The Life of a Bill in the Utah Legislature: Following House Bill 49- Firearms Revisions

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The Life of a Bill in the Utah Legislature: Following House Bill 49 - Firearms Revisions

"While Taylor was not breaking the law for carrying the guns openly, police called his actions reckless and he was charged with disorderly conduct, a class C misdemeanor." – ksl.com 26 Dec 2011

Intro
There have been some recent cases of firearm owners legally carrying their firearms, who have faced criminal prosecution and fines, though they broke no law. House Bill 49 (HB49) was introduced by Rep. Paul Ray in order to address this issue. The bill clarifies existing language that has allowed lawful gun owners to face prosecution. The bill did not pass this legislative session.

Policy Analysis

Main policies of HB49
• In the absence of additional threatening behavior, the possession of a firearm, open or concealed, is not a violation of state or local law
• Local or government entities may not make their own laws separate from the legislature
• Where the legislature grants authority to make firearm or dangerous weapon restrictions, entities cannot overstep the authority granted
• Voids any law not related to the authority granted

Impacts
The Office of the Legislative Fiscal Analyst stated that this bill would not result in costs to State or local government, or direct or measureable costs for Utah residents and businesses.
One study shows that merely showing a firearm deters criminals, so there may be a deterrence of crime if more people openly carry their firearms (NewYorkTimes, Liptak, 2008).
There would also be some non-measurable impacts such as the fear of firearms some citizens have, increased work for police, and an increased feeling of safety to others.

Political Analysis
Groups Supporting this bill:
Inside the Legislature
• Most Republicans, Some Democrats

Outside the Legislature
• Utah Shooting Sports Council
• Go Utah
• National Rifle Association
• Firearm Owners

Groups Opposing this bill:
Inside the Legislature
• Most Democrats, Some Republicans

Outside the Legislature
• Utah Campaign Against Gun Violence
• Fraternal Order of Police
• Salt Lake City Catholic Diocese

This bill was substituted/amended three times. The first time was to specify the language in the bill in order to better portray the intent of the bill. The second substitute seemed to erase the main provision of being able to openly carry a firearm without being prosecuted. The third amendment changed the bill to its original intent, but still had objectionable language which led to the bill’s demise.

Conclusion
House Bill 49 was sponsored in order to protect firearm-carrying citizens from receiving fines and criminal charges from two conflicting laws. The bill mainly clarifies the open carry and disorderly conduct aspects of existing Utah law. Because HB49 was incremental and fit with the majority opinion of Utah, it was able to get through to the senate where it was stalled from an amendment. Since the legislative session ended before the amendment could be fixed, HB49 died in the 2012 legislative session.