

**WEAPON POSSESSION PENALTY AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jordan D. Teuscher**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill concerns the offense of carrying a weapon while under the influence of drugs or alcohol.

**Highlighted Provisions:**

This bill:

- ▶ exempts an individual who is taking a medication prescribed for a certain medical condition from the offense of carrying a weapon while under the influence of drugs or alcohol; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-10-528**, as last amended by Laws of Utah 2020, Chapter 12

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

Section 1. Section **76-10-528** is amended to read:

**76-10-528. Carrying a dangerous weapon while under influence of alcohol or**



28 **drugs unlawful.**

29 (1) It is a class B misdemeanor for [~~any person~~] an actor to carry a dangerous weapon  
30 while under the influence of:

31 (a) alcohol as determined by the [~~person's~~] actor's blood or breath alcohol concentration  
32 in accordance with Subsections 41-6a-502(1)(a) through (c); or

33 (b) a controlled substance as defined in Section 58-37-2.

34 (2) This section does not apply to:

35 (a) [~~a person~~] an actor carrying a dangerous weapon that is either securely encased, as  
36 defined in this part, or not within such close proximity and in such a manner that it can be  
37 retrieved and used as readily as if carried on the person;

38 (b) [~~any person~~] an actor who uses or threatens to use force in compliance with Section  
39 76-2-402;

40 (c) [~~any person~~] an actor carrying a dangerous weapon in the [~~person's~~] actor's  
41 residence or the residence of another with the consent of the individual who is lawfully in  
42 possession; [~~or~~]

43 (d) [~~a person~~] an actor under the influence of cannabis or a cannabis product, as those  
44 terms are defined in Section 26-61a-102, if the [~~person's~~] actor's use of the cannabis or  
45 cannabis product complies with Title 26, Chapter 61a, Utah Medical Cannabis Act[-]; or

46 (e) an actor who:

47 (i) has a valid prescription for a medication approved by the federal Food and Drug  
48 Administration for the treatment of attention deficit disorder or attention deficit hyperactivity  
49 disorder; and

50 (ii) takes the medication described in Subsection (2)(e)(i) as prescribed.

51 (3) It is not a defense to prosecution under this section that the [~~person~~] actor:

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

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