

**Effective 5/12/2015**

**53-5c-201 Voluntary commitment of a firearm by owner cohabitant -- Law enforcement to hold firearm.**

- (1)
  - (a) An owner cohabitant may voluntarily commit a firearm to a law enforcement agency for safekeeping if the owner cohabitant believes that another cohabitant is an immediate threat to:
    - (i) himself or herself;
    - (ii) the owner cohabitant; or
    - (iii) any other person.
  - (b) A law enforcement agency may not hold a firearm under this section if the law enforcement agency obtains the firearm in a manner other than the owner cohabitant voluntarily presenting, of his or her own free will, the firearm to the law enforcement agency at the agency's office.
- (2) Unless a firearm is an illegal firearm subject to Section 53-5c-202, a law enforcement agency that receives a firearm in accordance with this chapter shall:
  - (a) record:
    - (i) the owner cohabitant's name, address, and phone number;
    - (ii) the firearm serial number; and
    - (iii) the date that the firearm was voluntarily committed;
  - (b) require the owner cohabitant to sign a document attesting that the owner cohabitant has an ownership interest in the firearm;
  - (c) hold the firearm in safe custody for 60 days after the day on which it is voluntarily committed; and
  - (d) upon proof of identification, return the firearm to:
    - (i) the owner cohabitant after the expiration of the 60-day period or, if the owner cohabitant requests return of the firearm before the expiration of the 60-day period, at the time of the request; or
    - (ii) to an owner other than the owner cohabitant in accordance with Section 53-5c-202.
- (3) The law enforcement agency shall hold the firearm for an additional 60 days:
  - (a) if the initial 60-day period expires; and
  - (b) the owner cohabitant requests that the law enforcement agency hold the firearm for an additional 60 days.
- (4) A law enforcement agency may not request or require that the owner cohabitant provide the name or other information of the cohabitant who poses an immediate threat or any other cohabitant.
- (5) Notwithstanding an ordinance or policy to the contrary adopted in accordance with Section 63G-2-701, a law enforcement agency shall destroy a record created under Subsection (2), Subsection 53-5c-202(4)(b)(iii), or any other record created in the application of this chapter no later than five days after:
  - (a) returning a firearm in accordance with Subsection (2)(d); or
  - (b) appropriating, selling, or destroying the firearm in accordance with Section 53-5c-202.
- (6) Unless otherwise provided, the provisions of Title 77, Chapter 24a, Lost or Mislaid Personal Property, do not apply to a firearm received by a law enforcement agency in accordance with this chapter.
- (7) A law enforcement agency shall adopt a policy for the safekeeping of a firearm held in accordance with this chapter.

Amended by Chapter 258, 2015 General Session