

ESSB 5038 - H AMD TO CRJ COMM AMD (H-1306.2/21) **474**

By Representative McEntire

NOT ADOPTED 03/28/2021

1 On page 2, after line 31 of the striking amendment, strike all
2 material through "(d)" on page 3, line 13 and insert the following:

3 "(2)(a) Except as provided in (b) of this subsection, it is
4 unlawful for any person to openly carry a weapon at or within 250
5 feet of a permitted demonstration in a manner, under circumstances,
6 and at a time and place that either manifests an intent to
7 intimidate another or that warrants alarm for the safety of other
8 persons.

9 (b) This subsection shall not apply to or affect the following:

10 (i) Any act committed by a person while in his or her place of
11 abode or fixed place of business;

12 (ii) Any person who by virtue of his or her office or public
13 employment is vested by law with a duty to preserve public safety,
14 maintain public order, or to make arrests for offenses, while in the
15 performance of such duty;

16 (iii) Any person acting for the purpose of protecting himself or
17 herself against the use of presently threatened unlawful force by
18 another, or for the purpose of protecting another against the use of
19 such unlawful force by a third person;

20 (iv) Any person making or assisting in making a lawful arrest
21 for the commission of a felony; or

22 (v) Any person engaged in military activities sponsored by the
23 federal or state governments.

24 (c)"

25
26 On page 3, beginning on line 30 of the striking amendment,
27 strike all of subsection (iii) and insert the following:

1 On page 6, beginning on line 24 of the striking amendment,
2 strike all of subsection (4)

3
4 Renumber the remaining subsection consecutively and correct any
5 internal references accordingly.

6

EFFECT: Provides that it is unlawful to openly carry a firearm or other weapon "in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons" at or within 250 feet of a permitted demonstration, or on specified state capitol campus grounds and buildings, state legislative offices, or locations of state legislative meetings.

Defines "weapon" to mean "any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm."

Revises the exemption provision to provide exemptions for the following: (i) any act committed by a person while in his or her place of abode or fixed place of business; (ii) any person who by virtue of his or her office or public employment is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses, while in the performance of such duty; (iii) any person acting for the purpose of protecting self or others against the use of presently threatened unlawful force by another; (iv) any person making or assisting in making a lawful arrest for the commission of a felony; or (v) any person engaged in military activities sponsored by the federal or state governments.

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