

GUN SHOW BACKGROUND CHECK

AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Scott Daniels

This act modifies provisions related to criminal background checks for firearm purchases.

The act requires a background check for a firearm purchase from a gun show and creates a crime for a violation.

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

AMENDS:

76-10-527, as last amended by Chapter 187, Laws of Utah 1998

ENACTS:

76-10-526.5, Utah Code Annotated 1953

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

Section 1. Section **76-10-526.5** is enacted to read:

76-10-526.5. Gun shows or events -- Background check for any firearm purchase or transfer -- Fee.

(1) For purposes of this section:

(a) "Firearm exhibitor" means an exhibitor who displays one or more firearms, not including an antique firearm, and offers the firearms for sale or trade at a gun show or event.

(b) (i) "Gun show or event" means a temporary location:

(A) at which firearms, firearm accessories, and related items may be bought, sold, traded, and displayed in accordance with federal, state, and local laws;

(B) sponsored for profit or not, by an individual, national, state, or local organization, association, or other entity to foster the collecting, competitive use, sporting use, or any other legal use of firearms; and

(C) where the gun show or event has:

28 (I) 20% or more firearm exhibitors out of all exhibitors; or

29 (II) ten or more firearms exhibitors.

30 (ii) "Gun show or event" does not include a person selling firearms from the person's own
31 residence.

32 (2) Any person selling or transferring a firearm at a gun show or event shall make such sale
33 or transfer through a licensed firearm dealer.

34 (3) A licensed firearm dealer shall conduct a background check on a prospective buyer at
35 a gun show or event in accordance with Sections 76-10-526 and 76-10-527.

36 (4) Records of receipt and disposition of firearms transactions conducted at a gun show
37 or event shall:

38 (a) include the location of the sale or other disposition;

39 (b) be entered in the permanent records of the licensed firearm dealer; and

40 (c) be retained at the location premises specified on the license of the licensed firearm
41 dealer.

42 (5) In addition to the fee established under Section 76-10-526, a licensed firearm dealer
43 may charge a handling fee to the seller or the prospective buyer to perform a background check on
44 behalf of an unlicensed firearm dealer at a gun show or event.

45 Section 2. Section **76-10-527** is amended to read:

46 **76-10-527. Firearm purchase or transfer background check -- Penalties.**

47 ~~[(1) This section shall apply only to a handgun until federal law requires the background~~
48 ~~check in Section 76-10-526 to extend to other firearms at which time this section shall also apply~~
49 ~~to those firearms.]~~

50 ~~[(2)]~~ (1) A dealer is guilty of a class A misdemeanor who willfully and intentionally:

51 (a) requests, obtains, or seeks to obtain criminal history background information under
52 false pretenses; or

53 (b) disseminates criminal history background information.

54 ~~[(3)]~~ (2) A person who purchases or transfers a firearm is guilty of a felony of the third
55 degree who willfully and intentionally makes a false statement of the information required for a
56 criminal background check in Section 76-10-526.

57 ~~[(4)]~~ (3) A dealer is guilty of a felony of the third degree if the dealer willfully and
58 intentionally sells or transfers a firearm in violation of this part.

59 [~~5~~] (4) A person is guilty of a felony of the third degree who purchases a firearm with
60 the intent to:

61 (a) resell or otherwise provide a firearm to any person who is ineligible to purchase or
62 receive from a dealer a firearm; or

63 (b) transport a firearm out of this state to be resold to an ineligible person.

64 (5) Unless a higher penalty in another subsection applies, a person, other than a licensed
65 dealer, who sells, transfers, purchases, or receives a firearm in violation of Section 76-10-526.5
66 is guilty of:

67 (a) a class A misdemeanor upon the first conviction; and

68 (b) a third degree felony upon any subsequent conviction.

Legislative Review Note
as of 1-22-01 2:39 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel