

**SAFE STORAGE OF FIREARMS AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Elizabeth Weight**

Senate Sponsor: \_\_\_\_\_

---

---

**LONG TITLE**

**General Description:**

This bill relates to firearm storage.

**Highlighted Provisions:**

This bill:

- ▶ modifies definitions;
- ▶ makes it a criminal offense to store a firearm in a place that the firearm owner knows or has reason to believe a minor or person legally restricted from possessing a firearm has access;
- ▶ requires a firearm dealer to post written notice of possible prosecution for negligent storage of a firearm and provides a penalty for failure to post the notice; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

- 53-5-704**, as last amended by Laws of Utah 2013, Chapter 280
- 53-5-705**, as last amended by Laws of Utah 2010, Chapter 62
- 76-10-501**, as last amended by Laws of Utah 2015, Chapters 212 and 406



28 76-10-523, as last amended by Laws of Utah 2014, Chapter 248

29 ENACTS:

30 76-10-527.5, Utah Code Annotated 1953

31 76-10-533, Utah Code Annotated 1953



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

34 Section 1. Section 53-5-704 is amended to read:

35 **53-5-704. Bureau duties -- Permit to carry concealed firearm -- Certification for**  
36 **concealed firearms instructor -- Requirements for issuance -- Violation -- Denial,**  
37 **suspension, or revocation -- Appeal procedure.**

38 (1) (a) The bureau shall issue a permit to carry a concealed firearm for lawful self  
39 defense to an applicant who is 21 years of age or older within 60 days after receiving an  
40 application, unless the bureau finds proof that the applicant does not meet the qualifications set  
41 forth in Subsection (2).

42 (b) The permit is valid throughout the state for five years, without restriction, except as  
43 otherwise provided by Section 53-5-710.

44 (c) ~~The~~ Except as provided in Section 76-10-533, the provisions of Subsections  
45 76-10-504(1) and (2), and Section 76-10-505 do not apply to a person issued a permit under  
46 Subsection (1)(a).

47 (d) Subsection (4)(a) does not apply to a nonresident:

48 (i) active duty service member, who present to the bureau orders requiring the active  
49 duty service member to report for duty in this state; or

50 (ii) an active duty service member's spouse, stationed with the active duty service  
51 member, who presents to the bureau the active duty service member's orders requiring the  
52 service member to report for duty in this state.

53 (2) (a) The bureau may deny, suspend, or revoke a concealed firearm permit if the  
54 applicant or permit holder:

55 (i) has been or is convicted of a felony;

56 (ii) has been or is convicted of a crime of violence;

57 (iii) has been or is convicted of an offense involving the use of alcohol;

58 (iv) has been or is convicted of an offense involving the unlawful use of narcotics or

59 other controlled substances;

60 (v) has been or is convicted of an offense involving moral turpitude;

61 (vi) has been or is convicted of an offense involving domestic violence;

62 (vii) has been or is adjudicated by a state or federal court as mentally incompetent,

63 unless the adjudication has been withdrawn or reversed; and

64 (viii) is not qualified to purchase and possess a firearm pursuant to Section 76-10-503

65 and federal law.

66 (b) In determining whether an applicant or permit holder meets the qualifications set

67 forth in Subsection (2)(a), the bureau shall consider mitigating circumstances.

68 (3) (a) The bureau may deny, suspend, or revoke a concealed firearm permit if it has

69 reasonable cause to believe that the applicant or permit holder has been or is a danger to self or

70 others as demonstrated by evidence, including:

71 (i) past pattern of behavior involving unlawful violence or threats of unlawful violence;

72 (ii) past participation in incidents involving unlawful violence or threats of unlawful

73 violence; or

74 (iii) conviction of an offense in violation of Title 76, Chapter 10, Part 5, Weapons.

75 (b) The bureau may not deny, suspend, or revoke a concealed firearm permit solely for

76 a single conviction of an infraction violation of Title 76, Chapter 10, Part 5, Weapons.

77 (c) In determining whether the applicant or permit holder has been or is a danger to self

78 or others, the bureau may inspect:

79 (i) expunged records of arrests and convictions of adults as provided in Section

80 77-40-109; and

81 (ii) juvenile court records as provided in Section 78A-6-209.

