

**Dangerous Weapons Amendments**  
2025 GENERAL SESSION  
STATE OF UTAH  
**Chief Sponsor: Karianne Lisonbee**

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**LONG TITLE**

**General Description:**

This bill addresses statutes throughout the Utah Code dealing with dangerous weapons.

**Highlighted Provisions:**

This bill:

- defines terms;
- restructures and makes technical changes to sections in the Utah Code dealing with dangerous weapons to bring the sections into a standardized format as part of a larger effort to recodify the criminal code;
- makes amendments to existing statutes dealing with firearms;
- clarifies that an individual who may otherwise lawfully possess a firearm may:
  - possess a firearm at the individual's residence;
  - openly possess a firearm in most public locations; and
  - conceal a firearm in most public locations without a concealed carry permit;
- clarifies criminal provisions regarding who is required to have a concealed carry permit in certain circumstances;
- removes the criminal provision for law-abiding citizens to possess a loaded rifle, shotgun, or muzzle-loading rifle in a vehicle;
- removes the crime of carrying a loaded firearm on a public street; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**53-5a-102**, as last amended by Laws of Utah 2022, Chapter 428

**53-5a-103**, as last amended by Laws of Utah 2023, Chapter 392

**53B-3-103**, as last amended by Laws of Utah 2024, Chapter 378

32       **63I-1-253**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5  
33       **63I-1-253**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5  
34       **63I-1-276**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5  
35       **63I-2-276**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5  
36       **76-8-311.1**, as last amended by Laws of Utah 2024, Chapter 96  
37       **78B-5-502**, as last amended by Laws of Utah 2021, Chapter 260  
38       **78B-5-505**, as last amended by Laws of Utah 2021, Chapter 260

39 ENACTS:

40       **53-5a-102.1**, Utah Code Annotated 1953  
41       **53-5a-102.2**, Utah Code Annotated 1953  
42       **53-5a-601**, Utah Code Annotated 1953  
43       **76-11-201**, Utah Code Annotated 1953  
44       **76-11-203**, Utah Code Annotated 1953  
45       **76-11-206**, Utah Code Annotated 1953  
46       **76-11-216**, Utah Code Annotated 1953  
47       **76-11-301**, Utah Code Annotated 1953  
48       **76-11-302**, Utah Code Annotated 1953  
49       **76-11-303**, Utah Code Annotated 1953  
50       **76-11-304**, Utah Code Annotated 1953  
51       **76-11-305**, Utah Code Annotated 1953  
52       **76-11-306**, Utah Code Annotated 1953  
53       **76-11-307**, Utah Code Annotated 1953  
54       **76-11-308**, Utah Code Annotated 1953

55 RENUMBERS AND AMENDS:

56       **53-5a-102.3**, (Renumbered from 76-10-511, as last amended by Laws of Utah 2009,  
57       Chapter 362)  
58       **53-5a-105**, (Renumbered from 76-10-520, as last amended by Laws of Utah 1993,  
59       Chapter 234)  
60       **53-5a-106**, (Renumbered from 76-10-522, as last amended by Laws of Utah 1993,  
61       Chapter 234)  
62       **53-5a-107**, (Renumbered from 76-10-523.5, as last amended by Laws of Utah 2008,  
63       Chapter 3)  
64       **53-5a-108**, (Renumbered from 76-10-523, as last amended by Laws of Utah 2021,  
65       Chapter 12)

66 **53-5a-301**, (Renumbered from 53-5-702, as last amended by Laws of Utah 2024,  
67 Chapter 22)  
68 **53-5a-302**, (Renumbered from 53-5-703, as last amended by Laws of Utah 2010,  
69 Chapters 62, 286 and 324)  
70 **53-5a-303**, (Renumbered from 53-5-704, as last amended by Laws of Utah 2024,  
71 Chapter 195)  
72 **53-5a-304**, (Renumbered from 53-5-704.5, as enacted by Laws of Utah 2017, Chapter  
73 286)  
74 **53-5a-305**, (Renumbered from 53-5-705, as last amended by Laws of Utah 2010,  
75 Chapter 62)  
76 **53-5a-306**, (Renumbered from 53-5-706, as last amended by Laws of Utah 2018,  
77 Chapter 417)  
78 **53-5a-307**, (Renumbered from 53-5-707, as last amended by Laws of Utah 2023,  
79 Chapters 328, 387)  
80 **53-5a-308**, (Renumbered from 53-5-707.5, as last amended by Laws of Utah 2018,  
81 Chapter 417)  
82 **53-5a-309**, (Renumbered from 53-5-707.6, as last amended by Laws of Utah 2022,  
83 Chapter 255)  
84 **53-5a-310**, (Renumbered from 53-5-708, as last amended by Laws of Utah 2023,  
85 Chapter 16)  
86 **53-5a-311**, (Renumbered from 53-5-711, as last amended by Laws of Utah 2019,  
87 Chapter 39)  
88 **53-5a-312**, (Renumbered from 53-5-712, as enacted by Laws of Utah 2014, Chapter  
89 147)  
90 **53-5a-401**, (Renumbered from 53-5b-103, as enacted by Laws of Utah 2010, Chapter  
91 5)  
92 **53-5a-402**, (Renumbered from 53-5b-102, as enacted by Laws of Utah 2010, Chapter  
93 5)  
94 **53-5a-403**, (Renumbered from 53-5b-201, as enacted by Laws of Utah 2010, Chapter  
95 5)  
96 **53-5a-404**, (Renumbered from 53-5b-202, as enacted by Laws of Utah 2010, Chapter  
97 5)  
98 **53-5a-501**, (Renumbered from 53-5c-102, as last amended by Laws of Utah 2023,  
99 Chapters 138, 405)

100       **53-5a-502**, (Renumbered from 53-5c-201, as last amended by Laws of Utah 2023,  
101       Chapters 138, 448)  
102       **53-5a-503**, (Renumbered from 53-5c-202, as last amended by Laws of Utah 2023,  
103       Chapter 448)  
104       **53-5a-504**, (Renumbered from 53-5c-301, as last amended by Laws of Utah 2024,  
105       Chapter 204)  
106       **53-5a-505**, (Renumbered from 53-5c-302, as last amended by Laws of Utah 2024,  
107       Chapter 204)  
108       **53-5a-602**, (Renumbered from 76-10-526, as last amended by Laws of Utah 2023,  
109       Chapters 330, 397)  
110       **53-5a-603**, (Renumbered from 76-10-526.1, as enacted by Laws of Utah 2023,  
111       Chapter 398)  
112       **53-5a-604**, (Renumbered from 76-10-527, as last amended by Laws of Utah 2009,  
113       Chapter 20)  
114       **53-5a-605**, (Renumbered from 76-10-524, as last amended by Laws of Utah 2004,  
115       Chapter 360)  
116       **76-11-101**, (Renumbered from 76-10-501, as last amended by Laws of Utah 2023,  
117       Chapters 161, 397 and 425)  
118       **76-11-102**, (Renumbered from 76-10-502, as last amended by Laws of Utah 1990,  
119       Chapter 328)  
120       **76-11-202**, (Renumbered from 76-10-504, as last amended by Laws of Utah 2023,  
121       Chapter 34)  
122       **76-11-204**, (Renumbered from 76-10-505, as last amended by Laws of Utah 2021,  
123       Chapter 12)  
124       **76-11-205**, (Renumbered from 76-10-505.5, as last amended by Laws of Utah 2024,  
125       Chapters 21, 117 and 301)  
126       **76-11-207**, (Renumbered from 76-10-506, as last amended by Laws of Utah 2019,  
127       Chapters 39, 201)  
128       **76-11-208**, (Renumbered from 76-10-507, as last amended by Laws of Utah 2015,  
129       Chapter 406)  
130       **76-11-209**, (Renumbered from 76-10-508, as last amended by Laws of Utah 2023,  
131       Chapter 34)  
132       **76-11-210**, (Renumbered from 76-10-508.1, as last amended by Laws of Utah 2023,  
133       Chapter 34)

