

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32 incompetent, unless the adjudication has been withdrawn or reversed; and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 (4) A former peace officer who departs full-time employment as a peace officer, in an

54 honorable manner, shall be issued a concealed firearm permit within five years of that departure

55 if the officer meets the requirements of this section.

56 (5) In assessing good character under Subsection (2), the licensing authority shall consider

57 mitigating circumstances.

58 (6) Except as provided in Subsection (7), the licensing authority shall also require the

59 applicant to provide:

60 (a) address of applicant's permanent residence;

61 (b) letters of character reference;

62 (c) two recent dated photographs;

63 (d) two sets of fingerprints;

64 (e) a five-year employment history; and

65 (f) a five-year residential history[; ~~and~~].

66 [~~(g) evidence of general familiarity with the types of firearms to be concealed as defined~~
67 ~~in Subsection (8).~~]

68 (7) An applicant who is a law enforcement officer under Section 53-13-103 may provide
69 a letter of good standing from the officer's commanding officer in place of the items required by
70 Subsections (6)(b), (e), and (f)[; ~~and (g)~~].

71 [~~(8)(a) General familiarity with the types of firearms to be concealed includes training in:~~

72 [~~(i) the safe loading, unloading, storage, and carrying of the types of firearms to be~~
73 ~~concealed; and]~~

74 [~~(ii) current laws defining lawful use of a firearm by a private citizen, including lawful~~
75 ~~self-defense, use of force by a private citizen including use of deadly force, transportation, and~~
76 ~~concealment.]~~

77 [~~(b) Evidence of general familiarity with the types of firearms to be concealed may be~~
78 ~~satisfied by one of the following:~~]

79 [~~(i) completion of a course of instruction conducted by any national, state, or local firearms~~
80 ~~training organization approved by the division;]~~

81 [~~(ii) certification of general familiarity by a person who has been certified by the division,~~
82 ~~which may include a law enforcement officer, military or civilian firearms instructor, or hunter~~
83 ~~safety instructor; or]~~

84 [~~(iii) equivalent experience with a firearm through participation in an organized shooting~~
85 ~~competition, law enforcement, or military service.]~~

86 [~~(9) An applicant for certification as a Utah concealed firearms instructor shall:~~

87 [~~(a) be at least 21 years of age; and]~~

88 [~~(b) be currently eligible to possess a firearm under Section 76-10-503 and federal law.]~~

89 [~~(10) Each certified concealed firearms instructor shall provide for his students the~~

90 ~~required course of instruction outline approved by the division.]~~

91 ~~[(11) All concealed firearms instructors are required to provide a signed certificate to~~
92 ~~persons completing the course of instruction, which certificate shall be provided by the applicant~~
93 ~~to the division.]~~

94 ~~[(12) The division may deny, suspend, or revoke the certification of a concealed firearms~~
95 ~~instructor if the licensing authority has reason to believe the applicant has:]~~

96 ~~[(a) become ineligible to possess a firearm under Section 76-10-503 or federal law; or]~~

97 ~~[(b) knowingly and willfully provided false information to the division.]~~

98 ~~[(13) A concealed firearms instructor has the same appeal rights as set forth in Subsection~~
99 ~~(16).]~~

100 ~~[(14)]~~ (8) In issuing a permit under this part, the licensing authority is not vicariously liable
101 for damages caused by the permit holder.

102 ~~[(15)]~~ (9) If any person knowingly and willfully provides false information on an
103 application filed under this part, he is guilty of a class B misdemeanor, and his application may be
104 denied, or his permit may be suspended or revoked.

105 ~~[(16)]~~ (10) (a) In the event of a denial, suspension, or revocation by the agency, the
106 applicant may file a petition for review with the board within 60 days from the date the denial,
107 suspension, or revocation is received by the applicant by certified mail, return receipt requested.

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

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

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

115 (e) (i) Upon a ruling by the board on the appeal of a denial, the division shall issue a final
116 order within 30 days stating the board's decision.

117 (ii) The final order shall be in the form prescribed by Subsection 63-46b-5(1)(i).

118 (iii) The final order is final agency action for purposes of judicial review under Section
119 63-46b-15.

120 ~~[(17)]~~ (11) The commissioner may make rules in accordance with Title 63, Chapter 46a,

121 Utah Administrative Rulemaking Act, necessary to administer this chapter.

122 Section 2. Section **53-5-711** is amended to read:

123 **53-5-711. Law enforcement officials and judges -- Training requirements --**

124 **Qualification -- Revocation.**

125 (1) For purposes of this section and Section 76-10-523:

126 (a) "Judge" means a judge or justice of a court of record or court not of record, but does
127 not include a judge pro tem or senior judge.

128 (b) "Law enforcement official of this state" means:

129 (i) a member of the Board of Pardons and Paroles;

130 (ii) a district attorney, deputy district attorney, county attorney or deputy county attorney
131 of a county not in a prosecution district;

132 (iii) the attorney general;

133 (iv) an assistant attorney general designated as a criminal prosecutor; or

134 (v) a city attorney or a deputy city attorney designated as a criminal prosecutor.

135 (2) To qualify for the exemptions enumerated in Section 76-10-523, a law enforcement
136 official or judge shall complete the following training requirements:

137 (a) meet the requirements of Sections [~~53-5-704,~~] 53-5-706[;] and 53-5-707; and

138 (b) successfully complete an additional course of training as established by the
139 commissioner of public safety designed to assist them while carrying out their official law
140 enforcement and judicial duties as agents for the state or its political subdivisions.

141 (3) Annual requalification requirements for law enforcement officials and judges shall be
142 established by the:

143 (a) Board of Pardons and Paroles by rule for its members;

144 (b) Judicial Council by rule for judges; and

145 (c) the district attorney, county attorney in a county not in a prosecution district, the
146 attorney general, or city attorney by policy for prosecutors under their jurisdiction.

147 (4) The division may:

148 (a) issue a certificate of qualification to a judge or law enforcement official who has
149 completed the requirements of Subsection (1), which certificate of qualification is valid until
150 revoked;

151 (b) revoke the certificate of qualification of a judge or law enforcement official who fails

152 to meet the annual requalification criteria established pursuant to Subsection (3); and
153 (c) certify instructors for the training requirements of this section.

Legislative Review Note
as of 1-11-02 10:05 AM

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

Office of Legislative Research and General Counsel