82 (4) (a) In addition to meeting the other qualifications for the issuance of a concealed

83 firearm permit under this section, a nonresident applicant who resides in a state that recognizes

84 the validity of the Utah permit or has reciprocity with Utah's concealed firearm permit law

85 shall:

86 (i) hold a current concealed firearm or concealed weapon permit issued by the

87 appropriate permitting authority of the nonresident applicant's state of residency; and

88 (ii) submit a photocopy or electronic copy of the nonresident applicant's current

89 concealed firearm or concealed weapon permit referred to in Subsection (4)(a)(i).

90 (b) A nonresident applicant who knowingly and willfully provides false information to  
91 the bureau under Subsection (4)(a) is prohibited from holding a Utah concealed firearm permit  
92 for a period of 10 years.

93 (c) Subsection (4)(a) applies to all applications for the issuance of a concealed firearm  
94 permit that are received by the bureau after May 10, 2011.

95 (d) Beginning January 1, 2012, Subsection (4)(a) also applies to an application for  
96 renewal of a concealed firearm permit by a nonresident.

97 (5) The bureau shall issue a concealed firearm permit to a former peace officer who  
98 departs full-time employment as a peace officer, in an honorable manner, within five years of  
99 that departure if the officer meets the requirements of this section.

100 (6) Except as provided in Subsection (7), the bureau shall also require the applicant to  
101 provide:

102 (a) the address of the applicant's permanent residence;

103 (b) one recent dated photograph;

104 (c) one set of fingerprints; and

105 (d) evidence of general familiarity with the types of firearms to be concealed as defined  
106 in Subsection (8).

107 (7) An applicant who is a law enforcement officer under Section [53-13-103](#) may  
108 provide a letter of good standing from the officer's commanding officer in place of the evidence  
109 required by Subsection (6)(d).

110 (8) (a) General familiarity with the types of firearms to be concealed includes training  
111 in:

112 (i) the safe loading, unloading, storage, and carrying of the types of firearms to be  
113 concealed; and

114 (ii) current laws defining lawful use of a firearm by a private citizen, including lawful  
115 self-defense, use of force by a private citizen, including use of deadly force, transportation, and  
116 concealment.

117 (b) An applicant may satisfy the general familiarity requirement of Subsection (8)(a) by  
118 one of the following:

119 (i) completion of a course of instruction conducted by a national, state, or local  
120 firearms training organization approved by the bureau;

121 (ii) certification of general familiarity by a person who has been certified by the bureau,  
122 which may include a law enforcement officer, military or civilian firearms instructor, or hunter  
123 safety instructor; or

124 (iii) equivalent experience with a firearm through participation in an organized  
125 shooting competition, law enforcement, or military service.

126 (c) Instruction taken by a student under this Subsection (8) shall be in person and not  
127 through electronic means.

128 (9) (a) An applicant for certification as a Utah concealed firearms instructor shall:

129 (i) be at least 21 years of age;

130 (ii) be currently eligible to possess a firearm under Section 76-10-503;

131 (iii) have:

132 (A) completed a firearm instruction training course from the National Rifle Association  
133 or the Department of Public Safety, Division of Peace Officer Safety Standards and Training;  
134 or

135 (B) received training equivalent to one of the courses referred to in Subsection  
136 (9)(a)(iii)(A) as determined by the bureau;

137 (iv) have taken a course of instruction and passed a certification test as described in  
138 Subsection (9)(c); and

139 (v) possess a Utah concealed firearm permit.

140 (b) An instructor's certification is valid for three years from the date of issuance, unless  
141 revoked by the bureau.

142 (c) (i) In order to obtain initial certification or renew a certification, an instructor shall  
143 attend an instructional course and pass a test under the direction of the bureau.

144 (ii) (A) The bureau shall provide or contract to provide the course referred to in  
145 Subsection (9)(c)(i) twice every year.

146 (B) The course shall include instruction on current Utah law related to firearms,  
147 including concealed carry statutes and rules, and the use of deadly force by private citizens.

148 (d) (i) Each applicant for certification under this Subsection (9) shall pay a fee of  
149 \$50.00 at the time of application for initial certification.

150 (ii) The renewal fee for the certificate is \$25.

151 (iii) The bureau may use a fee paid under Subsections (9)(d)(i) and (ii) as a dedicated

152 credit to cover the cost incurred in maintaining and improving the instruction program required  
153 for concealed firearm instructors under this Subsection (9).