134 **76-11-211**, (Renumbered from 76-10-509.4, as last amended by Laws of Utah 2024,  
135 Chapter 301)

136 **76-11-212**, (Renumbered from 76-10-509.5, as last amended by Laws of Utah 2013,  
137 Chapter 301)

138 **76-11-213**, (Renumbered from 76-10-509.6, as last amended by Laws of Utah 2000,  
139 Chapter 303)

140 **76-11-214**, (Renumbered from 76-10-509.7, as last amended by Laws of Utah 2024,  
141 Chapter 301)

142 **76-11-215**, (Renumbered from 76-10-509.9, as enacted by Laws of Utah 1993,  
143 Second Special Session, Chapter 13)

144 **76-11-217**, (Renumbered from 76-10-528, as last amended by Laws of Utah 2023,  
145 Chapters 330, 386)

146 **76-11-218**, (Renumbered from 76-10-529, as last amended by Laws of Utah 2024,  
147 Chapter 332)

148 **76-11-219**, (Renumbered from 76-10-530, as last amended by Laws of Utah 2009,  
149 Chapter 388)

150 **76-11-309**, (Renumbered from 76-10-503.1, as last amended by Laws of Utah 2023,  
151 Chapter 203)

152 **76-11-310**, (Renumbered from 76-10-532, as last amended by Laws of Utah 2023,  
153 Chapter 425)

154 REPEALS:

155 **53-5-701**, as last amended by Laws of Utah 2010, Chapter 62

156 **53-5-710**, as last amended by Laws of Utah 2021, Chapter 141

157 **53-5b-101**, as enacted by Laws of Utah 2010, Chapter 5

158 **76-10-500**, as last amended by Laws of Utah 2022, Chapter 428

159 **76-10-503**, as last amended by Laws of Utah 2023, First Special Session, Chapter 2

160 **76-10-512**, as last amended by Laws of Utah 2024, Chapter 301

161 **76-10-521**, as last amended by Laws of Utah 1993, Chapter 234

162

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

164 Section 1. Section **53-5a-102** is amended to read:

165

## **CHAPTER 5a. FIREARMS LAWS**

166

### **Part 1. General Firearms Laws**

167 **53-5a-102 . Uniform firearm laws.**

168 [(1) As used in this section:]

169 [(a) "Ammunition" means the same as that term is defined in Section 53-5d-102.]

170 [(b) "Dangerous weapon" means the same as that term is defined in Section 76-10-501.]

171 [(c) "Firearm" means:]

172 [(i) a pistol, revolver, shotgun, short barreled shotgun, rifle or short barreled rifle, or a  
173 device that could be used as a dangerous weapon from which is expelled a projectile by  
174 action of an explosive;]

175 [(ii) ammunition; and]

176 [(iii) a firearm accessory.]

177 [(d) "Firearm accessory" means the same as that term is defined in Section 53-5b-103.]

178 [(e) "Local or state governmental entity" means the same as that term is defined in Section  
179 78B-6-2301.]180 [(f) "Short barreled shotgun" or "short barreled rifle" means the same as that term is  
181 defined in Section 76-10-501.]

182 [(g) "Shotgun" means the same as that term is defined in Section 76-10-501.]

183 [(2)] (1) The individual right to keep and bear arms being a constitutionally protected right  
184 under Utah Constitution, Article I, Section 6 [~~of the Utah Constitution~~] and the Second  
185 Amendment to the United States Constitution, the Legislature finds the need to provide  
186 uniform civil and criminal firearm laws throughout the state and declares that the  
187 Legislature occupies the whole field of state regulation of firearms.188 [(3)] (2) Except as specifically provided by state law, a local or state governmental entity  
189 may not:190 (a) prohibit an individual from owning, possessing, purchasing, selling, transferring,  
191 transporting, or keeping a firearm, ammunition, or a firearm accessory at the  
192 individual's place of residence, property, business, or in any vehicle [~~lawfully in the~~  
193 ~~individual's possession or lawfully under the individual's control~~] in which the  
194 individual is lawfully present; or195 (b) require an individual to have a permit or license to purchase, own, possess, transport,  
196 or keep a firearm, ammunition, or a firearm accessory.197 [(4)] (3) [~~In conjunction with Title 76, Chapter 10, Part 5, Weapons, this section is~~] This part  
198 and Title 76, Chapter 11, Weapons are uniformly applicable throughout [~~this~~] the state  
199 and in all the [~~state's~~] political subdivisions of the state.200 [(5)] (4) Authority to regulate firearms, ammunition, and firearm accessories is reserved to

201 the state except where the Legislature specifically delegates responsibility to local or  
 202 state governmental entities.

203 ~~[(6)]~~ (5) Unless specifically authorized by the Legislature by statute, a local or state  
 204 governmental entity may not enact, establish, or enforce ~~[any ordinance, regulation, rule,  
 205 or policy]~~ a directive pertaining to firearms, ammunition, or firearm accessories that in  
 206 any way inhibits or restricts the possession, ownership, purchase, sale, transfer,  
 207 transport, or use of firearms, ammunition, or firearm accessories on either public or  
 208 private property.

209 ~~[(7)]~~ (6) This section does not restrict or expand private property rights.

210 ~~[(8)]~~ (7) A violation of this section is subject to Title 78B, Chapter 6, Part 23, Firearm  
 211 Preemption Enforcement Act.

212 Section 2. Section **53-5a-102.1** is enacted to read:

213 **53-5a-102.1 . Definitions.**

214 As used in this part:

215 (1) "Ammunition" means the same as that term is defined in Section 53-5d-102.

216 (2)(a) "Antique firearm" means:

217 (i) a firearm, including a firearm with a matchlock, flintlock, percussion cap, or  
 218 similar type of ignition system, manufactured in or before 1898;

219 (ii) a firearm that is a replica of a firearm described in this Subsection (2)(a), if the  
 220 replica:

221 (A) is not designed or redesigned for using rimfire or conventional centerfire fixed  
 222 ammunition; or

223 (B) uses rimfire or centerfire fixed ammunition which is no longer manufactured  
 224 in the United States and is not readily available in ordinary channels of  
 225 commercial trade; or

226 (iii) a firearm that:

227 (A) is a muzzle-loading rifle, shotgun, or pistol; and

228 (B) is designed to use black powder, or a black powder substitute, and cannot use  
 229 fixed ammunition.

230 (b) "Antique firearm" does not include:

231 (i) a weapon that incorporates a firearm frame or receiver;

232 (ii) a firearm that is converted into a muzzle-loading weapon; or

233 (iii) a muzzle-loading weapon that can be readily converted to fire fixed ammunition  
 234 by replacing the:

- 235 (A) barrel;
- 236 (B) bolt;
- 237 (C) breechblock; or
- 238 (D) any combination of Subsection (2)(b)(iii)(A), (B), or (C).
- 239 (3) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201
- 240 within the department.
- 241 (4)(a) "Concealed firearm" means a firearm that is:
- 242 (i) covered, hidden, or secreted in a manner that the public would not be aware of the
- 243 firearm's presence; and
- 244 (ii) readily accessible for immediate use.
- 245 (b) "Concealed firearm" does not include a firearm that is unloaded and securely encased.
- 246 (5) "Court commissioner" means an individual appointed under Section 78A-5-107.
- 247 (6) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
- 248 (7) "Directive" means the same as that term is defined in Section 78B-6-2301.
- 249 (8) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle or short
- 250 barreled rifle, or a device that could be used as a dangerous weapon from which is
- 251 expelled a projectile by action of an explosive.
- 252 (9) "Firearm accessory" means the same as that term is defined in Section 53-5a-401.
- 253 (10) "Handgun" means a pistol, revolver, or other firearm of any description, from which a
- 254 shot, bullet, or other missile can be discharged, the length of which, not including any
- 255 revolving, detachable, or magazine breech, does not exceed 12 inches.
- 256 (11) "Judge" means the same as that term is defined in Section 53-5a-311.
- 257 (12) "Law enforcement official" means the same as that term is defined in Section
- 258 53-5a-311.
- 259 (13) "Local or state governmental entity" means the same as that term is defined in Section
- 260 78B-6-2301.
- 261 (14) "Readily accessible for immediate use" means that a firearm or other dangerous
- 262 weapon is carried on the person or within such close proximity and in such a manner
- 263 that the weapon can be retrieved and used as readily as if carried on the person.
- 264 (15) "Securely encased firearm" means the same as that term is defined in Section
- 265 76-11-201.
- 266 (16) "Short barreled rifle" means the same as that term is defined in Section 53-5a-601.
- 267 (17) "Short barreled shotgun" means the same as that term is defined in Section 53-5a-601.
- 268 (18) "Shotgun" means the same as that term is defined in Section 53-5a-601.



