

GUN SHOW BACKGROUND CHECK

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Scott Daniels

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ requires a background check for a firearm purchase at a gun show; and
- ▶ provides a criminal penalty.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

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 a firearm purchase or transfer -- Fee.



28 (1) For purposes of this section:

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

31 (b) (i) "Gun show or event" means an activity:

32 (A) held at a temporary location at which firearms, firearm accessories, and related
33 items may be bought, sold, traded, and displayed in accordance with federal, state, and local
34 laws;

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

38 (C) where the gun show or event has:

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

40 (II) ten or more firearm exhibitors.

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

43 (2) A person selling or transferring a firearm at a gun show or event shall make the sale
44 or transfer through a licensed firearm dealer.

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

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

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

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

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

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

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

57 **76-10-527. Penalties.**

58 [~~1) This section shall apply only to a handgun until federal law requires the~~

59 background check in Section 76-10-526 to extend to other firearms at which time this section
60 shall also apply to those firearms.]

61 [~~2~~] (1) A dealer is guilty of a class A misdemeanor who willfully and intentionally:

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

64 (b) disseminates criminal history background information.

65 [~~3~~] (2) A person who purchases or transfers a firearm is guilty of a felony of the third
66 degree who willfully and intentionally makes a false statement of the information required for a
67 criminal background check in Section 76-10-526.

68 [~~4~~] (3) A dealer is guilty of a felony of the third degree if the dealer willfully and
69 intentionally sells or transfers a firearm in violation of this part.

70 [~~5~~] (4) A person is guilty of a felony of the third degree who purchases a firearm with
71 the intent to:

72 (a) resell or otherwise provide a firearm to [~~any~~] a person who is ineligible to purchase
73 or receive from a dealer a firearm; or

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

75 (5) Unless a higher penalty in another subsection applies, a person, other than a
76 licensed dealer, who sells, transfers, purchases, or receives a firearm in violation of Section
77 76-10-526.5 is guilty of:

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

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

Legislative Review Note
as of 2-4-04 10:20 AM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0342

Gun Show Background Check

11-Feb-04

10:58 AM

State Impact

Additional, unquantifiable revenue will flow to the state in the form of a \$7.50 fee for performing the background checks.

Individual and Business Impact

Those purchasing guns at a gun show will have to pay an additional fee for a background check and may be subject to a handling charge.

Office of the Legislative Fiscal Analyst