

## BASIC UTAH GUN LAW:

In addition to the State and Federal Constitutions protecting your Right to Keep and Bear Arms, there are hundreds of other State and local laws and regulations.

I recommend visiting the website listed on the back of this pamphlet and becoming familiar with all the laws that apply to you.

It is common to hear that Open Carry is not specifically permitted by Utah Law. Utah Code states that conduct not prohibited by law is permitted.

### U.C.A. 76-1-105. Common law crimes abolished.

*“Common law crimes are abolished and **no conduct is a crime unless made so by this code**, other applicable statute or ordinance.”*

### U.C.A. 53-5a-102. Uniform firearm laws.

*“(1) The individual right to keep and bear arms being a constitutionally protected right under Article I, Section 6 of the Utah Constitution, the Legislature finds the need to provide uniform civil and criminal firearm laws throughout the state.*

*(2) Except as specifically provided by state law, a local authority or state entity may not:*

*(a) prohibit an individual from owning, possessing, purchasing, selling, transferring, transporting, or keeping a firearm at the individual's place of residence, property, business, or in any vehicle lawfully in the individual's possession or lawfully under the individual's control; or*

*(b) require an individual to have a permit or license to purchase, own, possess, transport, or keep a firearm.*

*(3) In conjunction with Title 76, Chapter 10, Part 5, Weapons, this section is uniformly applicable throughout this state and in all its political subdivisions and municipalities.*

*(4) All authority to regulate firearms is reserved to the state except where the Legislature specifically delegates responsibility to local authorities or state entities.*

*(5) **Unless specifically authorized by the Legislature by statute, a local authority or state entity may not enact, establish, or enforce any ordinance, regulation, rule, or policy pertaining to firearms that in any way inhibits or restricts the possession or use of firearms on either public or private property.***

*(6) As used in this section:*

*(a) "firearm" has the same meaning as defined in Subsection 76-10-501(9); and*

*(b) **"local authority or state entity" includes public school districts, public schools, and state institutions of higher education.***

*(7) Nothing in this section restricts or expands private property rights.”*

Cities, towns and counties have no power to regulate possession, purchase or transfer of firearms. A city cannot prohibit you from carrying a firearm, as long as you are in accordance with State and Federal law. Under **U.C.A. 10-8-47**, cities and towns can regulate the **discharge** of firearms.

Anybody over the age of 18, with a clean criminal record, can own a firearm. You have to be over 21 to purchase a handgun from a licensed dealer, but only 18 to own (and carry “unloaded”) a handgun.

### U.C.A. 76-10-505 Carrying loaded firearm in vehicle or on street.

*“(1) Unless otherwise authorized by law, a person may not carry a loaded firearm:*

*(a) in or on a vehicle, **unless:***

*(i) the **vehicle is in the person's lawful possession;***  
*or*

*(ii) the person is carrying the loaded firearm in a vehicle with the **consent of the person lawfully in possession** of the vehicle.*

*(b) on a public street; or*

*(c) in a posted prohibited area.*

*(2) Subsection (1)(a) does not apply to a minor under 18 years of age, since a minor under 18 years of age*

### OPEN CARRY WARNINGS:

While it is your right to carry a firearm openly in public (unloaded for non permit holders), by doing so you put yourself at risk of being harassed by members of the public and even Law Enforcement who may be ignorant of Utah's gun laws. You could even be arrested on bogus “disturbing the peace” charges.

If asked to leave a private business, you **MUST** leave, or you can be charged with trespassing.

For more information about Open Carry, or to read experiences of those who regularly do so, please visit [www.opencarry.org](http://www.opencarry.org), especially the Utah section.

*may not carry a loaded firearm in or on a vehicle.*

*(3) Notwithstanding Subsection (1)(a)(i) and (ii), a person may not possess a loaded rifle, shotgun, or muzzle-loading rifle in a vehicle.*

*(4) A violation of this section is a class B misdemeanor.”*

Any law-abiding citizen over the age of 18 can carry a handgun, loaded or unloaded, inside their vehicle either concealed or unconcealed.

Any law-abiding citizen can carry an “unloaded” firearm openly in public. Concealed firearm permit holders are exempt from this law (**U.C.A. 76-10-523**) and can carry loaded firearms openly.

So what is the definition of “loaded”?

