provided by
- 52 law; [or]
- 53 (c) discharges a dangerous weapon or firearm from an automobile or other vehicle, if:
- 54 (i) the discharge occurs at a firing range or training ground;
- 55 (ii) at no time after the discharge does the projectile that is discharged cross over or
- 56 stop at a location other than within the boundaries of the firing range or training
- 57 ground described in Subsection (4)(c)(i);
- 58 (iii) the discharge is made as practice or training for a lawful purpose;
- 59 (iv) the discharge and the location, time, and manner of the discharge are approved
- 60 by the owner or operator of the firing range or training ground before the
- 61 discharge; and
- 62 (v) the discharge is not made in violation of Subsection (1)[~~]~~ ; or

63 (d) acting under a farm custom slaughter license, discharges a firearm or other
64 dangerous weapon in accordance with Subsection 4-32-108(3).

65 Section 2. Section **76-10-508.1** is amended to read:

66 **76-10-508.1 . Felony discharge of a firearm -- Penalties.**

- 67 (1) Except as provided under Subsection (2) or (3), an individual who discharges a firearm
68 is guilty of a third degree felony punishable by imprisonment for a term of not less than
69 three years nor more than five years if:
- 70 (a) the actor discharges a firearm in the direction of one or more individuals, knowing or
71 having reason to believe that any individual may be endangered by the discharge of
72 the firearm;
- 73 (b) the actor, with intent to intimidate or harass another or with intent to damage a
74 habitable structure as defined in Section 76-6-101, discharges a firearm in the
75 direction of any individual or habitable structure; or
- 76 (c) the actor, with intent to intimidate or harass another, discharges a firearm in the
77 direction of any vehicle.
- 78 (2) A violation of Subsection (1) that causes bodily injury to any individual is a second
79 degree felony punishable by imprisonment for a term of not less than three years nor
80 more than 15 years.
- 81 (3) A violation of Subsection (1) that causes serious bodily injury to any individual is a first
82 degree felony.
- 83 (4) In addition to any other penalties for a violation of this section, the court shall:
- 84 (a) notify the Driver License Division of the conviction for purposes of any revocation,
85 denial, suspension, or disqualification of a driver license under Subsection
86 53-3-220(1)(a)(xi); and
- 87 (b) specify in court at the time of sentencing the length of the revocation under
88 Subsection 53-3-225(1)(c).
- 89 (5) This section does not apply to an individual:
- 90 (a) who discharges a firearm when that individual is in lawful defense of self or others;
- 91 (b) who is performing official duties as provided in Section [~~23A-5-202~~] 23A-2-207 or
92 79-2-704 or Subsections 76-10-523(1)(a) through (f) or as otherwise authorized by
93 law; [~~or~~]
- 94 (c) who discharges a dangerous weapon or firearm from an automobile or other vehicle,
95 if:
- 96 (i) the discharge occurs at a firing range or training ground;

97 (ii) at no time after the discharge does the projectile that is discharged cross over or
98 stop at a location other than within the boundaries of the firing range or training
99 ground described in Subsection (5)(c)(i);

100 (iii) the discharge is made as practice or training for a lawful purpose;

101 (iv) the discharge and the location, time, and manner of the discharge are approved
102 by the owner or operator of the firing range or training ground before the
103 discharge; and

104 (v) the discharge is not made in violation of Subsection (1)[:] ; or

105 (d) acting under a farm custom slaughter license, discharges a firearm or other
106 dangerous weapon in accordance with Subsection 4-32-108(3).

107 Section 3. **Effective date.**

108 This bill takes effect on May 7, 2025.