269 (19) "Slug" means the same as that term is defined in Section 53-5a-601.

270 Section 3. Section **53-5a-102.2** is enacted to read:

271 **53-5a-102.2 . Open and concealed carry of a firearm outside of an individual's**  
272 **residence.**

273 (1) To effectuate the Second Amendment to the United States Constitution and Utah  
274 Constitution, Article I, Section 6, that prohibit the infringement of the right of the people  
275 of Utah to keep and bear arms for security and defense of self, family, others, property,  
276 or the state, as well as for other lawful purposes, and consistent with the Legislature's  
277 ability to define the lawful use of arms:

278 (a) subject to Subsection (2)(a), an individual 18 years old or older may carry a firearm,  
279 that the individual may otherwise lawfully carry, in an open manner:

280 (i) in a vehicle in which the individual is lawfully present;

281 (ii) on a public street; or

282 (iii) in any other place not prohibited by, or pursuant to, state statute or federal law;

283 (b) subject to Subsection (2)(b), an individual 21 years old or older may carry a  
284 concealed firearm, that the individual may otherwise lawfully possess, without a  
285 concealed carry permit:

286 (i) in a vehicle in which the individual is lawfully present;

287 (ii) on a public street; or

288 (iii) in any other place not prohibited by, or pursuant to, state statute or federal law;

289 and

290 (c) subject to Subsections (2)(c) and (d), an individual with a concealed carry permit  
291 issued under Section 53-5a-303, a temporary concealed carry permit issued under  
292 Section 53-5a-304, a provisional concealed carry permit issued under Section  
293 53-5a-305, or a concealed carry permit lawfully issued by or in another state, may  
294 carry a concealed firearm:

295 (i) in a vehicle in which the individual is lawfully present;

296 (ii) on a public street; or

297 (iii) in any other place not prohibited by, or pursuant to, state statute or federal law.

298 (2)(a) An individual openly carrying a firearm under Subsection (1)(a) may not carry  
299 the firearm in any manner:

300 (i) in a secure area established in accordance with Section 76-8-311.1 in which  
301 dangerous weapons are prohibited and notice of the prohibition is posted;

302 (ii) on or about the premises of a public or private elementary school or secondary

- 303            school as described in Section 76-11-205;
- 304            (iii) on or about the premises of a daycare as described in Section 76-11-206;
- 305            (iv) in an airport secure area as described in Section 76-11-218;
- 306            (v) in a house of worship or in any private residence where dangerous weapons are
- 307            prohibited as described in Section 76-11-219; or
- 308            (vi) in any other place prohibited by, or pursuant to, another state statute or federal
- 309            law.
- 310            (b) An individual concealing a firearm without a concealed carry permit under
- 311            Subsection (1)(b) may not carry the firearm:
- 312            (i) in a secure area established in accordance with Section 76-8-311.1 in which
- 313            dangerous weapons are prohibited and notice of the prohibition is posted;
- 314            (ii) on or about the school premises of a public or private elementary school or
- 315            secondary school as described in Section 76-11-205;
- 316            (iii) on or about a daycare premises as described in Section 76-11-206;
- 317            (iv) in an airport secure area as described in Section 76-11-218;
- 318            (v) in a house of worship or in any private residence where dangerous weapons are
- 319            prohibited as described in Section 76-11-219; or
- 320            (vi) in any other place prohibited by, or pursuant to, another state statute or federal
- 321            law.
- 322            (c) Subject to Subsection (2)(d), an individual concealing a firearm with a concealed
- 323            carry permit under Subsection (1)(c) may not carry the firearm in any manner:
- 324            (i) in a secure area established in accordance with Section 76-8-311.1 in which
- 325            dangerous weapons are prohibited and notice of the prohibition posted;
- 326            (ii) in an airport secure area as described in Section 76-11-218;
- 327            (iii) in a house of worship or in any private residence where dangerous weapons are
- 328            prohibited as described in Section 76-11-219; or
- 329            (iv) in any other place prohibited by, or pursuant to, another state statute or federal
- 330            law.
- 331            (d) In addition to the locations described in Subsection (2)(c):
- 332            (i) an individual 18 years old but younger than 21 years old concealing a firearm with
- 333            a provisional concealed carry permit under Section 53-5a-304 may not carry the
- 334            firearm in any manner on or about the premises of a public or private elementary
- 335            school or secondary school as described in Section 76-11-205; and
- 336            (ii) an individual concealing a firearm with a concealed carry permit lawfully issued

- 337 by or in another state may not carry the firearm in any manner:
- 338 (A) on or about the premises of a public or private elementary school or secondary
- 339 school as described in Section 76-11-205; or
- 340 (B) on or about the premises of a daycare as described in Section 76-11-206.
- 341 (3) This section does not prohibit:
- 342 (a) the owner or lawful possessor of a vehicle from prohibiting another individual from
- 343 carrying a firearm in the owner or lawful possessor's vehicle; or
- 344 (b) the owner or lawful lessee of private real property from prohibiting another
- 345 individual from possessing a firearm on the property.
- 346 (4) An individual is lawfully present in a vehicle while carrying a firearm under this section
- 347 if:
- 348 (a) the vehicle is in the lawful possession of the individual; or
- 349 (b) the individual has the consent of the person lawfully in possession of the vehicle to
- 350 carry the firearm in the vehicle.

351 Section 4. Section **53-5a-102.3**, which is renumbered from Section 76-10-511 is renumbered  
352 and amended to read:

353 **[76-10-511] 53-5a-102.3 . Possession of a firearm at a residence or on real property.**

354 (1) Except for [persons described in Section 76-10-503 and] an individual categorized  
355 as a restricted person under Section 76-11-302, 76-11-303, or 18 U.S.C. Sec. 922(g), [  
356 and as-] or an individual otherwise [prescribed in this part, a person] prohibited by law, an  
357 individual 18 years old or older may have, and cannot be restricted from having, a [  
358 loaded-]firearm:

359 [(1)] (a) at the [person's] individual's place of residence[,-including any temporary  
360 residence or camp]; or

361 [(2)] (b) on the [person's] individual's real property.

362 (2) An individual's place of residence described in Subsection (2)(a) includes:

363 (a) a temporary residence or camp; or

364 (b) a residence that the individual has been granted the lawful right of possession to rent  
365 or lease.

366 Section 5. Section **53-5a-103** is amended to read:

367 **53-5a-103 . Discharge of a firearm on private property -- Liability.**

368 (1) As used in this section:

369 (a) "Firearm possessor" means an individual who may lawfully possess a firearm.

370 (b) "Property occupant" means:

- 371 (i) a private property owner; or  
 372 (ii) ~~[a person]~~ an individual who has the right to occupy a private property under an  
 373 agreement.
- 374 (2) Except as provided under Subsection (3), a property occupant, who knowingly allows a  
 375 firearm possessor to lawfully bring a firearm onto the property occupant's property, is  
 376 not civilly or criminally liable for any damage or harm resulting from the discharge of  
 377 the firearm by the firearm possessor while on the property occupant's property.
- 378 (3) Subsection (2) does not apply if the property occupant solicits, requests, commands,  
 379 encourages, or intentionally aids the firearm possessor in discharging the firearm while  
 380 on the property occupant's property for a purpose other than the lawful defense of an  
 381 individual on the property.
- 382 (4) This section does not alter the responsibilities a tenant owes to a landlord under the  
 383 terms of the lease agreement entered into between the tenant and landlord.

