Firearm Safe Harbor Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Chris H. Wilson

House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill concerns the safe harbor storage of a firearm.

Highlighted Provisions:

This bill:

- requires a law enforcement agency to collect and report anonymous, aggregate data regarding the use of the firearm safe harbor program to the State Commission on Criminal and Juvenile Justice (commission);
- requires the commission to receive, compile, and provide aggregate data received from law enforcement agencies to the Law Enforcement and Criminal Justice Interim Committee;
- provides that a record created by a law enforcement agency under the firearm safe harbor program is a private record until the law enforcement agency disposes of the record;
- provides a sunset date for the collection and reporting of firearm safe harbor aggregate data; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-5a-502, as renumbered and amended by Laws of Utah 2025, Chapter 208

63G-2-302, as last amended by Laws of Utah 2025, Chapter 172

63I-1-253, as last amended by Laws of Utah 2025, First Special Session, Chapter 9

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

Section 1. Section **53-5a-502** is amended to read:

S.B. 86

Part 5. Firearms Safe Harbor

53-5a-502 . Voluntary commitment of a firearm by cohabitant -- Law enforcement to hold firearm.

(1)(a) A cohabitant or owner cohabitant may voluntarily commit a firearm to a law enforcement agency or request that a law enforcement officer receive a firearm for safekeeping if the owner cohabitant or cohabitant believes that the owner cohabitant or another cohabitant with access to the firearm is an immediate threat to:

(i) a cohabitant;

(ii) the owner cohabitant; or

(iii) another individual.

(b) Except as provided in Subsection (2), if the owner of a firearm requests return of the firearm in person at the law enforcement agency's office, the law enforcement agency:

(i) may not hold the firearm under this section; and

(ii) shall return the firearm to the owner.

(2) A law enforcement agency may not return a firearm to an owner under Subsection (1)(b) if the owner of the firearm:

(a) is a restricted person under Section 76-11-302 or 76-11-303; or

(b)(i) has been arrested and booked into a county jail on a class A misdemeanor or felony domestic violence offense;

(ii) has had a court:

(A) review the probable cause statement detailing the incident leading to the owner's arrest; and

(B) determine that probable cause existed for the arrest; and

(iii) is subject to a jail release agreement or a jail release court order arising out of the domestic violence offense.

(3) Unless a firearm is an illegal firearm subject to Section 53-5a-503, a law enforcement agency that receives a firearm in accordance with this chapter shall:

(a) record:

(i) the owner cohabitant's name, address, and phone number;

(ii) the firearm serial number and the make and model of each firearm committed; and

(iii) the date that the firearm was voluntarily committed;

(b) require the cohabitant to sign a document attesting that the cohabitant resides in the home;

(c) hold the firearm in safe custody:

(i) for 60 days after the day on which the firearm is voluntarily committed; or

(ii)(A) for an owner described in Subsection (2)(b), during the time the jail release agreement or jail release court order is in effect; and

(B) for 60 days after the day on which the jail release agreement or jail release court order expires; and

(d) upon proof of identification, return the firearm to:

(i)(A) the owner cohabitant after the expiration of the 60-day period; or

(B) if the owner cohabitant requests return of the firearm before the expiration of the 60-day period, at the time of the request; or

(ii) an owner other than the owner cohabitant in accordance with Section 53-5a-503.

(4) The law enforcement agency shall hold the firearm for an additional 60 days:

(a) if the initial 60-day period expires; and

(b) the cohabitant or owner cohabitant requests that the law enforcement agency hold the firearm for an additional 60 days.

(5) A law enforcement agency may not request or require that the owner cohabitant provide the name or other information of the cohabitant who poses an immediate threat or any other cohabitant.

(6)(a) Notwithstanding an ordinance or policy to the contrary adopted in accordance with Section 63G-2-701, but subject to Subsection (7), a law enforcement agency shall destroy a record created under Subsection (3), Subsection 53-5a-503(3)(b)(iii), or any other record created in the application of this chapter immediately, if practicable, but no later than five days after immediately upon the:

[~~(a)~~] (i) return of a firearm in accordance with Subsection (3)(d); or

[~~(b)~~] (ii) disposal of the firearm in accordance with Section 53-5a-503.

(b) A record described in Subsection (6)(a) is a private record under Section 63G-2-302 until the record is destroyed in accordance with Subsection (6)(a).

