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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.

(1) As used in this section:

(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 (2) A firearm custodian is strictly liable for personal injury or property damage
30 proximately caused by the discharge of the firearm custodian's firearm if the discharge results
31 from conduct that constitutes a felony, regardless of whether the individual who engages in the
32 conduct is charged with a felony.

33 (3) A firearm custodian is not strictly liable for personal injury or property damage
34 proximately caused by the discharge of the firearm custodian's firearm if:

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

37 (ii) the firearm custodian:

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

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

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

42 (b) the discharge occurs in self defense or is otherwise legally justified.