

# HB199 DOMESTIC VIOLENCE SAFETY & FIREARMS SAFEKEEPING

## Protecting Victims AND Ensuring Due Process



This bill **improves safety** for a domestic violence victim who has exercised a right to submit a firearm under Safe Harbor **AND** **protects the constitutional rights** of law-abiding gun owners

### What Does this Bill do?

- Closes a perceived "gap" in the state code that currently allows someone **arrested for a serious domestic violence offense, booked into jail, whose case has been reviewed by a judge, and then released** under a Jail Release Agreement to retrieve a firearm voluntarily submitted to law enforcement for safekeeping
- Creates a law enforcement pamphlet detailing a domestic violence victim's rights

### Who's NOT Impacted?

- Anyone whose firearm has not been voluntarily submitted for safekeeping, **OR**
- An individual who is accused of domestic violence, but not arrested, **OR**
- Individual arrested or cited on a lower class domestic violence charge (Class B or C misdemeanor) & released, **OR**
- Anyone who has not had a judge review the probable cause for arrest



### Who is Impacted?

1. A cohabitant voluntarily turned in a firearm for safekeeping (Safe Harbor) **AND**
2. The defendant was booked into a County Jail on a serious domestic violence offense (Class A misdemeanor or felony) **AND**
3. A court has determined probable cause existed for the arrest, **AND**
4. The defendant is subject to a 30-day jail release agreement (JRA) or jail release court order

### Supported by the following parties:

- Law Enforcement Legislative Council (LELC)
- Utah Sentencing Commission
- Commission on Criminal & Juvenile Justice (CCJJ)
- Utah Council on Victims of Crime
- Utah Substance Use & Mental Health Advisory Council
- Utah Domestic Violence Coalition
- Utah Crime Victims Legal Clinic
- Utah PTA
- Lt. Governor Henderson

### Who was Consulted:

- Gun Advocacy Groups
- Domestic Violence Victim Advocacy groups
- Police
- Prosecutors
- Courts