384 Section 6. Section **53-5a-105**, which is renumbered from Section 76-10-520 is renumbered  
 385 and amended to read:

386 **~~[76-10-520]~~ 53-5a-105 . Number or mark assigned to a handgun by the department.**

- 387 (1) The ~~[Department of Public Safety]~~ department, upon request, may assign a  
 388 distinguishing number or mark of identification to ~~[any pistol or revolver]~~ a handgun  
 389 whenever it is without a manufacturer's number, or other mark of identification or  
 390 whenever the manufacturer's number or other mark of identification or the  
 391 distinguishing number or mark assigned by the ~~[Department of Public Safety]~~ department  
 392 has been destroyed or obliterated.
- 393 (2) Except as provided in Subsection (3), an individual who places or stamps a number on a  
 394 handgun except one assigned to the handgun by the department is guilty of a class A  
 395 misdemeanor.
- 396 (3) This section does not:
- 397 (a) prohibit restoration by the owner of the name of the maker, model, or of the original  
 398 manufacturer's number or other mark of identification when the restoration is  
 399 authorized by the department;
- 400 (b) prohibit a manufacturer from placing in the ordinary course of business the name of  
 401 the make, model, manufacturer's number, or other mark of identification upon a new  
 402 handgun; or
- 403 (c) apply to a handgun that is an antique firearm.

404 Section 7. Section **53-5a-106**, which is renumbered from Section 76-10-522 is renumbered

405 and amended to read:

406 ~~[76-10-522]~~ **53-5a-106 . Alteration of number or mark on pistol or revolver.**

407 (1) ~~[Any person who changes, alters, removes, or obliterates]~~ An individual may not  
 408 change, alter, remove, or obliterate the name of the maker, the model, manufacturer's  
 409 number, or other mark of identification, including any distinguishing number or mark  
 410 assigned by the ~~[Department of Public Safety]~~ department, on ~~[any pistol or revolver]~~ a  
 411 handgun, without first having secured written permission from the ~~[Department of~~  
 412 ~~Public Safety]~~ department to make the change, alteration, ~~[or]~~ removal, ~~[is guilty of a~~  
 413 ~~class A misdemeanor]~~ or obliteration.

414 (2) Except as provided in Subsection (3), a violation of Subsection (1) is a class A  
 415 misdemeanor.

416 (3) This section does not apply to a handgun that is an antique firearm.

417 Section 8. Section **53-5a-107**, which is renumbered from Section 76-10-523.5 is renumbered  
 418 and amended to read:

419 ~~[76-10-523.5]~~ **53-5a-107 . Compliance with firearms prohibitions in secure facilities.**

420 ~~[Any person]~~ An individual, including ~~[a person licensed to carry]~~ an individual  
 421 with a concealed firearm permit issued under ~~[Title 53, Chapter 5, Part 7, Concealed~~  
 422 ~~Firearm Act]~~ Title 53, Chapter 5a, Part 3, Concealed Firearm Permits, or possessing a  
 423 concealed firearm without a permit in accordance with Section 53-5a-102.2, shall  
 424 comply with any rule established for ~~[secure facilities]~~ a secure facility pursuant to [  
 425 Sections 53B-3-103,] Section 76-8-311.1[, 76-8-311.3, and 78A-2-203] and ~~[shall be]~~ is  
 426 subject to any penalty provided ~~[in those sections]~~ for violating the established rule.

427 Section 9. Section **53-5a-108**, which is renumbered from Section 76-10-523 is renumbered  
 428 and amended to read:

429 ~~[76-10-523]~~ **53-5a-108 . Individuals who are exempt from certain weapons laws.**

430 (1) Except ~~[for Sections 76-10-506, 76-10-508, and 76-10-508.1, this part and Title 53,~~  
 431 ~~Chapter 5, Part 7, Concealed Firearm Act,]~~ as provided in Subsection (2), this part, Part  
 432 3, Concealed Firearms Permits, and Title 76, Chapter 11, Weapons, do not apply to any  
 433 of the following:

- 434 (a) a United States marshal;
- 435 (b) a federal official required to carry a firearm;
- 436 (c) a peace officer of ~~[this or]~~ any ~~[other]~~ jurisdiction;
- 437 (d) a law enforcement official ~~[as defined and qualified under Section 53-5-711];~~
- 438 (e) a judge ~~[as defined and qualified under Section 53-5-711];~~

439 (f) a court commissioner[ as defined and qualified under Section 53-5-711]; or  
 440 (g) a common carrier while engaged in the regular and ordinary transport of firearms as  
 441 merchandise.

442 ~~(2) Subsection (1) does not apply to Section 76-11-207, 76-11-209, or 76-11-210.~~

443 ~~[(2) Notwithstanding Subsection (1), the provisions of Section 76-10-528 apply to any  
 444 individual listed in Subsection (1) who is not employed by a state or federal agency or  
 445 political subdivision that has adopted a policy or rule regarding the use of dangerous  
 446 weapons.]~~

447 ~~[(3) Subsections 76-10-504(1) and (2), and Section 76-10-505 do not apply to:]~~

448 ~~[(a) an individual to whom a permit to carry a concealed firearm has been issued:]~~

449 ~~[(i) pursuant to Section 53-5-704; or]~~

450 ~~[(ii) by another state or county; or]~~

451 ~~[(b) a person who is issued a protective order under Subsection 78B-7-603(1)(b) or  
 452 78B-7-404(1)(b), unless the person is a restricted person as described in Subsection  
 453 76-10-503(1), for a period of 120 days after the day on which the person is issued the  
 454 protective order.]~~

455 ~~[(4) Except for Sections 76-10-503, 76-10-506, 76-10-508, and 76-10-508.1, this part and  
 456 Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to a nonresident  
 457 traveling in or through the state, provided that any firearm is:]~~

458 ~~[(a) unloaded; and]~~

459 ~~[(b) securely encased as defined in Section 76-10-501.]~~

460 ~~[(5) Subsections 76-10-504(1) and (2), and 76-10-505(1)(b) do not apply to a person 21  
 461 years old or older who may otherwise lawfully possess a firearm.]~~

462 Section 10. Section **53-5a-301**, which is renumbered from Section 53-5-702 is renumbered  
 463 and amended to read:

464

### Part 3. Concealed Firearm Permits

465 ~~[53-5-702]~~ **53-5a-301 . Definitions.**

466 ~~[In addition to the definitions in Section 76-10-501, as]~~ As used in this part:

467 (1) "Active duty service member" means ~~[a person]~~ an individual on active military duty  
 468 with the United States military and includes full time military active duty, military  
 469 reserve active duty, and national guard military active duty service members stationed in  
 470 Utah.

471 (2) "Active duty service member spouse" means ~~[a person]~~ an individual recognized by the

472 military as the spouse of an active duty service member and who resides with the active  
473 duty service member in Utah.

474 (3) "Board" means the Concealed Firearm Review Board created in Section 53-5-703.

475 (4) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201  
476 within the ~~[Department of Public Safety]~~ department.

477 (5) "Concealed firearm" means the same as that term is defined in Section 53-5a-102.1.

478 ~~[(5) "Commissioner" means the commissioner of the Department of Public Safety.]~~

479 (6) "Conviction" means criminal conduct ~~[where]~~ in which the filing of a criminal charge  
480 has resulted in:

481 (a) a finding of guilt based on evidence presented to a judge or jury;

482 (b) a guilty plea;

483 (c) a plea of nolo contendere;

484 (d) a plea of guilty or nolo contendere ~~[which]~~ that is held in abeyance pending the  
485 successful completion of probation;

486 (e) a pending diversion agreement; or

487 (f) a conviction ~~[which]~~ that has been reduced in accordance with Section 76-3-402.

488 (7) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.

489 (8) "Domestic violence" means the same as that term is defined in Section 77-36-1.

490 (9) "Firearm" means the same as that term is defined in Section 53-5a-102.1.

