

HB0183S01 compared with HB0183

{Omitted text} shows text that was in HB0183 but was omitted in HB0183S01

inserted text shows text that was not in HB0183 but was inserted into HB0183S01

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1 Noncitizen Restricted Person Amendments

. 2025 GENERAL SESSION

. STATE OF UTAH

. **Chief Sponsor: Karianne Lisonbee**

. Senate Sponsor:

2 LONG TITLE

3 General Description:

4 This bill clarifies when a non-citizen is a restricted person.

5 Highlighted Provisions:

6 This bill:

7 ▶ clarifies that aliens who have applications pending for asylum or temporary protected status are
8 restricted persons not allowed to possess, purchase, transfer, or own dangerous weapons; {and}

9 ▶ contains a coordination clause to coordinate technical changes between this bill and H.B.
10 133, Dangerous Weapons Amendments; and

11 ▶ makes technical and conforming changes.

12 Money Appropriated in this Bill:

13 None

14 This bill provides a coordination clause.

15 AMENDS:

16 **76-10-503**, as last amended by Laws of Utah 2023, First Special Session, Chapter 2, as last
17 amended by Laws of Utah 2023, First Special Session, Chapter 2

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21 Utah Code Sections affected by Coordination Clause:

22

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

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

25 **76-10-503. Restrictions on possession, purchase, transfer, and ownership of dangerous
weapons by certain persons -- Exceptions.**

24 (1) For purposes of this section:

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

26 (i) has been convicted of a violent felony;

27 (ii) is on probation or parole for a felony;

28 (iii) is on parole from secure care, as defined in Section 80-1-102;

29 (iv) within the last 10 years has been adjudicated under Section 80-6-701 for an offense which if
committed by an adult would have been a violent felony as defined in Section 76-3-203.5;

32 (v) is an alien who is illegally or unlawfully in the United States, including an alien who has:

34 (A) submitted an asylum application in accordance with 8 U.S.C. Sec. 1158 and is waiting for a
disposition on the application; or

36 (B) submitted a temporary protected status application in accordance with 8 U.S.C. Sec. 1254a and is
waiting for a disposition on the application; or

38 (vi) is on probation for a conviction of possessing:

39 (A) a substance classified in Section 58-37-4 as a Schedule I or II controlled substance;

41 (B) a controlled substance analog; or

42 (C) a substance listed in Section 58-37-4.2.

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

44 (i) has been convicted of:

45 (A) a domestic violence offense that is a felony;

46 (B) a felony that is not a domestic violence offense or a violent felony and within seven years after
completing the sentence for the conviction, has been convicted of or charged with another felony or
class A misdemeanor;

49 (C) multiple felonies that are part of a single criminal episode and are not domestic violence offenses or
violent felonies and within seven years after completing the sentence for the convictions, has been
convicted of or charged with another felony or class A misdemeanor; or

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- 53 (D) multiple felonies that are not part of a single criminal episode;
54 (ii)
. (A) within the last seven years has completed a sentence for:
55 (I) a conviction for a felony that is not a domestic violence offense or a violent felony; or
57 (II) convictions for multiple felonies that are part of a single criminal episode and are not domestic
violence offenses or violent felonies; and
59 (B) within the last seven years and after the completion of a sentence for a conviction described in
Subsection (1)(b)(ii)(A), has not been convicted of or charged with another felony or class A
misdemeanor;
62 (iii) within the last seven years has been adjudicated delinquent for an offense which if committed by an
adult would have been a felony;
64 (iv) is an unlawful user of a controlled substance as defined in Section 58-37-2;
65 (v) is in possession of a dangerous weapon and is knowingly and intentionally in unlawful possession of
a Schedule I or II controlled substance as defined in Section 58-37-2;
68 (vi) has been found not guilty by reason of insanity for a felony offense;
69 (vii) has been found mentally incompetent to stand trial for a felony offense;
70 (viii) has been adjudicated as mentally defective as provided in the Brady Handgun Violence
Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993), or has been committed to a mental
institution;
73 (ix) has been dishonorably discharged from the armed forces;
74 (x) has renounced the individual's citizenship after having been a citizen of the United States;
76 (xi) is a respondent or defendant subject to a protective order or child protective order that is issued
after a hearing for which the respondent or defendant received actual notice and at which the
respondent or defendant has an opportunity to participate, that restrains the respondent or defendant
from harassing, stalking, threatening, or engaging in other conduct that would place an intimate
partner, as defined in 18 U.S.C. Sec. 921, or a child of the intimate partner, in reasonable fear of
bodily injury to the intimate partner or child of the intimate partner, and that:
83 (A) includes a finding that the respondent or defendant represents a credible threat to the physical safety
of an individual who meets the definition of an intimate partner in 18 U.S.C. Sec. 921 or the child of
the individual; or