(7)(a) Beginning on July 1, 2026, a law enforcement agency shall, in an anonymized and aggregate manner, collect and annually, on or before July 1 of 2027 and 2028, report to the State Commission on Criminal and Juvenile Justice:

(i) the total number of requests for firearm safekeeping received by the law enforcement agency under this section during the previous 12-month period;

(ii) the total number of firearms received under Subsection (7)(a)(i) during the previous 12-month period; and

(iii) the number of firearms received under Subsection (7)(a)(ii) that:

(A) were returned under Subsection (6)(a)(i) during the previous 12-month period;

(B) were disposed of under Subsection (6)(a)(ii) during the previous 12-month period; and

(C) remain in possession of the law enforcement agency under this section at the end of the previous 12-month period.

(b) The State Commission on Criminal and Juvenile Justice shall:

(i) compile the data submitted under Subsection (7)(a); and

(ii) annually on or before October 1 of 2027 and 2028, submit a report containing the data described in Subsection (7)(b)(i) to the Law Enforcement and Criminal Justice Interim Committee.

[~~(7)~~] (8) Unless otherwise provided, the provisions of Title 77, Chapter 11d, Lost or Mislaid Property, do not apply to a firearm received by a law enforcement agency in accordance with this part.

[~~(8)~~] (9) A law enforcement agency shall adopt a policy for the safekeeping of a firearm held in accordance with this part.

[~~(9)~~] (10) The department shall:

(a) create a pamphlet to be distributed by a law enforcement officer under Section 77-36-2.1 that includes information about a cohabitant's or owner cohabitant's ability to have the owner cohabitant's firearm committed to a law enforcement agency for safekeeping in accordance with this section;

(b) survey all law enforcement agencies in the state and publish a publicly searchable registry that will allow the public to see whether each law enforcement agency is or is not available to receive a voluntarily committed firearm in accordance with this section; [~~and~~]

(c) subject to available funding, create and implement a marketing plan to educate law enforcement agencies and the public regarding the options available under this chapter[~~.~~] ; and

(d) notify all law enforcement agencies in the state regarding the aggregate data collection requirement under Subsection (7).

Section 2. Section **63G-2-302** is amended to read:

63G-2-302 . Private records.

(1) The following records are private:

(a) records concerning an individual's eligibility for unemployment insurance benefits, social services, welfare benefits, or the determination of benefit levels;

(b) records containing data on individuals describing medical history, diagnosis, condition, treatment, evaluation, or similar medical data;

(c) records of publicly funded libraries that when examined alone or with other records identify a patron;

(d) records received by or generated by or for:

(i) the Independent Legislative Ethics Commission, except for:

(A) the commission's summary data report that is required under legislative rule; and

(B) any other document that is classified as public under legislative rule; or

(ii) a Senate or House Ethics Committee in relation to the review of ethics complaints, unless the record is classified as public under legislative rule;

(e) records received by, or generated by or for, the Independent Executive Branch Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review of Executive Branch Ethics Complaints;

(f) records received or generated for a Senate confirmation committee concerning character, professional competence, or physical or mental health of an individual:

(i) if, prior to the meeting, the chair of the committee determines release of the records:

(A) reasonably could be expected to interfere with the investigation undertaken by the committee; or

(B) would create a danger of depriving a person of a right to a fair proceeding or impartial hearing; and

(ii) after the meeting, if the meeting was closed to the public;

(g) employment records concerning a current or former employee of, or applicant for employment with, a governmental entity that would disclose that individual's home address, home telephone number, social security number, insurance coverage, marital status, or payroll deductions;

(h) records or parts of records under Section 63G-2-303 that a current or former employee identifies as private according to the requirements of that section;

(i) that part of a record indicating a person's social security number or federal employer identification number if provided under Section 31A-23a-104, 31A-25-202, 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;

(j) that part of a voter registration record identifying a voter's:

(i) driver license or identification card number;

(ii) social security number, or last four digits of the social security number;

(iii) email address;

(iv) date of birth; or

(v) phone number;

(k) a voter registration record that is classified as a private record by the lieutenant governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or 20A-2-204(4)(b);

(l) a voter registration record that is withheld under Subsection 20A-2-104(7);

(m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any verification submitted in support of the form;