154 (10) A certified concealed firearms instructor shall provide each of the instructor's  
155 students with the required course of instruction outline approved by the bureau.

156 (11) (a) (i) A concealed firearms instructor shall provide a signed certificate to a person  
157 successfully completing the offered course of instruction.

158 (ii) The instructor shall sign the certificate with the exact name indicated on the  
159 instructor's certification issued by the bureau under Subsection (9).

160 (iii) (A) The certificate shall also have affixed to it the instructor's official seal, which  
161 is the exclusive property of the instructor and may not be used by any other person.

162 (B) The instructor shall destroy the seal upon revocation or expiration of the  
163 instructor's certification under Subsection (9).

164 (C) The bureau shall determine the design and content of the seal to include at least the  
165 following:

166 (I) the instructor's name as it appears on the instructor's certification;

167 (II) the words "Utah Certified Concealed Firearms Instructor," "state of Utah," and "my  
168 certification expires on (the instructor's certification expiration date)"; and

169 (III) the instructor's business or residence address.

170 (D) The seal shall be affixed to each student certificate issued by the instructor in a  
171 manner that does not obscure or render illegible any information or signatures contained in the  
172 document.

173 (b) The applicant shall provide the certificate to the bureau in compliance with  
174 Subsection (6)(d).

175 (12) The bureau may deny, suspend, or revoke the certification of an applicant or a  
176 concealed firearms instructor if it has reason to believe the applicant or the instructor has:

177 (a) become ineligible to possess a firearm under Section [76-10-503](#) or federal law; or

178 (b) knowingly and willfully provided false information to the bureau.

179 (13) An applicant for certification or a concealed firearms instructor has the same  
180 appeal rights as set forth in Subsection (16).

181 (14) In providing instruction and issuing a permit under this part, the concealed  
182 firearms instructor and the bureau are not vicariously liable for damages caused by the permit

183 holder.

184 (15) An individual who knowingly and willfully provides false information on an  
185 application filed under this part is guilty of a class B misdemeanor, and the application may be  
186 denied, or the permit may be suspended or revoked.

187 (16) (a) In the event of a denial, suspension, or revocation of a permit, the applicant or  
188 permit holder may file a petition for review with the board within 60 days from the date the  
189 denial, suspension, or revocation is received by the applicant or permit holder by certified mail,  
190 return receipt requested.

191 (b) The bureau's denial of a permit shall be in writing and shall include the general  
192 reasons for the action.

193 (c) If an applicant or permit holder appeals the denial to the review board, the applicant  
194 or permit holder may have access to the evidence upon which the denial is based in accordance  
195 with Title 63G, Chapter 2, Government Records Access and Management Act.

196 (d) On appeal to the board, the bureau has the burden of proof by a preponderance of  
197 the evidence.

198 (e) (i) Upon a ruling by the board on the appeal of a denial, the board shall issue a final  
199 order within 30 days stating the board's decision.

200 (ii) The final order shall be in the form prescribed by Subsection 63G-4-203(1)(i).

201 (iii) The final order is final bureau action for purposes of judicial review under Section  
202 63G-4-402.

203 (17) The commissioner may make rules in accordance with Title 63G, Chapter 3, Utah  
204 Administrative Rulemaking Act, necessary to administer this chapter.

205 Section 2. Section 53-5-705 is amended to read:

206 **53-5-705. Temporary permit to carry concealed firearm -- Denial, suspension, or**  
207 **revocation -- Appeal.**

208 (1) The bureau or its designated agent may issue a temporary permit to carry a  
209 concealed firearm to a person who:

210 (a) has applied for a permit under Section 53-5-704;

211 (b) has applied for a temporary permit under this section; and

212 (c) meets the criteria required in Subsections (2) and (3).

213 (2) To receive a temporary permit under this section, the applicant shall demonstrate in

214 writing to the satisfaction of the bureau extenuating circumstances that would justify issuing a  
215 temporary permit.

216 (3) A temporary permit may not be issued under this section until preliminary record  
217 checks regarding the applicant have been made with the National Crime Information Center  
218 and the bureau to determine any criminal history.

219 (4) (a) A temporary permit is valid only for a maximum of 90 days or any lesser period  
220 specified by the bureau, or until a permit under Section 53-5-704 is issued to the holder of the  
221 temporary permit, whichever period is shorter.