### U.C.A. 76-10-502 When a weapon is deemed loaded.

*“(1) For the purpose of this chapter, any pistol, revolver, shotgun, rifle, or other weapon described in this part shall be deemed to be loaded when there is an unexpended cartridge, shell, or projectile in the firing position.*

*(2) Pistols and revolvers shall also be deemed to be loaded when an unexpended cartridge, shell, or projectile is in a position whereby the manual operation of any mechanism once would cause the unexpended cartridge, shell, or projectile to be fired.”*

So a weapon is loaded when (a) there is a round in firing position or (b) when it is one mechanical action away from firing. This means that non-permit holders can carry a pistol with a full magazine, but an empty chamber (chambering a round + pulling the trigger = two mechanical actions). A double action revolver cannot have a round in line with the barrel OR in the next cylinder.

Individuals without a concealed firearm permit may not carry a firearm:

- Concealed
- Within a 1000 feet of a school zone
- On intrastate buses and trains (UTA & TRAX)

Nobody (even people with a permit) may carry a firearm, openly or concealed (U.C.A. 53-5-710):

- In any secure facility (courthouse, prison, secure part of an airport, etc...)
- On some Federal property (post office, national parks, etc...)
- In any house of worship or in any private residence where dangerous weapons are prohibited as provided in Section 76-10-530.

## CONCEALED WEAPONS:

### U.C.A 76-10-504 Carrying concealed dangerous weapon.

ONLY individuals who hold a valid Concealed Firearm Permit or Law Enforcement Officers may legally conceal a firearm or dangerous weapon (no sawed-off shotguns or rifles though).

### U.C.A. 76-10-505.5 Possession of a dangerous weapon, firearm, or sawed-off shotgun on or about school premises.

ONLY individuals who hold a valid Concealed Firearm Permit or Law Enforcement Officers may legally possess a firearm within 1000 feet of a school.

Utah is known as a “shall-issue” state, meaning that concealed firearm permits must be issued to any applicant who is over the age of 21, has a clean record and has not been declared mentally deficient. You don’t have to have a specific reason to apply for a permit.

For more information about obtaining a Concealed Firearm Permit, visit the Bureau of Criminal Identification website at:

<http://publicsafety.utah.gov/bci>.

## OTHER RESOURCES:

**WEB:** <http://www.utahconcealedcarry.com>  
<http://www.opencarry.org>  
<http://goutahorg.org>  
<http://utahshootingsports.com>  
<http://le.utah.gov/UtahCode/title.jsp>  
<http://bci.utah.gov>

## BOOKS:

Utah Gun Law, 3rd Edition, by Attorney Mitch Vilos

More Guns, Less Crime, by John Lott

That Every Man Be Armed: the Evolution of a Constitutional Right, by Stephan Halbrook, Ph.D

## UTAH SELF DEFENSE LAWS (USE OF FORCE):

### U.C.A. 76-2-402. Force in defense of person – Forcible felony defined.

*“(1) A person is justified in **threatening or using** force against another when and to the extent that he or she reasonably believes that force is necessary to defend himself or a third person against such other’s imminent use of unlawful force. However, that person is justified in using force intended or likely to cause death or serious bodily injury only if he or she **reasonably believes that force is necessary to prevent death or serious bodily injury to himself or a third person** as a result of the other’s imminent use of unlawful force, or to prevent the commission of a forcible felony.”*

Be sure to read the rest of section 402 in order to better understand justification of force. Also see:

**U.C.A. 76-2-405 - Force in Defense of Habitation**

**U.C.A. 76-10-506 - Threatening with or using dangerous weapon in fight or quarrel.**

Gun owners, particularly those who carry their firearms -- openly or concealed -- have the responsibility to keep a cool head in confrontations. Do everything in your power to defuse the situation or retreat from the conflict, though retreat is not required as long as you are in the location legally.

## LEAVE THE MACHO ATTITUDE AT HOME!

Never do anything that would even make you SEEM to be the aggressor in an argument or fight, witnesses and juries may not see the situation the same way as you.

The author of this pamphlet is not a lawyer and the contents herein should never be used as legal advice. The laws and regulations presented in this pamphlet are current through the 2009 Legislative session, but laws change often and it is the responsibility of gun owners to stay current on all laws relating to the ownership and use of firearms. The current Utah code can be found at:

<http://le.utah.gov/UtahCode/title.jsp>

# UTAH GUN LAW



*“The individual right of the people to keep and bear arms for security and defense of self, family, others, property, or the state, as well as for other lawful purposes, shall not be infringed...”*

-Constitution of Utah, Article I, Section 6

## A QUICK REFERENCE FOR UTAH CITIZENS

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