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- (B) explicitly prohibits the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily harm against an intimate partner or the child of an intimate partner; or
- 89 (xii) except as provided in Subsection (1)(d), has been convicted of the commission or attempted
commission of misdemeanor assault under Section 76-5-102 or aggravated assault under Section
76-5-103 against an individual:
- 92 (A) who is a current or former spouse, parent, or guardian;
- 93 (B) with whom the restricted person shares a child in common;
- 94 (C) who is cohabitating or has cohabitated with the restricted person as a spouse, parent, or guardian;
- 96 (D) involved in a dating relationship with the restricted person within the last five years; or
- 98 (E) similarly situated to a spouse, parent, or guardian of the restricted person.
- 99 (c)
- . (i) As used in this section, a conviction of a felony or adjudication of delinquency for an offense which
would be a felony if committed by an adult does not include:
- 101 (A) a conviction or an adjudication under Section 80-6-701 for an offense pertaining to antitrust
violations, unfair trade practices, restraint of trade, or other similar offenses relating to the
regulation of business practices not involving theft or fraud; or
- 105 (B) a conviction or an adjudication under Section 80-6-701 which, in accordance with the law of
the jurisdiction in which the conviction or adjudication occurred, has been expunged, set aside,
reduced to a misdemeanor by court order, pardoned or regarding which the person's civil rights
have been restored unless the pardon, reduction, expungement, or restoration of civil rights
expressly provides that the person may not ship, transport, possess, or receive firearms.
- 112 (ii) As used in this section, a conviction for misdemeanor assault under Subsection (1)(b)(xii),
does not include a conviction which, in accordance with the law of the jurisdiction in which
the conviction occurred, has been expunged, set aside, reduced to an infraction by court order,
pardoned, or regarding which the person's civil rights have been restored, unless the pardon,
reduction, expungement, or restoration of civil rights expressly provides that the person may not
ship, transport, possess, or receive firearms.
- 119 (iii) It is the burden of the defendant in a criminal case to provide evidence that a conviction or an
adjudication under Section 80-6-701 is subject to an exception provided in this Subsection (1)(c),
after which it is the burden of the state to prove beyond a reasonable doubt that the conviction or the
adjudication is not subject to that exception.

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- 124 (d) A person is not a restricted person for a conviction under Subsection (1)(b)(xii)(D) if:
- 125 (i) five years have elapsed from the later of:
- 126 (A) the day on which the conviction is entered;
- 127 (B) the day on which the person is released from incarceration following the conviction; or
- 129 (C) the day on which the person's probation for the conviction is successfully terminated;
- 131 (ii) the person only has a single conviction for misdemeanor assault as described in Subsection (1)(b)
(xii)(D); and
- 133 (iii) the person is not otherwise a restricted person under Subsection (1)(a) or (b).
- 134 (2) A Category I restricted person who intentionally or knowingly agrees, consents, offers, or
arranges to purchase, transfer, possess, use, or have under the person's custody or control, or who
intentionally or knowingly purchases, transfers, possesses, uses, or has under the person's custody or
control:
- 138 (a) a firearm is guilty of a second degree felony; or
- 139 (b) a dangerous weapon other than a firearm is guilty of a third degree felony.
- 140 (3) A Category II restricted person who intentionally or knowingly purchases, transfers, possesses, uses,
or has under the person's custody or control:
- 142 (a) a firearm is guilty of a third degree felony; or
- 143 (b) a dangerous weapon other than a firearm is guilty of a class A misdemeanor.
- 144 (4) A person may be subject to the restrictions of both categories at the same time.
- 145 (5) A Category I or Category II restricted person may not use an antique firearm for an activity
regulated under Title 23A, Wildlife Resources Act.
- 147 (6) If a higher penalty than is prescribed in this section is provided in another section for one who
purchases, transfers, possesses, uses, or has under this custody or control a dangerous weapon, the
penalties of that section control.
- 150 (7) It is an affirmative defense to a charge based on the definition in Subsection (1)(b)(v) that the person
was:
- 152 (a) in possession of a controlled substance pursuant to a lawful order of a practitioner for use of a
member of the person's household or for administration to an animal owned by the person or a
member of the person's household; or
- 155 (b) otherwise authorized by law to possess the substance.
- 156 (8)