222 (b) [The] Except as provided in Section 76-10-533, the provisions of Subsections  
223 76-10-504(1) and (2) and Section 76-10-505 do not apply to a person issued a temporary  
224 permit under this section during the time period for which the temporary permit is valid.

225 (5) The bureau may deny, suspend, or revoke a temporary permit prior to expiration if  
226 the commissioner determines:

227 (a) the circumstances justifying the temporary permit no longer exist; or

228 (b) the holder of the temporary permit does not meet the requirements for a permit  
229 under Section 53-5-704.

230 (6) (a) The denial, suspension, or revocation of a temporary permit shall be in writing  
231 and shall include the reasons for the action.

232 (b) The bureau's decision to deny, suspend, or revoke a temporary permit may not be  
233 appealed to the board.

234 (c) Denial, suspension, or revocation under this subsection is final action for purposes  
235 of judicial review under Section 63G-4-402.

236 Section 3. Section 76-10-501 is amended to read:

237 **76-10-501. Definitions.**

238 As used in this part:

239 (1) (a) "Antique firearm" means:

240 (i) any firearm, including any firearm with a matchlock, flintlock, percussion cap, or  
241 similar type of ignition system, manufactured in or before 1898; [or]

242 (ii) a firearm that is a replica of any firearm described in this Subsection (1)(a), if the  
243 replica:

244 (A) is not designed or redesigned for using rimfire or conventional centerfire fixed



245 ammunition; or

246 (B) uses rimfire or centerfire fixed ammunition which is:

247 (I) no longer manufactured in the United States; and

248 (II) is not readily available in ordinary channels of commercial trade; or

249 (iii) (A) that is a muzzle loading rifle, shotgun, or pistol; and

250 (B) is designed to use black powder, or a black powder substitute, and cannot use fixed

251 ammunition.

252 (b) "Antique firearm" does not include:

253 (i) a weapon that incorporates a firearm frame or receiver;

254 (ii) a firearm that is converted into a muzzle loading weapon; or

255 (iii) a muzzle loading weapon that can be readily converted to fire fixed ammunition by

256 replacing the:

257 (A) barrel;

258 (B) bolt;

259 (C) breechblock; or

260 (D) any combination of Subsection (1)(b)(iii)(A), (B), or (C).

261 (2) "Bureau" means the Bureau of Criminal Identification created in Section [53-10-201](#)  
262 within the Department of Public Safety.

263 (3) (a) "Concealed firearm" means a firearm that is:

264 (i) covered, hidden, or secreted in a manner that the public would not be aware of its  
265 presence; and

266 (ii) readily accessible for immediate use.

267 (b) A firearm that is unloaded and securely encased is not a concealed firearm for the  
268 purposes of this part.

269 (4) "Criminal history background check" means a criminal background check  
270 conducted by a licensed firearms dealer on every purchaser of a handgun, except a Federal  
271 Firearms Licensee, through the bureau or the local law enforcement agency where the firearms  
272 dealer conducts business.

273 (5) "Curio or relic firearm" means a firearm that:

274 (a) is of special interest to a collector because of a quality that is not associated with  
275 firearms intended for:

- 276 (i) sporting use;
- 277 (ii) use as an offensive weapon; or
- 278 (iii) use as a defensive weapon;
- 279 (b) (i) was manufactured at least 50 years before the current date; and
- 280 (ii) is not a replica of a firearm described in Subsection (5)(b)(i);
- 281 (c) is certified by the curator of a municipal, state, or federal museum that exhibits
- 282 firearms to be a curio or relic of museum interest;
- 283 (d) derives a substantial part of its monetary value:
- 284 (i) from the fact that the firearm is:
- 285 (A) novel;
- 286 (B) rare; or
- 287 (C) bizarre; or
- 288 (ii) because of the firearm's association with an historical:
- 289 (A) figure;
- 290 (B) period; or
- 291 (C) event; and
- 292 (e) has been designated as a curio or relic firearm by the director of the United States
- 293 Treasury Department Bureau of Alcohol, Tobacco, and Firearms under 27 C.F.R. Sec. 478.11.
- 294 (6) (a) "Dangerous weapon" means:
- 295 (i) a firearm; or
- 296 (ii) an object that in the manner of its use or intended use is capable of causing death or
- 297 serious bodily injury.
- 298 (b) The following factors are used in determining whether any object, other than a
- 299 firearm, is a dangerous weapon:
- 300 (i) the location and circumstances in which the object was used or possessed;
- 301 (ii) the primary purpose for which the object was made;
- 302 (iii) the character of the wound, if any, produced by the object's unlawful use;
- 303 (iv) the manner in which the object was unlawfully used;
- 304 (v) whether the manner in which the object is used or possessed constitutes a potential
- 305 imminent threat to public safety; and
- 306 (vi) the lawful purposes for which the object may be used.

