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**FIREARM STORAGE REQUIREMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd D. Weiler**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill addresses the secure storage of firearms.

**Highlighted Provisions:**

This bill:

▶ enacts civil and criminal provisions relating to an individual's failure to safely store a firearm in certain conditions.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**53-5a-105**, Utah Code Annotated 1953

**76-10-505.1**, Utah Code Annotated 1953

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

Section 1. Section **53-5a-105** is enacted to read:

**53-5a-105. Secure storage of firearms.**

(1) As used in this section:

(a) "Authorized user" means an individual who is 18 years old or older and who has



28 been given permission by an owner of a firearm to possess a firearm owned by the owner.

29 (b) "Condition 0" means when a single action or dual action firearm:

30 (i) has a magazine inserted;

31 (ii) has an unfired round in the chamber of the firearm;

32 (iii) has the hammer of the firearm cocked; and

33 (iv) has the safety off.

34 (c) "Condition 1" means when a single action or dual action firearm:

35 (i) has a magazine inserted;

36 (ii) has an unfired round in the chamber of the firearm;

37 (iii) has the hammer of the firearm cocked; and

38 (iv) has the safety on.

39 (d) "Condition 2" means when:

40 (i) a single action or dual action firearm:

41 (A) has a magazine inserted;

42 (B) has an unfired round in the chamber of the firearm; and

43 (C) has the hammer of the firearm uncocked; or

44 (ii) a revolver style firearm:

45 (A) has at least one round inserted into the revolver's cylinder; and

46 (B) has the revolver's cylinder unlocked.

47 (e) "Dual action firearm" means a firearm that automatically cocks the hammer back

48 when a shooter pulls the trigger.

49 (f) "Firearm" means the same as that term is defined in Section [76-10-501](#).

50 (g) "Hammer" means a device on a firearm that strikes the firing pin or primer on a

51 round to detonate the powder in the round to cause the round to fire.

52 (h) (i) "Locked container" means a box, case, chest, locker, safe, or other similar  
53 receptacle that is locked to prevent an unauthorized individual from accessing the contents of  
54 the container.

55 (ii) "Locked container" includes a glove compartment in a vehicle, enclosed trunk of a  
56 vehicle, or center console in a vehicle equipped with a tamper-resistant lock.

57 (i) "Revolver" means a firearm with a breechloading chambered cylinder arranged so  
58 that the cocking of the hammer or movement of the trigger rotates the cylinder and brings the

59 next round in line with the barrel for firing.

60 (j) "Single action firearm" means a firearm that requires a shooter to manually cock the  
61 hammer back on the firearm before each shot is fired.

62 (k) "Unauthorized individual" means an individual who accesses a firearm without  
63 permission from the owner or authorized user of the firearm.

64 (2) An owner or authorized user of a firearm in Condition 0, Condition 1, or Condition  
65 2 shall store the firearm in a locked container when not lawfully using or carrying the firearm.

66 (3) An individual has a right of action against an owner or authorized user of a firearm  
67 if:

68 (a) an unauthorized individual accesses the firearm;

69 (b) at the time the unauthorized individual accesses the firearm, the firearm is:

70 (i) in Condition 0, Condition 1, or Condition 2; and

71 (ii) not stored by the owner or authorized user in compliance with Subsection (2); and

72 (c) the individual with the right of action is harmed by the unauthorized individual's  
73 use of the firearm.

74 (4) An owner or authorized user of a firearm has an affirmative defense to the right of  
75 action described in Subsection (3) if the owner or authorized user took reasonable precautions  
76 to ensure that the firearm was properly secured and not accessible to an unauthorized  
77 individual.

78 Section 2. Section **76-10-505.1** is enacted to read:

79 **76-10-505.1. Failure to secure a firearm.**

80 (1) Terms defined in Sections [53-5a-105](#), [76-1-101.5](#), and [76-10-501](#) apply to this  
81 section.

82 (2) An actor commits failure to secure a firearm if:

83 (a) the actor owns a firearm or is authorized to possess a firearm of another individual;

84 (b) the actor is not lawfully carrying or using the firearm;

85 (c) the firearm is in Condition 0, Condition 1, or Condition 2; and

86 (d) the actor knowingly, intentionally, or recklessly fails to store the firearm in a locked  
87 container.

88 (3) A violation of Subsection (2) is a class C misdemeanor.

89 (4) An actor has an affirmative defense in a prosecution under this section if the actor

90 took reasonable precautions to ensure that the firearm was properly secured and not accessible  
91 to an unauthorized individual.

92           Section 3. **Effective date.**

93           This bill takes effect on May 1, 2024.