(n) a record or information regarding whether a voter returned a ballot with postage attached;

(o) a record that:

(i) contains information about an individual;

(ii) is voluntarily provided by the individual; and

(iii) goes into an electronic database that:

(A) is designated by and administered under the authority of the Chief Information Officer; and

(B) acts as a repository of information about the individual that can be electronically retrieved and used to facilitate the individual's online interaction with a state agency;

(p) information provided to the Commissioner of Insurance under:

(i) Subsection 31A-23a-115(3)(a);

(ii) Subsection 31A-23a-302(4); or

(iii) Subsection 31A-26-210(4);

(q) information obtained through a criminal background check under Title 11, Chapter 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;

(r) information provided by an offender that is:

(i) required by the registration requirements of Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry; and

(ii) not required to be made available to the public under Subsection 53-29-404(3)(a);

(s) a statement and any supporting documentation filed with the attorney general in accordance with Section 34-45-107, if the federal law or action supporting the filing involves homeland security;

(t) electronic toll collection customer account information received or collected under Section 72-6-118 and customer information described in Section 17B-2a-815 received or collected by a public transit district, including contact and payment information and customer travel data;

(u) an email address provided by a military or overseas voter under Section 20A-16-501;

(v) a completed military-overseas ballot that is electronically transmitted under Title 20A, Chapter 16, Uniform Military and Overseas Voters Act;

(w) records received by or generated by or for the Political Subdivisions Ethics Review Commission established in Section 63A-15-201, except for:

(i) the commission's summary data report that is required in Section 63A-15-202; and

(ii) any other document that is classified as public in accordance with Title 63A, Chapter 15, Political Subdivisions Ethics Review Commission;

(x) a record described in Section 53G-9-604 that verifies that a parent was notified of an incident or threat;

(y) a criminal background check or credit history report conducted in accordance with Section 63A-3-201;

(z) a record described in Subsection 53-5a-104(7);

(aa) on a record maintained by a county for the purpose of administering property taxes, an individual's:

(i) email address;

(ii) phone number; or

(iii) personal financial information related to a person's payment method;

(bb) a record submitted by a taxpayer to establish the taxpayer's eligibility for an exemption, deferral, abatement, or relief under:

(i) Title 59, Chapter 2, Part 11, Exemptions; or

(ii) Title 59, Chapter 2a, Tax Relief Through Property Tax;

(cc) a record provided by the State Tax Commission in response to a request under Subsection 59-1-403(4)(y)(iii);

(dd) a record of the Child Welfare Legislative Oversight Panel regarding an individual child welfare case, as described in Subsection 36-33-103(3);

(ee) a record relating to drug or alcohol testing of a state employee under Section 63A-17-1004;

(ff) a record relating to a request by a state elected official or state employee who has been threatened to the Division of Technology Services to remove personal

identifying information from the open web under Section 63A-16-109;

(gg) a record including confidential information as that term is defined in Section 67-27-106; [~~and~~]

(hh) a record or notice received or generated under Title 53, Chapter 30, Security Improvements Act, relating to:

(i) an application for certification described in Section 53-30-201; or

(ii) a security improvement, including a building permit application or building permit for a security improvement described in Section 53-30-301[~~.~~] ; and

(ii) a record created or maintained under Subsection 53-5a-502(6) concerning a firearm retained by a law enforcement agency under Title 53, Chapter 5a, Part 5, Firearms Safe Harbor.

(2) The following records are private if properly classified by a governmental entity:

(a) records concerning a current or former employee of, or applicant for employment with a governmental entity, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);

(b) records describing an individual's finances, except that the following are public:

(i) records described in Subsection 63G-2-301(2);

(ii) information provided to the governmental entity for the purpose of complying with a financial assurance requirement; or

(iii) records that must be disclosed in accordance with another statute;

(c) records of independent state agencies if the disclosure of those records would conflict with the fiduciary obligations of the agency;

(d) other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy;

(e) records provided by the United States or by a government entity outside the state that are given with the requirement that the records be managed as private records, if the providing entity states in writing that the record would not be subject to public disclosure if retained by it;

(f) any portion of a record in the custody of the Division of Aging and Adult Services, created in Section 26B-6-102, that may disclose, or lead to the discovery of, the identity of a person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and

(g) audio and video recordings created by a body-worn camera, as defined in Section 77-7a-103, that record sound or images inside a home or residence except for recordings that:

(i) depict the commission of an alleged crime;

(ii) record any encounter between a law enforcement officer and a person that results in death or bodily injury, or includes an instance when an officer fires a weapon;

(iii) record any encounter that is the subject of a complaint or a legal proceeding against a law enforcement officer or law enforcement agency;

(iv) contain an officer-involved critical incident as defined in Subsection 76-2-408(1)(f); or

(v) have been requested for reclassification as a public record by a subject or authorized agent of a subject featured in the recording.

