

Representative Andrew Stoddard proposes the following substitute bill:

LIABILITY OF FIREARM CUSTODIAN

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses liability for the discharge of a firearm custodian's firearm.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ describes the circumstances under which a firearm owner or possessor is strictly liable for damage caused by the discharge of the firearm.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

53-5a-103.5, Utah Code Annotated 1953

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

Section 1. Section **53-5a-103.5** is enacted to read:

53-5a-103.5. Liability of firearm custodian.



26 (1) As used in this section:

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

28 (b) "Firearm custodian" means a person who owns or knowingly possesses a firearm.

29 (c) "Peace officer" means:

30 (i) an animal control officer as that term is defined in Section [11-46-102](#); or

31 (ii) a law enforcement officer as that term is defined in Section [53-13-103](#).

32 (2) A firearm custodian is strictly liable for personal injury or property damage

33 proximately caused by the discharge of the firearm custodian's firearm if the discharge results

34 from conduct that constitutes a felony, regardless of whether the individual who engages in the

35 conduct is charged with a felony.

36 (3) A firearm custodian is not strictly liable for personal injury or property damage

37 proximately caused by the discharge of the firearm custodian's firearm if:

38 (a) (i) the individual causing the discharge takes the firearm custodian's firearm without
39 the firearm custodian's permission; and

40 (ii) the firearm custodian:

41 (A) reports the theft to the police before the discharge;

42 (B) fails to discover and report the theft despite the firearm custodian's exercise of
43 reasonable care in storing and securing the firearm; or

44 (C) is not reasonably able to report the theft before the discharge occurs;

45 (b) the discharge occurs in self defense or is otherwise legally justified; or

46 (c) the firearm custodian is a peace officer who discharges the peace officer's firearm in
47 the course of the peace officer's official duties.