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- . (a) It is an affirmative defense to transferring a firearm or other dangerous weapon by a person restricted under Subsection (2) or (3) that the firearm or dangerous weapon:
- 159 (i) was possessed by the person or was under the person's custody or control before the person became a restricted person;
- 161 (ii) was not used in or possessed during the commission of a crime or subject to disposition under Section Title 77, Chapter 11a, Part 4, Disposal of Seized Property and Contraband;
- 164 (iii) is not being held as evidence by a court or law enforcement agency;
- 165 (iv) was transferred to a person not legally prohibited from possessing the weapon; and
- 167 (v) unless a different time is ordered by the court, was transferred within 10 days of the person becoming a restricted person.
- 169 (b) Subsection (8)(a) is not a defense to the use, purchase, or possession on the person of a firearm or other dangerous weapon by a restricted person.
- 171 (9)
- . (a) A person may not sell, transfer, or otherwise dispose of a firearm or dangerous weapon to a person, knowing that the recipient is a person described in Subsection (1)(a) or (b).
- 174 (b) A person who violates Subsection (9)(a) when the recipient is:
- 175 (i) a person described in Subsection (1)(a) and the transaction involves a firearm, is guilty of a second degree felony;
- 177 (ii) a person described in Subsection (1)(a) and the transaction involves a dangerous weapon other than a firearm, and the transferor has knowledge that the recipient intends to use the weapon for any unlawful purpose, is guilty of a third degree felony;
- 181 (iii) a person described in Subsection (1)(b) and the transaction involves a firearm, is guilty of a third degree felony; or
- 183 (iv) a person described in Subsection (1)(b) and the transaction involves a dangerous weapon other than a firearm, and the transferor has knowledge that the recipient intends to use the weapon for an unlawful purpose, is guilty of a class A misdemeanor.
- 187 (10)
- . (a) A person may not knowingly solicit, persuade, encourage or entice a dealer or other person to sell, transfer or otherwise dispose of a firearm or dangerous weapon under circumstances which the person knows would be a violation of the law.

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(b) A person may not provide to a dealer or other person information that the person knows to be materially false information with intent to deceive the dealer or other person about the legality of a sale, transfer or other disposition of a firearm or dangerous weapon.

194 (c) "Materially false information" means information that portrays an illegal transaction as legal or a
legal transaction as illegal.

196 (d) A person who violates this Subsection (10) is guilty of:

197 (i) a third degree felony if the transaction involved a firearm; or

198 (ii) a class A misdemeanor if the transaction involved a dangerous weapon other than a firearm.

202 Section 2. **Effective date.**

This bill takes effect on May 7, 2025.

204 Section 3. **Coordinating H.B. 183 with H.B. 133.**

If H.B. 183, Noncitizen Restricted Person Amendments, and H.B. 133, Dangerous Weapons Amendments, both pass and become law, the Legislature intends that, on May 7, 2025, Subsection 76-11-302(5), enacted in H.B. 133, be amended to read:

"(5) being an alien who is illegally or unlawfully in the United States, including an alien who has:

(a) submitted an asylum application in accordance with 8 U.S.C. Sec. 1158 and is waiting for a disposition on the application; or

(b) submitted a temporary protected status application in accordance with 8 U.S.C. Sec. 1254a and is waiting for a disposition on the application; or".

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