

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.

U.C.A. 76-10-500 Uniform Law

"... All authority to regulate firearms shall be reserved to the state except where the Legislature specifically delegates responsibility to local authorities or state entities. Unless specifically authorized by the Legislature by statute, a local authority or state entity may not enact or enforce any ordinance, regulation, or rule pertaining to firearms."

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**, local governments 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 any public street; or

(c) in a posted prohibited area."

Any law-abiding citizen can carry an "unloaded" firearm openly in public. Concealed weapons 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"? I am glad you asked!

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 revolver cannot have a round in line with the barrel OR in the next cylinder.

Individuals without a concealed weapons 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:

- In any secure facility (courthouse, prison, secure part of an airport, etc...)
- On some Federal property (post office, national parks, etc...)

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, especially the Utah section.

CONCEALED WEAPONS:

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

U.C.A. 34-45-103 Vehicle carry

If you are legally allowed to possess a firearm, you have the right to carry a concealed, loaded firearm while on your own property (residence, camp, or your own business), including in your vehicle. (See **U.C.A. 34-45-107** for exemptions regarding carrying and storing firearms in your vehicle.)

Besides in the above mentioned locations, ONLY individuals who hold a valid Concealed Weapons Permit or Law Enforcement Officers may legally conceal a firearm. Permit holders are also exempt from several other firearms laws (see **U.C.A. 76-10-523**).

Utah is known as a "shall-issue" state, meaning that concealed weapons 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://bci.utah.gov/>.

OTHER RESOURCES:

WEB:

www.utahconcealedcarry.com

www.opencarry.org

<http://www.le.state.ut.us/~code/code.htm>

<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

YOUR RIGHT TO BEAR ARMS:

Your right to keep and bear arms, for the purpose of defending your life and liberty, and the life and liberty of those around you, is an inherent right bestowed upon you by the Creator and protected by the Constitutions of the State of Utah and the United States of America.

“A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”

- Constitution of the United States of America, 2nd Amendment

“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

These rights belong to the individual, as the Utah Constitution is clear to spell out. The Founding Fathers desired to preserve this divinely bestowed right so that the government would be kept in fear of the people -- never the other way around.

“[The Constitution preserves] the advantage of being armed which Americans possess over the people of almost every other nation...(where) the governments are afraid to trust the people with arms.”

-James Madison,
The Federalist Papers, No. 46.

“They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.”

-Benjamin Franklin,
Historical Review of Pennsylvania, 1759.

UTAH SELF DEFENSE LAWS

(USE OF FORCE):

*“(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.**”*

-U.C.A 76-2-402.

Force in defense of person -- Forcible felony defined.

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://www.le.utah.gov/~code/code.htm>

UTAH GUN LAW



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A QUICK REFERENCE FOR UTAH CITIZENS