491 ~~[(7)]~~ (10)(a) "School employee" means an employee of a public school district, charter  
492 school, or private school whose duties, responsibilities, or assignments require the  
493 employee to be physically present on a school's campus at least half of the days on  
494 which school is held during a school year.

495 (b) "School employee" also means a substitute teacher, as defined in Section 53E-6-901.

496 ~~[(8)]~~ (11) "School year" means the period of time designated by a local school board, charter  
497 school governing board, or private school as the school year for high school, middle  
498 school, or elementary school students.

499 Section 11. Section **53-5a-302**, which is renumbered from Section 53-5-703 is renumbered  
500 and amended to read:

501 ~~[53-5-703]~~ **53-5a-302 . Concealed Firearm Review Board -- Membership -- Compensation --**  
502 **Terms -- Duties.**

503 (1) There is created within the bureau the Concealed Firearm Review Board.

504 (2)(a) The board is comprised of not more than five members appointed by the  
505 commissioner on a bipartisan basis.

- 506 (b) The board shall include a member representing law enforcement and at least two  
 507 citizens, one of whom represents sporting interests.
- 508 (3)(a) Except as required by Subsection (3)(b), as terms of current board members  
 509 expire, the commissioner shall appoint each new member or reappointed member to a  
 510 four-year term.
- 511 (b) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at  
 512 the time of appointment or reappointment, adjust the length of terms to ensure that  
 513 the terms of board members are staggered so that approximately half of the board is  
 514 appointed every two years.
- 515 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
 516 appointed for the unexpired term.
- 517 (5) A member may not receive compensation or benefits for the member's service, but may  
 518 receive per diem and travel expenses in accordance with:
- 519 (a) Section 63A-3-106;  
 520 (b) Section 63A-3-107; and  
 521 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
 522 63A-3-107.
- 523 (6) The board shall meet at least quarterly, unless the board has no business to conduct  
 524 during that quarter.
- 525 (7) The board, upon receiving a timely filed petition for review, shall review within a  
 526 reasonable time the denial, suspension, or revocation of a permit or a temporary permit  
 527 to carry a concealed firearm.

528 Section 12. Section **53-5a-303**, which is renumbered from Section 53-5-704 is renumbered  
 529 and amended to read:

530 **[53-5-704] 53-5a-303 . Bureau duties -- Permit to carry concealed firearm -- Certification for**  
 531 **concealed firearms instructor -- Requirements for issuance -- Violation -- Denial,**  
 532 **suspension, or revocation -- Appeal procedure.**

533 (1)(a) Except as provided in Subsection (1)(b), the bureau shall issue a concealed carry  
 534 permit allowing [~~to carry~~] the carrying of a concealed firearm for lawful self defense  
 535 to an applicant who is 21 years old or older within 60 days after receiving an  
 536 application, unless the bureau finds proof that the applicant is not qualified to hold a  
 537 permit under Subsection (2) or (3).

538 (b)(i) Within 90 days before the day on which a provisional permit holder under  
 539 Section [~~53-5-704.5~~] 53-5a-304 reaches 21 years old, the provisional permit holder



- 540 may apply under this section for a permit to carry a concealed firearm for lawful  
541 self defense.
- 542 (ii) The bureau shall issue a permit for an applicant under Subsection (1)(b)(i) within  
543 60 days after receiving an application, unless the bureau finds proof that the  
544 applicant is not qualified to hold a permit under Subsection (2) or (3).
- 545 (iii) A permit issued under this Subsection (1)(b):  
546 (A) is not valid until an applicant is 21 years old; and  
547 (B) requires a \$10 application fee.
- 548 (iv) ~~[A person]~~ An individual who applies for a permit under this Subsection (1)(b) is  
549 not required to retake the firearms training described in Subsection ~~[53-5-704(8)]~~  
550 53-5a-303(8).
- 551 (c) ~~[The]~~ A concealed firearm permit issued in accordance with this section is valid  
552 throughout the state for five years, without restriction, except as otherwise provided  
553 by Section ~~[53-5-710]~~ 53-5a-102.2.
- 554 (d) The provisions of ~~[Subsections 76-10-504(1) and (2), and Section 76-10-505]~~  
555 Sections 76-11-202 and 76-11-204 do not apply to an individual issued a concealed  
556 carry permit under Subsection (1)(a) or (b).
- 557 (e) Subsection (4)(a) does not apply to a nonresident:  
558 (i) active duty service member, who presents to the bureau orders requiring the active  
559 duty service member to report for duty in this state; or  
560 (ii) active duty service member's spouse, stationed with the active duty service  
561 member, who presents to the bureau the active duty service member's orders  
562 requiring the service member to report for duty in this state.
- 563 (2)(a) The bureau may deny, suspend, or revoke a concealed firearm permit if the  
564 applicant or permit holder:  
565 (i) has been or is convicted of a felony;  
566 (ii) has been or is convicted of a crime of violence;  
567 (iii) has been or is convicted of an offense involving the use of alcohol;  
568 (iv) has been or is convicted of an offense involving the unlawful use of narcotics or  
569 other controlled substances;  
570 (v) has been or is convicted of an offense involving moral turpitude;  
571 (vi) has been or is convicted of an offense involving domestic violence;  
572 (vii) has been or is adjudicated by a state or federal court as mentally incompetent,  
573 unless the adjudication has been withdrawn or reversed; ~~[and]~~ or

- 574 (viii) is not qualified to purchase and possess a firearm pursuant to [~~Section~~  
575 ~~76-10-503 and~~] Section 76-11-302 or 76-11-303 or federal law.
- 576 (b) In determining whether an applicant or permit holder is qualified to hold a concealed  
577 firearm permit under Subsection (2)(a), the bureau shall consider mitigating  
578 circumstances.
- 579 (3)(a) The bureau may deny, suspend, or revoke a concealed firearm permit if [it] the  
580 bureau has reasonable cause to believe that the applicant or concealed firearm permit  
581 holder has been or is a danger to self or others as demonstrated by evidence,  
582 including:
- 583 (i) past pattern of behavior involving unlawful violence or threats of unlawful  
584 violence;
- 585 (ii) past participation in incidents involving unlawful violence or threats of unlawful  
586 violence; or
- 587 (iii) conviction of an offense in [~~violation of Title 76, Chapter 10, Part 5, Weapons~~]  
588 Title 76, Chapter 11, Weapons.
- 589 (b) The bureau may not deny, suspend, or revoke a concealed firearm permit solely for a  
590 single conviction of an infraction violation of [~~Title 76, Chapter 10, Part 5, Weapons~~]  
591 an offense in Title 76, Chapter 11, Weapons.
- 592 (c) In determining whether the applicant or concealed firearm permit holder has been or  
593 is a danger to self or others, the bureau may inspect:
- 594 (i) expunged records of arrests and convictions of adults as provided in Section  
595 77-40a-403; and
- 596 (ii) juvenile court records as provided in Section 78A-6-209.
- 597 (d)(i) The bureau shall suspend a concealed firearm permit if [a] the permit holder  
598 becomes a temporarily restricted person in accordance with Section [~~53-5e-301~~]  
599 53-5a-504.
- 600 (ii) Upon removal from the temporary restricted list described in Section 53-5a-504,  
601 the concealed firearm permit holder's permit shall be reinstated unless:
- 602 (A) the concealed firearm permit has been revoked, been suspended for a reason  
603 other than the restriction described in Subsection (3)(d)(i), or expired; or
- 604 (B) the concealed firearm permit holder has become a restricted person under  
605 Section [~~76-10-503~~] 76-11-302 or 76-11-303.
- 606 (4)(a) In addition to meeting the other qualifications for the issuance of a concealed  
607 firearm permit under this section, a nonresident applicant who resides in a state that