307 (c) "Dangerous weapon" does not include an explosive, chemical, or incendiary device  
308 as defined by Section [76-10-306](#).

309 (7) [~~"Dealer"~~] (a) Except as provided in Subsection (7)(b), "dealer" means a person  
310 who is:

311 [~~(a)~~] (i) licensed under 18 U.S.C. Sec. 923; and

312 [~~(b)~~] (ii) engaged in the business of selling, leasing, or otherwise transferring a  
313 handgun, whether the person is a retail or wholesale dealer, pawnbroker, or otherwise.

314 (b) As used in Section [76-10-527.5](#), "dealer" means a person who is:

315 (i) licensed under 18 U.S.C. Sec. 923; and

316 (ii) engaged in the business of selling, leasing, or otherwise transferring a firearm,  
317 whether the person is a retail or wholesale dealer, pawnbroker, or otherwise.

318 (8) "Enter" means intrusion of the entire body.

319 (9) "Federal Firearms Licensee" means a person who:

320 (a) holds a valid Federal Firearms License issued under 18 U.S.C. Sec. 923; and

321 (b) is engaged in the activities authorized by the specific category of license held.

322 (10) (a) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle or  
323 short barreled rifle, or a device that could be used as a dangerous weapon from which is  
324 expelled a projectile by action of an explosive.

325 (b) As used in Sections [76-10-526](#) and [76-10-527](#), "firearm" does not include an  
326 antique firearm.

327 (11) "Firearms transaction record form" means a form created by the bureau to be  
328 completed by a person purchasing, selling, or transferring a handgun from a dealer in the state.

329 (12) "Fully automatic weapon" means a firearm which fires, is designed to fire, or can  
330 be readily restored to fire, automatically more than one shot without manual reloading by a  
331 single function of the trigger.

332 (13) (a) "Handgun" means a pistol, revolver, or other firearm of any description, loaded  
333 or unloaded, from which a shot, bullet, or other missile can be discharged, the length of which,  
334 not including any revolving, detachable, or magazine breech, does not exceed 12 inches.

335 (b) As used in Sections [76-10-520](#), [76-10-521](#), and [76-10-522](#), "handgun" and "pistol  
336 or revolver" do not include an antique firearm.

337 (14) "House of worship" means a church, temple, synagogue, mosque, or other

338 building set apart primarily for the purpose of worship in which religious services are held and  
339 the main body of which is kept for that use and not put to any other use inconsistent with its  
340 primary purpose.

341 (15) "Prohibited area" means a place where it is unlawful to discharge a firearm.

342 (16) "Readily accessible for immediate use" means that a firearm or other dangerous  
343 weapon is carried on the person or within such close proximity and in such a manner that it can  
344 be retrieved and used as readily as if carried on the person.

345 (17) "Residence" means an improvement to real property used or occupied as a  
346 primary or secondary residence.

347 (18) [~~"Securely encased"~~] (a) Except as provided in Subsection (18)(b), "securely  
348 encased" means not readily accessible for immediate use, such as held in a gun rack, or in a  
349 closed case or container, whether or not locked, or in a trunk or other storage area of a motor  
350 vehicle, not including a glove box or console box.

351 (b) As used in Section 76-10-533, "securely encased" means held in a locked case,  
352 container, safe, lock box, or other device or storage area, not including a trunk, glove box, or  
353 other storage area of a motor vehicle, that may be unlocked only by means of a key, a  
354 combination, a biometric reader, or other similar means.

355 (19) "Short barreled shotgun" or "short barreled rifle" means a shotgun having a barrel  
356 or barrels of fewer than 18 inches in length, or in the case of a rifle, having a barrel or barrels  
357 of fewer than 16 inches in length, or a dangerous weapon made from a rifle or shotgun by  
358 alteration, modification, or otherwise, if the weapon as modified has an overall length of fewer  
359 than 26 inches.

360 (20) "Shotgun" means a smooth bore firearm designed to fire cartridges containing  
361 pellets or a single slug.

362 (21) "Shoulder arm" means a firearm that is designed to be fired while braced against  
363 the shoulder.

364 (22) "Slug" means a single projectile discharged from a shotgun shell.

365 (23) "State entity" means a department, commission, board, council, agency,  
366 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,  
367 unit, bureau, panel, or other administrative unit of the state.

368 (24) "Violent felony" means the same as that term is defined in Section 76-3-203.5.

369 Section 4. Section **76-10-523** is amended to read:

370 **76-10-523. Persons exempt from weapons laws.**

371 (1) Except for Sections [76-10-506](#), [76-10-508](#), [~~and~~] [76-10-508.1](#), and [76-10-533](#), this  
372 part and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to any of the  
373 following:

374 (a) a United States marshal;

375 (b) a federal official required to carry a firearm;

376 (c) a peace officer of this or any other jurisdiction;

377 (d) a law enforcement official as defined and qualified under Section [53-5-711](#);

378 (e) a judge as defined and qualified under Section [53-5-711](#); or

379 (f) a common carrier while engaged in the regular and ordinary transport of firearms as  
380 merchandise.

381 (2) [~~The~~] Except as provided in Section [76-10-533](#), the provisions of Subsections  
382 [76-10-504](#)(1) and (2), and Section [76-10-505](#) do not apply to any person to whom a permit to  
383 carry a concealed firearm has been issued:

384 (a) pursuant to Section [53-5-704](#) or [53-5-705](#); or

385 (b) by another state or county.

386 (3) Except for Sections [76-10-503](#), [76-10-506](#), [76-10-508](#), and [76-10-508.1](#), this part  
387 and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to a nonresident traveling  
388 in or through the state, provided that any firearm is:

389 (a) unloaded; and

390 (b) securely encased as defined in Section [76-10-501](#).

391 Section 5. Section **76-10-527.5** is enacted to read:

392 **76-10-527.5. Dealer requirement for storage warning -- Penalty.**

393 (1) (a) A dealer shall conspicuously post the following written warning at a purchase  
394 counter:

395 "AN ADULT MAY BE PROSECUTED FOR LEAVING A FIREARM IN A PLACE  
396 EASILY ACCESSIBLE BY A MINOR. A FIREARM SHOULD BE SECURED WITH A  
397 LOCKING DEVICE OR STORED IN A LOCKED CONTAINER OR LOCATION."

398 (b) A dealer shall print the written warning described in Subsection (1)(a) on yellow  
399 paper in black, capital letters using Arial, Calibri, Cambria, or Times New Roman in no

400 smaller than 35-point font.

401 (2) A retail or wholesale dealer who violates Subsection (1) is guilty of a class C  
402 misdemeanor.

403 Section 6. Section **76-10-533** is enacted to read:

404 **76-10-533. Criminally negligent storage of a firearm.**

405 (1) As used in this section, "firearm safety device" means a device:

406 (a) installed on a firearm and designed to prevent the firearm from being operated  
407 without first deactivating the device; or

408 (b) incorporated into the design of a firearm and designed to prevent operation of the  
409 firearm by a person unauthorized to operate the firearm.

410 (2) Notwithstanding any other provision of this part, it is unlawful for an owner of a  
411 firearm to store a loaded firearm in a place the owner knows or has reason to believe a minor  
412 under 18 years of age or a person restricted from possessing a firearm under Section [76-10-503](#)  
413 has access, unless the firearm is:

414 (a) securely encased;

415 (b) disabled or rendered inoperable by a firearm safety device; or

416 (c) readily accessible for immediate use by the owner.

417 (3) A violation of Subsection (2) is a class B misdemeanor.

418 (4) This section does not prohibit a minor from possessing a firearm in accordance  
419 with Section [76-10-509](#) or [76-10-512](#).

420 (5) A person issued a permit to carry a concealed firearm under Title 53, Chapter 5,  
421 Part 7, Concealed Firearm Act, is not exempt from this section.