

1 **RESTORATION OF RIGHT TO BEAR ARMS**

2 2001 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Matt Throckmorton**

5 **This act modifies provisions relating to firearms. The act provides a procedure for a person**
6 **restricted from possessing or purchasing a firearm to apply for relief from restrictions.**

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

8 ENACTS:

9 **76-10-503.5**, Utah Code Annotated 1953

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

11 Section 1. Section **76-10-503.5** is enacted to read:

12 **76-10-503.5. Relief from restrictions -- Application -- Appeal.**

13 (1) A person who is restricted from possessing, purchasing, transferring, or owning a
14 firearm under Section 76-10-503, may apply to the commissioner of the Department of Public
15 Safety for relief from the restrictions.

16 (2) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
17 Department of Public Safety shall make rules:

18 (a) developing an application form;

19 (b) establishing the procedure to apply for relief of restrictions;

20 (c) specifying the information that the applicant must provide with the application; and

21 (d) establishing the criteria for the commissioner to use in determining if the applicant is
22 eligible for relief from restrictions.

23 (3) The commissioner shall review the application and may grant relief from restrictions
24 if the applicant demonstrates to the commissioner's satisfaction that the circumstances regarding
25 the restriction and the applicant's record and reputation, indicate that:

26 (a) the applicant will not be likely to act in a manner dangerous to public safety; and

27 (b) granting the relief would not be contrary to the public interest.

28 (4) A person whose application for relief from restrictions is denied by the commissioner
29 may file a petition with the district court for the district in which he resides for a judicial review
30 of the denial.

31 (5) The department shall:

32 (a) notify a person who applies for relief of restrictions under Subsection (1) that the
33 applicant must also apply for relief of disabilities imposed by federal law in accordance with 18
34 U.S.C., Chapter 44, Sec. 925; and

35 (b) maintain:

36 (i) the forms necessary for application for relief under 18 U.S.C., Chapter 44, Sec. 925;
37 and

38 (ii) a list of contact persons to assist the applicant in applying for relief under 18 U.S.C.,
39 Chapter 44, Sec. 925.

Legislative Review Note
as of 1-23-01 9:20 AM

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

Office of Legislative Research and General Counsel