- 608 recognizes the validity of the Utah permit or has reciprocity with Utah's concealed  
609 firearm permit law shall:
- 610 (i) hold a current concealed firearm or concealed weapon permit issued by the  
611 appropriate permitting authority of the nonresident applicant's state of residency;  
612 and
- 613 (ii) submit a photocopy or electronic copy of the nonresident applicant's current  
614 concealed firearm or concealed weapon permit referred to in Subsection (4)(a)(i).
- 615 (b) A nonresident applicant who knowingly and willfully provides false information to  
616 the bureau under Subsection (4)(a) is prohibited from holding a Utah concealed  
617 firearm permit for a period of 10 years.
- 618 (c) Subsection (4)(a) applies to:
- 619 (i) all applications for the issuance of a concealed firearm permit [~~that are~~]received  
620 by the bureau[~~after May 10, 2011.~~] ; and
- 621 [~~(d) Beginning January 1, 2012, Subsection (4)(a) also applies to]~~
- 622 (ii) an application for renewal of a concealed firearm permit by a nonresident.
- 623 (5) The bureau shall issue a concealed firearm permit to a former peace officer who departs  
624 full-time employment as a peace officer, in an honorable manner, within five years of  
625 that departure if the officer meets the requirements of this section.
- 626 (6) Except as provided in Subsection (7), the bureau shall also require the applicant to  
627 provide:
- 628 (a) the address of the applicant's permanent residence;
- 629 (b) one recent dated photograph;
- 630 (c) one set of fingerprints; and
- 631 (d) evidence of general familiarity with the types of firearms to be concealed as defined  
632 in Subsection (8).
- 633 (7) An applicant who is a law enforcement officer under Section 53-13-103 may provide a  
634 letter of good standing from the officer's commanding officer in place of the evidence  
635 required by Subsection (6)(d).
- 636 (8)(a) General familiarity with the types of firearms to be concealed includes training in:
- 637 (i) the safe loading, unloading, storage, and carrying of the types of firearms to be  
638 concealed; and
- 639 (ii) current laws defining lawful use of a firearm by a private citizen, including lawful  
640 self-defense, use of force by a private citizen, including use of deadly force,  
641 transportation, and concealment.

- 642 (b) An applicant may satisfy the general familiarity requirement of Subsection (8)(a) by  
643 one of the following:
- 644 (i) completion of a course of instruction conducted by a national, state, or local  
645 firearms training organization approved by the bureau;
  - 646 (ii) certification of general familiarity by an individual who has been certified by the  
647 bureau, which may include a law enforcement officer, military or civilian firearms  
648 instructor, or hunter safety instructor; or
  - 649 (iii) equivalent experience with a firearm through participation in an organized  
650 shooting competition, law enforcement, or military service.
- 651 (c) Instruction taken by a student under this Subsection (8) shall be in person and not  
652 through electronic means.
- 653 (d) ~~[A person]~~ An individual applying for a renewal permit is not required to retake the  
654 firearms training described in this Subsection ~~[53-5-704(8)]~~ (8) if the ~~[person]~~  
655 individual:
- 656 (i) has an unexpired permit; or
  - 657 (ii) has a permit that expired less than one year before the date on which the renewal  
658 application was submitted.
- 659 (9)(a) An applicant for certification as a Utah concealed firearms instructor shall:
- 660 (i) be at least 21 years old;
  - 661 (ii) be currently eligible to possess a firearm under Section ~~[76-10-503]~~ 76-11-302 or  
662 76-11-303;
  - 663 (iii) have:
    - 664 (A) completed a firearm instruction training course from the National Rifle  
665 Association or another nationally recognized firearm training organization that  
666 customarily offers firearm safety and firearm law instructor training or the  
667 Department of Public Safety, Division of Peace Officer Safety Standards and  
668 Training; or
    - 669 (B) received training equivalent to one of the courses referred to in Subsection  
670 (9)(a)(iii)(A) as determined by the bureau;
  - 671 (iv) have taken a course of instruction and passed a certification test as described in  
672 Subsection (9)(c); and
  - 673 (v) possess a Utah concealed firearm permit.
- 674 (b) An instructor's certification is valid for three years from the date of issuance, unless  
675 revoked by the bureau.

- 676 (c)(i) In order to obtain initial certification or renew a certification, an instructor  
677 shall attend an instructional course and pass a test under the direction of the  
678 bureau.
- 679 (ii)(A) The bureau shall provide or contract to provide the course referred to in  
680 Subsection (9)(c)(i) twice every year.
- 681 (B) The course shall include instruction on current Utah law related to firearms,  
682 including concealed carry statutes and rules, and the use of deadly force by  
683 private citizens.
- 684 (d)(i) Each applicant for certification under this Subsection (9) shall pay a fee of  
685 \$50.00 at the time of application for initial certification.
- 686 (ii) The renewal fee for the certificate is \$25.
- 687 (iii) The bureau may use a fee paid under Subsections (9)(d)(i) and (ii) as a dedicated  
688 credit to cover the cost incurred in maintaining and improving the instruction  
689 program required for concealed firearm instructors under this Subsection (9).
- 690 (10) A certified concealed firearms instructor shall provide each of the instructor's students  
691 with the required course of instruction outline approved by the bureau.
- 692 (11)(a)(i) A concealed firearms instructor shall provide a signed certificate to an  
693 individual successfully completing the offered course of instruction.
- 694 (ii) The instructor shall sign the certificate with the exact name indicated on the  
695 instructor's certification issued by the bureau under Subsection (9).
- 696 (iii)(A) The certificate shall also have affixed to it the instructor's official seal,  
697 which is the exclusive property of the instructor and may not be used by any  
698 other individual.
- 699 (B) The instructor shall destroy the seal upon revocation or expiration of the  
700 instructor's certification under Subsection (9).
- 701 (C) The bureau shall determine the design and content of the seal to include at  
702 least the following:
- 703 (I) the instructor's name as it appears on the instructor's certification;
- 704 (II) the words "Utah Certified Concealed Firearms Instructor," "state of Utah,"  
705 and "my certification expires on (the instructor's certification expiration  
706 date)"; and
- 707 (III) the instructor's business or residence address.
- 708 (D) The seal shall be affixed to each student certificate issued by the instructor in  
709 a manner that does not obscure or render illegible any information or

- 710 signatures contained in the document.
- 711 (b) The applicant shall provide the certificate to the bureau in compliance with  
712 Subsection (6)(d).
- 713 (12) The bureau may deny, suspend, or revoke the certification of an applicant or a  
714 concealed firearms instructor if it has reason to believe the applicant or the instructor has:  
715 (a) become ineligible to possess a firearm under Section [~~76-10-503~~] 76-11-302 or  
716 76-11-303, or federal law; or  
717 (b) knowingly and willfully provided false information to the bureau.
- 718 (13) An applicant for certification or a concealed firearms instructor has the same appeal  
719 rights as described in Subsection (16).
- 720 (14) In providing instruction and issuing a permit under this part, the concealed firearms  
721 instructor and the bureau are not vicariously liable for damages caused by the permit  
722 holder.
- 723 (15) An individual who knowingly and willfully provides false information on an  
724 application filed under this part is guilty of a class B misdemeanor, and the application  
725 may be denied, or the permit may be suspended or revoked.
- 726 (16)(a) In the event of a denial, suspension, or revocation of a permit, the applicant or  
727 permit holder may file a petition for review with the board within 60 days from the  
728 date the denial, suspension, or revocation is received by the applicant or permit  
729 holder by certified mail, return receipt requested.
- 730 (b) The bureau's denial of a permit shall be in writing and shall include the general  
731 reasons for the action.
- 732 (c) If an applicant or permit holder appeals the denial to the review board, the applicant  
733 or permit holder may have access to the evidence upon which the denial is based in  
734 accordance with Title 63G, Chapter 2, Government Records Access and Management  
735 Act.
- 736 (d) On appeal to the board, the bureau has the burden of proof by a preponderance of the  
737 evidence.
- 738 (e)(i) Upon a ruling by the board on the appeal of a denial, the board shall issue a  
739 final order within 30 days stating the board's decision.
- 740 (ii) The final order shall be in the form prescribed by Subsection 63G-4-203(1)(i).
- 741 (iii) The final order is final bureau action for purposes of judicial review under  
742 Section 63G-4-402.
- 743 (17) The commissioner may make rules in accordance with Title 63G, Chapter 3, Utah

744 Administrative Rulemaking Act, necessary to administer this chapter.

745 Section 13. Section **53-5a-304**, which is renumbered from Section 53-5-704.5 is renumbered  
746 and amended to read:

747 ~~[53-5-704.5]~~ **53-5a-304 . Provisional permit to carry concealed firearm.**

748 (1)(a) The bureau shall issue a provisional permit to carry a concealed firearm for  
749 lawful self-defense to an applicant who is 18 years ~~[of age, but is no older than 20~~  
750 ~~years of age]~~ old but younger than 21 years old, within 60 days after receiving an  
751 application, unless the bureau finds proof that the applicant does not meet the  
752 qualifications set forth in Subsection ~~[53-5-704(2)]~~ 53-5a-303(2).

