

Matthew H. Gwynn proposes the following substitute bill:

**Dangerous Weapon at a School Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Matthew H. Gwynn**

Senate Sponsor: Calvin R. Musselman

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**LONG TITLE**

**General Description:**

This bill addresses the crime of possession of a dangerous weapon on or about school premises.

**Highlighted Provisions:**

This bill:

- clarifies that the crime of possession of a dangerous weapon on or about school premises applies to both minors and adults;

- includes coordination clauses coordinating technical changes with this bill, H.B. 133, Dangerous Weapons Amendments, and H.B. 21, Criminal Code Recodification and Cross References; and

- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides coordination clauses.

**Utah Code Sections Affected:**

AMENDS:

**76-10-505.5**, as last amended by Laws of Utah 2024, Chapters 21, 117 and 301

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

Section 1. Section **76-10-505.5** is amended to read:

**76-10-505.5 . Possession of a dangerous weapon on or about school premises.**

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

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

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

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

30            [(ii)] (B) on the grounds of a public or private institution of higher education; or  
 31            [(e)] (iii)(i) (A) inside the building where a preschool or child care is being held,  
 32            if the entire building is being used for the operation of the preschool or child  
 33            care; or  
 34            [(ii)] (B) if only a portion of a building is being used to operate a preschool or  
 35            child care, in that room or rooms where the preschool or child care operation is  
 36            being held.

37            (b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this  
 38            section.

39            (2) An actor ~~[who is 18 years old or older may not possess]~~ commits possession of a  
 40            dangerous weapon on or about school premises if the actor possesses a dangerous  
 41            weapon~~[, firearm, or short barreled shotgun]~~ at a place that the actor knows, or has  
 42            reasonable cause to believe, is on or about school premises.

43            (3)(a) ~~[Possession of a dangerous weapon on or about school premises is a class B~~  
 44            ~~misdemeanor.]~~ A violation of Subsection (2) is a class B misdemeanor if the  
 45            dangerous weapon carried by the actor is not a firearm.

46            (b) ~~[Possession of a firearm or short barreled shotgun on or about school premises is a~~  
 47            ~~class A misdemeanor.]~~ A violation of Subsection (2) is a class A misdemeanor if the  
 48            dangerous weapon carried by the actor is a firearm.

49            (4) This section does not apply if:

50            (a) the actor is authorized to possess a firearm as described in Section 53-5-704,  
 51            53-5-705, 76-10-511, or 76-10-523, or as otherwise authorized by law;

52            (b) the actor is authorized to possess a firearm as described in Section 53-5-704.5, unless  
 53            the actor is in a location where the actor is prohibited from carrying a firearm under  
 54            Subsection 53-5-710(2);

55            (c) the possession of the dangerous weapon is approved by the responsible school  
 56            administrator;

57            (d) the ~~[item]~~ dangerous weapon is present or to be used in connection with a lawful,  
 58            approved activity and is in the possession or under the control of the actor  
 59            responsible for the ~~[item's]~~ dangerous weapon's possession or use;

60            (e) the actor is an armed school security guard as described in Section 53G-8-704; or

61            (f) the possession is:

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

63            (ii) in any vehicle lawfully under the actor's control, other than a vehicle owned by

- 64 the school or used by the school to transport students.
- 65 (5) This section does not~~[-]~~ :
- 66 (a) prohibit prosecution of [~~a more serious weapons~~] another criminal offense that may
- 67 occur on or about school premises;
- 68 (b) prevent an actor from securely storing a firearm on the grounds of a school if the
- 69 actor:
- 70 (i) participates in:
- 71 (A) the school guardian program created in Section 53-22-105; [~~and~~] or
- 72 (B) the Educator-Protector Program created in Section 53-22-107; and
- 73 (ii) complies with the requirements for securely storing the firearm described in
- 74 Subsection 53-22-107(5)(a); or
- 75 (c) prohibit the prosecution of possession of a dangerous weapon by a minor, as
- 76 described in Section 76-10-509.4, that occurs on or about school premises.

77 **Section 2. Effective Date.**

78 This bill takes effect on May 7, 2025.

79 **Section 3. Coordinating H.B. 128 with H.B. 133.**

80 If H.B. 128, Dangerous Weapon at a School Amendments, and H.B. 133, Dangerous

81 Weapons Amendments, both pass and become law, the Legislature intends that, on May 7,

82 2025, the amendments to Section 76-11-205 (renumbered from Section 76-10-505.5) in H.B.

83 133 supersede the amendments to Section 76-10-505.5 in H.B. 128.

84 **Section 4. Coordinating H.B. 128 with H.B. 21 if both pass and become law and H.B. 133**

85 **does not pass and become law.**

86 If H.B. 128, Dangerous Weapon at a School Amendments, and H.B. 21, Criminal Code

87 Recodification and Cross References, both pass and become law, and H.B. 133, Dangerous

88 Weapons Amendments, does not pass and become law, the Legislature intends that, on May 7,

89 2025:

- 90 (1) the amendments to Section 76-10-505.5 in H.B. 128 supersede the amendments to
- 91 Section 76-11-204 (renumbered from Section 76-10-505.5) in H.B. 21; and
- 92 (2) Section 76-10-505.5 in H.B. 128 be renumbered to Section 76-11-204.