(3)(a) As used in this Subsection (3), "medical records" means medical reports, records, statements, history, diagnosis, condition, treatment, and evaluation.

(b) Medical records in the possession of the University of Utah Hospital, its clinics, doctors, or affiliated entities are not private records or controlled records under Section 63G-2-304 when the records are sought:

(i) in connection with any legal or administrative proceeding in which the patient's physical, mental, or emotional condition is an element of any claim or defense; or

(ii) after a patient's death, in any legal or administrative proceeding in which any party relies upon the condition as an element of the claim or defense.

(c) Medical records are subject to production in a legal or administrative proceeding according to state or federal statutes or rules of procedure and evidence as if the medical records were in the possession of a nongovernmental medical care provider.

Section 3. Section **63I-1-253** is amended to read:

63I-1-253 . Repeal dates: Titles 53 through 53G.

(1) Section 53-1-122, Road Rage Awareness and Prevention Restricted Account, is repealed July 1, 2028.

(2) Section 53-2a-105, Emergency Management Administration Council created -- Function -- Composition -- Expenses, is repealed July 1, 2029.

(3) Section 53-2a-1103, Search and Rescue Advisory Board -- Members -- Compensation, is repealed July 1, 2030.

(4) Section 53-2a-1104, General duties of the Search and Rescue Advisory Board, is repealed July 1, 2027.

(5) Title 53, Chapter 2a, Part 15, Grid Resilience Committee, is repealed July 1, 2027.

(6) Section 53-2d-104, State Emergency Medical Services Committee -- Membership -- Expenses, is repealed July 1, 2029.

(7) Section 53-2d-503, Establishment of maximum rates, is repealed July 1, 2027.

(8) Subsections 53-5a-502(7) and (10)(d), regarding collection of law enforcement firearm safe harbor data, are repealed July 1, 2029.

[~~(8)~~] (9) Section 53-5a-302, Concealed Firearm Review Board -- Membership -- Compensation -- Terms -- Duties, is repealed July 1, 2029.

[~~(9)~~] (10) Section 53-11-104, Board, is repealed July 1, 2029.

[~~(10)~~] (11) Title 53, Chapter 31, Department Interaction With Local Law Enforcement, is repealed July 1, 2027.

[~~(11)~~] (12) Subsection 53C-3-203(4)(b)(vii), regarding the distribution of money from the Land Exchange Distribution Account to the Geological Survey for test wells and other hydrologic studies in the West Desert, is repealed July 1, 2030.

[~~(12)~~] (13) Subsection 53E-1-201(1)(q), regarding the Higher Education and Corrections Council, is repealed July 1, 2027.

[~~(13)~~] (14) Subsection 53E-2-304(6), regarding foreclosing a private right of action or waiver of governmental immunity, is repealed July 1, 2027.

[~~(14)~~] (15) Subsection 53E-3-503(5), regarding coordinating councils for youth in care, is repealed July 1, 2027.

[~~(15)~~] (16) Subsection 53E-3-503(6), regarding coordinating councils for youth in care, is repealed July 1, 2027.

[~~(16)~~] (17) Subsection 53E-4-202(8)(b), regarding a standards review committee, is repealed January 1, 2028.

[~~(17)~~] (18) Section 53E-4-203, Standards review committee, is repealed January 1, 2028.

[~~(18)~~] (19) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is repealed July 1, 2033.

[~~(19)~~] (20) Subsection 53E-7-207(7), regarding a private right of action or waiver of governmental immunity, is repealed July 1, 2027.

[~~(20)~~] (21) Section 53F-5-215, Elementary teacher preparation assessment grant, is repealed July 1, 2028.

[~~(21)~~] (22) Section 53F-5-219, Local Innovations Civics Education Pilot Program, is repealed July 1, 2026.