753 (b) ~~[The]~~ Except as provided in Subsection (2), a provisional concealed carry permit is  
754 valid throughout the state until the applicant reaches the age of 21, without  
755 restriction, except as otherwise provided by Section ~~[53-5-710]~~ 53-5a-102.2.

756 (2) The bureau may deny, suspend, or revoke a provisional concealed carry permit issued  
757 under this section as ~~[set forth]~~ described in Subsections ~~[53-5-704(2) and (3)]~~  
758 53-5a-303(2) and (3).

759 (3)(a) In addition to meeting the other qualifications for the issuance of a provisional  
760 concealed carry permit under this section, a nonresident applicant who resides in a  
761 state that recognizes the validity of the Utah provisional concealed carry permit or  
762 has reciprocity with Utah's provisional concealed firearm permit law shall:

763 (i) hold a current applicable concealed firearm or concealed weapon permit issued by  
764 the appropriate permitting authority of the nonresident applicant's state of  
765 residency; and

766 (ii) submit a photocopy or electronic copy of the nonresident applicant's current  
767 concealed firearm or concealed weapon permit referred to in Subsection (3)(a)(i).

768 (b) A nonresident applicant who knowingly and willfully provides false information to  
769 the bureau under Subsection (3)(a) is prohibited from holding a Utah concealed  
770 firearm permit of any kind for a period of 10 years.

771 (4) The bureau shall also require the applicant to provide:

772 (a) the address of the applicant's permanent residence;

773 (b) one recent dated photograph;

774 (c) one set of fingerprints; and

775 (d) evidence of general familiarity with the types of firearms to be concealed as defined  
776 in ~~[Subsection 53-5-704(8)]~~ Section 53-5-303.

777 (5) In the event of a decision to deny, suspend, or revoke a provisional concealed firearm

778 permit, the applicant or permit holder under this section may appeal the decision through  
779 the same process set forth in Subsection [~~53-5-704(16)~~] 53-5a-303(16).

780 (6) The applicant or permit holder of the provisional concealed firearm permit under this  
781 section must meet the eligibility requirements of another state, including age  
782 requirements, to carry a concealed firearm in that state.

783 Section 14. Section **53-5a-305**, which is renumbered from Section 53-5-705 is renumbered  
784 and amended to read:

785 **~~[53-5-705]~~53-5a-305 . Temporary permit to carry concealed firearm -- Denial, suspension,  
or  
786 revocation -- Appeal.**

787 (1) The bureau or [its] the bureau's designated agent may issue a temporary permit to carry a  
788 concealed firearm to [~~a person~~] an individual who:

789 (a) has applied for a permit under Section [~~53-5-704~~] 53-5a-303;

790 (b) has applied for a temporary permit under this section; and

791 (c) meets the criteria required in Subsections (2) and (3).

792 (2) To receive a temporary permit under this section, the applicant shall demonstrate in  
793 writing to the satisfaction of the bureau extenuating circumstances that would justify  
794 issuing a temporary permit.

795 (3) A temporary permit may not be issued under this section until preliminary record  
796 checks regarding the applicant have been made with the National Crime Information  
797 Center and the bureau to determine any criminal history.

798 (4)(a) A temporary permit is valid only for a maximum of 90 days or any lesser period  
799 specified by the bureau, or until a permit under Section 53-5-704 is issued to the  
800 holder of the temporary permit, whichever period is shorter.

801 (b) The provisions of Subsections [~~76-10-504(1)~~] 53-5a-303(1) and (2) and Section [  
802 ~~76-10-505~~] 76-11-204 do not apply to [~~a person~~] an individual issued a temporary  
803 permit under this section during the time period for which the temporary permit is  
804 valid.

805 (5) The bureau may deny, suspend, or revoke a temporary permit prior to expiration if the  
806 commissioner determines:

807 (a) the circumstances justifying the temporary permit no longer exist; or

808 (b) the holder of the temporary permit does not meet the requirements for a permit under  
809 Section [~~53-5-704~~] 53-5a-303.

810 (6)(a) The denial, suspension, or revocation of a temporary permit shall be in writing



811 and shall include the reasons for the action.

812 (b) The bureau's decision to deny, suspend, or revoke a temporary permit may not be  
813 appealed to the board.

814 (c) Denial, suspension, or revocation under this subsection is final action for purposes of  
815 judicial review under Section 63G-4-402.

816 Section 15. Section **53-5a-306**, which is renumbered from Section 53-5-706 is renumbered  
817 and amended to read:

818 **~~[53-5-706]~~53-5a-306 . Permit -- Fingerprints transmitted to bureau -- Report from bureau.**

819 (1)(a) Except as provided in Subsection (2), the fingerprints of each applicant for a  
820 permit under Section ~~[53-5-707]~~ 53-5a-307 or ~~[53-5-707.5]~~ 53-5a-308 shall be taken  
821 on a form prescribed by the bureau.

822 (b) Upon receipt of the fingerprints, the applicant fingerprint card fee prescribed in  
823 Section 53-10-108, and the fee prescribed in Section 53-5-707 or 53-5-707.5, the  
824 bureau shall conduct a search of ~~[its]~~ the bureau's files for criminal history  
825 information pertaining to the applicant, and shall request the Federal Bureau of  
826 Investigation to conduct a similar search through ~~[its]~~ the Federal Bureau of  
827 Investigation's files.

828 (c) If the fingerprints are insufficient for the Federal Bureau of Investigation to conduct  
829 a search of ~~[its]~~ the Federal Bureau of Investigation's files for criminal history  
830 information, the application or concealed firearm permit may be denied, suspended,  
831 or revoked until sufficient fingerprints are submitted by the applicant.

832 (2)(a) If the permit applicant has previously applied to the bureau for a permit to carry  
833 concealed firearms, the bureau shall note the previous identification numbers and  
834 other data ~~[which]~~ that would provide positive identification in the files of the bureau  
835 on the copy of any subsequent permit submitted to the bureau in accordance with this  
836 section.

837 (b) No additional application form, fingerprints, or fee are required under this  
838 Subsection (2).

839 Section 16. Section **53-5a-307**, which is renumbered from Section 53-5-707 is renumbered  
840 and amended to read:

841 **~~[53-5-707]~~53-5a-307 . Concealed firearm permit -- Fees -- Concealed Weapons Account.**

842 (1)(a) An applicant for a concealed firearm permit shall pay a fee of \$25 at the time of  
843 filing an application.

