

**FIREARMS AMENDMENTS**

2003 GENERAL SESSION

STATE OF UTAH

**Sponsor: Ty McCartney**

**This act modifies provisions related to weapons by expanding the restrictions on the purchase of firearms by Category I restricted persons.**

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

AMENDS:

**76-10-503**, as repealed and reenacted by Chapter 303, Laws of Utah 2000

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

Section 1. Section **76-10-503** is amended to read:

**76-10-503. Restrictions on possession, purchase, transfer, and ownership of dangerous weapons by certain persons.**

(1) For purposes of this section:

(a) A Category I restricted person is a person who:

(i) has been convicted of any violent felony as defined in Section 76-3-203.5;

(ii) is on probation or parole for any felony;

(iii) is on parole from a secure facility as defined in Section 62A-7-101; or

(iv) within the last ten years has been adjudicated delinquent for an offense which if committed by an adult would have been a violent felony as defined in Section 76-3-203.5.

(b) A Category II restricted person is a person who:

(i) has been convicted of or is under indictment for any felony;

(ii) within the last seven years has been adjudicated delinquent for an offense which if committed by an adult would have been a felony;

(iii) is an unlawful user of a controlled substance as defined in Section 58-37-2;

(iv) is in possession of a dangerous weapon and is knowingly and intentionally in unlawful possession of a Schedule I controlled substance as defined in Section 58-37-2;



28 (v) has been found not guilty by reason of insanity for a felony offense;  
29 (vi) has been found mentally incompetent to stand trial for a felony offense;  
30 (vii) has been adjudicated as mentally defective as provided in the Brady Handgun  
31 Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993), or has been committed  
32 to a mental institution;

33 (viii) is an alien who is illegally or unlawfully in the United States;  
34 (ix) has been dishonorably discharged from the armed forces; or  
35 (x) has renounced his citizenship after having been a citizen of the United States.

36 (2) A Category I restricted person who agrees, consents, offers, or arranges to purchase,  
37 transfer, possess, use, or have under his custody or control, or who purchases, transfers,  
38 possesses, uses, or has under his custody or control:

39 (a) any firearm is guilty of a second degree felony; or  
40 (b) any dangerous weapon other than a firearm is guilty of a third degree felony.

41 (3) A Category II restricted person who purchases, transfers, possesses, uses, or has  
42 under his custody or control:

43 (a) any firearm is guilty of a third degree felony; or  
44 (b) any dangerous weapon other than a firearm is guilty of a class A misdemeanor.

45 (4) A person may be subject to the restrictions of both categories at the same time.

46 (5) If a higher penalty than is prescribed in this section is provided in another section  
47 for one who purchases, transfers, possesses, uses, or has under this custody or control any  
48 dangerous weapon, the penalties of that section control.

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**Legislative Review Note**  
**as of 12-13-02 11:01 AM**

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

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0178**

**Firearms Amendments**

*13-Jan-03*

*9:43 AM*

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**State Impact**

It is estimated that provisions of this bill can be implemented with existing resources.

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**Individual and Business Impact**

No significant fiscal impact.

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**Office of the Legislative Fiscal Analyst**