

Senator Ron Allen proposes to substitute the following bill:

CONCEALED PERMIT HOLDERS

REQUIREMENTS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Ron Allen

AN ACT RELATING TO CONCEALED WEAPONS; REQUIRING ANNUAL CERTIFICATION OF COMPETENCE WITH A FIREARM TO BE CONCEALED; MODIFYING COMPETENCY REQUIREMENTS; PROVIDING FOR SUSPENSION OF PERMIT; AND MAKING CONFORMING AMENDMENTS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53-5-704, as last amended by Chapters 120 and 366, Laws of Utah 1999

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

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

53-5-704. Division duties -- Permit to carry concealed firearm -- Requirements for issuance -- Violation -- Denial, suspension, or revocation -- Appeal procedure.

(1) The division or its designated agent shall issue a permit to carry a concealed firearm for lawful self defense to an applicant who is 21 years of age or older within 60 days after receiving an application and upon proof that the person applying is of good character. The permit is valid throughout the state, without restriction except as provided by Section 53-5-710:

(a) for two years; or

(b) for five years for permits issued or renewed on or after May 1, 1998.

(2) An applicant satisfactorily demonstrates good character if he:

(a) has not been convicted of a felony;

(b) has not been convicted of any crime of violence;

26 (c) has not been convicted of any offenses involving the use of alcohol;

27 (d) has not been convicted of any offense involving the unlawful use of narcotics or other
28 controlled substances;

29 (e) has not been convicted of any offenses involving moral turpitude;

30 (f) has not been convicted of any offense involving domestic violence;

31 (g) has not been adjudicated by a court of a state or of the United States as mentally
32 incompetent, unless the adjudication has been withdrawn or reversed; and

33 (h) is qualified to purchase and possess a dangerous weapon and a handgun pursuant to
34 Section 76-10-503 and federal law.

35 (3) (a) The division may deny, suspend, or revoke a concealed firearm permit if the
36 licensing authority has reasonable cause to believe that the applicant has been or is a danger to self
37 or others as demonstrated by evidence including, but not limited to:

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

39 (ii) past participation in incidents involving unlawful violence or threats of unlawful
40 violence; or

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

42 (b) The division may not deny, suspend, or revoke a concealed firearm permit solely for
43 a single conviction for an infraction violation of Title 76, Chapter 10, Part 5, Weapons.

44 (c) In determining whether the applicant has been or is a danger to self or others, the
45 division may inspect:

46 (i) expunged records of arrests and convictions of adults as provided in Section 77-18-15;
47 and

48 (ii) juvenile court records as provided in Section 78-3a-206.

49 (d) (i) If a person granted a permit under this part has been charged with a crime of
50 violence in Utah or any other state, the division shall suspend the permit.

51 (ii) Upon notice of the acquittal of the person charged, or notice of the charges having been
52 dropped, the division shall immediately reinstate the suspended permit.

53 (e) If a person granted a permit under this part fails to comply with the annual certification
54 requirement of Subsection (8)(a), the division may suspend the permit until certification is
55 received.

56 (4) A former peace officer who departs full-time employment as a peace officer, in an

57 honorable manner, shall be issued a concealed firearm permit within five years of that departure
58 if the officer meets the requirements of this section.

59 (5) In assessing good character under Subsection (2), the licensing authority shall consider
60 mitigating circumstances.

61 (6) Except as provided in Subsection (7), the licensing authority shall also require the
62 applicant to provide:

63 (a) letters of character reference;

64 (b) two recent dated photographs;

65 (c) two sets of fingerprints;

66 (d) a five-year employment history;

67 (e) a five-year residential history; and

68 (f) evidence of [~~general familiarity~~] competence with the [~~types of firearms~~] firearm or
69 firearms to be concealed as defined in Subsection (8).

70 (7) An applicant who is a law enforcement officer under Section 53-13-103 may provide
71 a letter of good standing from the officer's commanding officer in place of the items required by
72 Subsections (6)(a), (d), (e), and (f).

73 (8) (a) [~~General familiarity~~] Competence with the [~~types of firearms~~] firearm or firearms
74 to be concealed includes annual certification to the division, as provided by division rule, of the
75 following:

76 (i) training in:

77 [(i)] (A) the safe loading, unloading, storage, and carrying of the types of firearms to be
78 concealed; and

79 [(ii)] (B) current laws defining lawful use of a firearm by a private citizen, including lawful
80 self-defense, use of deadly force, transportation, and concealment;

81 (ii) the ability to place in a life size silhouette target:

82 (A) seven out of ten shots at seven yards; and

83 (B) six out of ten shots at 15 yards.

84 (b) Evidence of [~~general familiarity~~] competence with the [~~types of firearms~~] firearm or
85 firearms to be concealed may be satisfied by one of the following, which shall include at a
86 minimum the requirements of Subsection (8)(a) to be eligible:

87 (i) completion of a course of instruction conducted by any national, state, or local firearms

88 training organization approved by the division;

89 (ii) certification of [~~general familiarity~~] competence by a person who has been approved
90 by the division, which may include a law enforcement officer, military or civilian firearms
91 instructor, or hunter safety instructor; or

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

94 (9) In issuing a permit under this part, the licensing authority is not vicariously liable for
95 damages caused by the permit holder.

96 (10) If any person knowingly and willfully provides false information on an application
97 filed under this part, he is guilty of a class B misdemeanor, and his application may be denied, or
98 his permit may be suspended or revoked.

99 (11) (a) In the event of a denial, suspension, or revocation by the agency, the applicant may
100 file a petition for review with the board within 60 days from the date the denial, suspension, or
101 revocation is received by the applicant by certified mail, return receipt requested.

102 (b) The denial of a permit shall be in writing and shall include the general reasons for the
103 action.

104 (c) If an applicant appeals his denial to the review board, the applicant may have access
105 to the evidence upon which the denial is based in accordance with Title 63, Chapter 2, Government
106 Records Access and Management Act.

107 (d) On appeal to the board, the agency shall have the burden of proof by a preponderance
108 of the evidence.

109 (e) Upon a ruling by the board on the appeal of a denial, the division shall issue a final
110 order within 30 days stating the board's decision. The final order shall be in the form prescribed
111 by Subsection 63-46b-5(1)(i). The final order is final agency action for purposes of judicial review
112 under Section 63-46b-15.

113 (12) The commissioner may make rules in accordance with Title 63, Chapter 46a, Utah
114 Administrative Rulemaking Act, necessary to administer this chapter.