[~~(22)~~] (23) Title 53F, Chapter 10, Part 2, Capital Projects Evaluation Panel, is repealed July

1, 2027.

[~~(23)~~] (24) Subsection 53G-4-608(2)(b), regarding the Utah Seismic Safety Commission, is repealed January 1, 2025.

[~~(24)~~] (25) Subsection 53G-4-608(4)(b), regarding the Utah Seismic Safety Commission, is repealed January 1, 2025.

[~~(25)~~] (26) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.

[~~(26)~~] (27) Subsection 53G-9-703(4), regarding the parental video presentation concerning student use of technology, is repealed January 1, 2030.

[~~(27)~~] (28) Subsection 53H-1-402(1)(j), regarding the Higher Education and Corrections Council, is repealed July 1, 2027.

[~~(28)~~] (29) Section 53H-1-604, Higher Education and Corrections Council, is repealed July 1, 2027.

[~~(29)~~] (30) Subsection 53H-4-210(3), regarding the creation of the SafeUT and School Safety Commission, is repealed January 1, 2030.

[~~(30)~~] (31) Subsection 53H-4-210(4), regarding the appointment of the members of the SafeUT and School Safety Commission, is repealed January 1, 2030.

[~~(31)~~] (32) Subsection 53H-4-210(5), regarding the attorney general designating the chair of the SafeUT and School Safety Commission, is repealed January 1, 2030.

[~~(32)~~] (33) Subsection 53H-4-210(6), regarding the quorum requirements of the SafeUT and School Safety Commission, is repealed January 1, 2030.

[~~(33)~~] (34) Subsection 53H-4-210(7), regarding a formal action of the SafeUT and School Safety Commission, is repealed January 1, 2030.

[~~(34)~~] (35) Subsection 53H-4-210(8), regarding compensation for members of the SafeUT and School Safety Commission, is repealed January 1, 2030.

[~~(35)~~] (36) Subsection 53H-4-210(9), regarding the support staff for the SafeUT and School Safety Commission, is repealed January 1, 2030.

[~~(36)~~] (37) Section 53H-4-306.1, Definitions -- Electrification of Transportation Infrastructure Research Center, is repealed July 1, 2028.

[~~(37)~~] (38) Section 53H-4-306.2, Electrification of Transportation Infrastructure Research Center -- Designation -- Duties, is repealed July 1, 2028.

[~~(38)~~] (39) Section 53H-4-306.3, Electrification of Transportation Infrastructure Research Center -- Steering committee, is repealed July 1, 2028.

[~~(39)~~] (40) Section 53H-4-306.4, Electrification of Transportation Infrastructure Research Center -- Industry advisory board, is repealed July 1, 2028.

[~~(40)~~] (41) Section 53H-4-306.5, Electrification of Transportation Infrastructure Research Center -- Duties of the project director, is repealed July 1, 2028.

[~~(41)~~] (42) Section 53H-4-306.6, Electrification of Transportation Infrastructure Research Center -- Project development and strategic objectives -- Reporting requirements, is repealed July 1, 2028.

[~~(42)~~] (43) Section 53H-4-307.1, Center for Civic Excellence, is repealed July 1, 2030.

[~~(43)~~] (44) Section 53H-4-307.2, Center for Civic Excellence -- Duties -- Authority, is repealed July 1, 2030.

[~~(44)~~] (45) Section 53H-4-307.3, Center for Civic Excellence -- Leadership, is repealed July 1, 2030.

[~~(45)~~] (46) Section 53H-4-307.4, Center for Civic Excellence -- Faculty, is repealed July 1, 2030.

[~~(46)~~] (47) Section 53H-4-307.5, Center for Civic Excellence -- Curriculum, is repealed July 1, 2030.

[~~(47)~~] (48) Section 53H-4-307.6, Center for Civic Excellence -- Oversight -- Reporting, is repealed July 1, 2030.

[~~(48)~~] (49) Section 53H-4-313, Food Security Council, is repealed July 1, 2027.

[~~(49)~~] (50) Section 53H-8-305, Five-year performance goals, is repealed July 1, 2027.

[~~(50)~~] (51) Title 53H, Chapter 10, Part 4, Education Savings Incentive Program, is repealed July 1, 2028.

Section 4. **Effective Date.**

This bill takes effect on May 6, 2026.