844 (b) A nonresident applicant shall pay an additional \$10 for the additional cost of

- 845 processing a nonresident application.
- 846 (c) The bureau shall waive the initial fee for an applicant who is:
- 847 (i) a law enforcement officer under Section 53-13-103;
- 848 (ii) an active duty service member;
- 849 (iii) the spouse of an active duty service member; or
- 850 (iv) a school employee.
- 851 (2)(a) The renewal fee for the permit is \$20.
- 852 (b) A nonresident shall pay an additional \$5 for the additional cost of processing a
- 853 nonresidential renewal.
- 854 (3) The replacement fee for the permit is \$10.
- 855 (4)(a) The late fee for the renewal permit is \$7.50.
- 856 (b) As used in this section, "late fee" means the fee charged by the bureau for a renewal
- 857 submitted on a permit that has been expired for more than 30 days but less than one
- 858 year.
- 859 (5)(a) There is created a restricted account within the General Fund known as the
- 860 "Concealed Weapons Account."
- 861 (b) The account shall be funded from fees collected under this section and Section [
- 862 ~~53-5-707.5~~] 53-5a-308.
- 863 (c) Funds in the account may only be used to cover costs relating to:
- 864 (i) the issuance of concealed firearm permits under this part; or
- 865 (ii) the programs described in Subsection 26B-5-102(3) and Section 26B-5-611.
- 866 (d) No later than 90 days after the end of the fiscal year, 50% of the fund balance shall
- 867 be transferred to the Suicide Prevention and Education Fund, created in Section
- 868 26B-1-326.
- 869 (6)(a) The bureau may collect any fees charged by an outside agency for additional
- 870 services required by statute as a prerequisite for issuance of a permit.
- 871 (b) The bureau shall promptly forward any fees collected under Subsection (6)(a) to the
- 872 appropriate agency.
- 873 (7) The bureau shall make an annual report in writing to the Legislature's Law Enforcement
- 874 and Criminal Justice Interim Committee on the amount and use of the fees collected
- 875 under this section and Section 53-5-707.5.
- 876 Section 17. Section **53-5a-308**, which is renumbered from Section 53-5-707.5 is renumbered
- 877 and amended to read:
- 878 **~~[53-5-707.5]~~ 53-5a-308 . Provisional concealed firearm permit -- Fees -- Disposition of fees.**

879 (1)(a) An applicant for a provisional concealed firearm permit, as described in Section [  
880 ~~53-5-704.5~~] 53-5a-304, shall pay a fee of \$25 at the time of filing an application.

881 (b) A nonresident applicant shall pay an additional \$10 for the additional cost of  
882 processing a nonresident application.

883 (2) The replacement fee for the permit is \$10.

884 (3) Fees collected under this section shall be remitted to the Concealed Weapons Account,  
885 as described in [~~Subsection 53-5-707(5)~~] Section 53-5a-307.

886 (4)(a) The bureau may collect any fees charged by an outside agency for additional  
887 services required by statute as a prerequisite for issuance of a permit.

888 (b) The bureau shall promptly forward any fees collected under Subsection (4)(a) to the  
889 appropriate agency.

890 Section 18. Section **53-5a-309**, which is renumbered from Section 53-5-707.6 is renumbered  
891 and amended to read:

892 ~~[53-5-707.6]~~ **53-5a-309 . Concealed firearm permit renewal -- Firearm safety and suicide**  
893 **prevention video.**

894 (1) The bureau, in conjunction with the Division of Integrated Healthcare created in Section  
895 26B-1-204, shall create a firearm safety and suicide prevention video that:

896 (a) is [~~web-accessible~~] Internet-accessible;

897 (b) is no longer than 10 minutes in length; and

898 (c) includes information about:

899 (i) safe handling, storage, and use of firearms in a home environment;

900 (ii) at-risk individuals and individuals who are legally prohibited from possessing  
901 firearms; and

902 (iii) suicide prevention awareness.

903 (2) Before renewing a firearm permit, an individual shall view the firearm safety and  
904 suicide prevention video and submit proof in the form required by the bureau.

905 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
906 bureau shall make rules that establish procedures for:

907 (a) producing and distributing the firearm safety and suicide prevention video; and

908 (b) providing access to the video to an applicant seeking renewal of a firearm permit.

909 Section 19. Section **53-5a-310**, which is renumbered from Section 53-5-708 is renumbered  
910 and amended to read:

911 ~~[53-5-708]~~ **53-5a-310 . Permit -- Names private.**

912 (1)(a) The bureau shall maintain a record in [~~its~~] the bureau's office of any permit issued

913 under this part.

914 (b) Notwithstanding the requirements of Subsection 63G-2-301(2)(b), the names,  
915 addresses, telephone numbers, dates of birth, and [~~Social Security~~] social security  
916 numbers of [~~persons~~] individuals receiving permits are protected records under  
917 Subsection 63G-2-305(11).

918 (c) Notwithstanding Section 63G-2-206, [~~a person~~] an individual may not share any of  
919 the information listed in Subsection (1)(b) with any office, department, division, or  
920 other agency of the federal government unless:

921 (i) the disclosure is necessary to conduct a criminal background check on the  
922 individual who is the subject of the information;

923 (ii) the disclosure of information is made pursuant to a court order directly associated  
924 with an active investigation or prosecution of the individual who is the subject of  
925 the information;

926 (iii) the disclosure is made to a criminal justice agency in a criminal investigation or  
927 prosecution;

928 (iv) the disclosure is made by a law enforcement agency within the state to another  
929 law enforcement agency in the state or in another state in connection with an  
930 investigation, including a preliminary investigation, or a prosecution of the  
931 individual who is the subject of the information;

932 (v) the disclosure is made by a law enforcement agency within the state to an  
933 employee of a federal law enforcement agency in the course of a combined law  
934 enforcement effort involving the law enforcement agency within the state and the  
935 federal law enforcement agency; or

936 (vi) the disclosure is made in response to a routine request that a federal law  
937 enforcement officer makes to obtain information on an individual whom the  
938 federal law enforcement officer detains, including for a traffic stop, or questions  
939 because of the individual's suspected violation of state law.

940 (d) [~~A person~~] An individual is guilty of a class A misdemeanor if the [~~person~~] individual  
941 knowingly:

942 (i) discloses information listed in Subsection (1)(b) in violation of the provisions  
943 under Title 63G, Chapter 2, Government Records Access and Management Act,  
944 applicable to protected records; or

945 (ii) shares information in violation of Subsection (1)(c).

946 (e)(i) As used in this Subsection (1)(e), "governmental agency" means:

- 947 (A) the state or any department, division, agency, or other instrumentality of the  
 948 state; or
- 949 (B) a political subdivision of the state, including a county, city, town, school  
 950 district, special district, and special service district.
- 951 (ii) A governmental agency may not compel or attempt to compel an individual who  
 952 has been issued a concealed firearm permit to divulge whether the individual:  
 953 (A) has been issued a concealed firearm permit; or  
 954 (B) is carrying a concealed firearm.
- 955 (iii) Subsection (1)(e)(ii) does not apply to a law enforcement officer.
- 956 (2) The bureau shall immediately file a copy of each permit ~~it~~ the bureau issues under this  
 957 part.

958 Section 20. Section **53-5a-311**, which is renumbered from Section 53-5-711 is renumbered  
 959 and amended to read:

960 **~~[53-5-711]~~ 53-5a-311 . Law enforcement officials, judges, and court commissioners exempt --**  
 961 **Training requirements -- Qualification -- Revocation.**

- 962 (1) As used in this section ~~[and Section 76-10-523]~~:
- 963 (a) "Court commissioner" means an individual appointed under Section 78A-5-107.
- 964 (b)(i) "Judge" means a judge or justice of a court of record or a court not of record.  
 965 (ii) "Judge" does not include a judge pro tem or senior judge.
- 966 (c) "Law enforcement official" means:  
 967 (i) a member of the Board of Pardons and Parole;  
 968 (ii) a district attorney, deputy district attorney, county attorney or deputy county  
 969 attorney of a county not in a prosecution district;  
 970 (iii) the attorney general;  
 971 (iv) an assistant attorney general designated as a criminal prosecutor; or  
 972 (v) a city attorney or a deputy city attorney designated as a criminal prosecutor.
- 973 (2) To qualify for an exemption in Section ~~[76-10-523]~~ 53-5a-108, a law enforcement  
 974 official, judge, or court commissioner shall complete the following training  
 975 requirements:  
 976 (a) meet the requirements of Sections ~~[53-5-704, 53-5-706, and 53-5-707]~~ 53-5a-303,  
 977 53-5a-306, and 53-5a-307; and  
 978 (b) successfully complete an additional course of training as established by the  
 979 commissioner ~~[of public safety]~~ designed to assist ~~[them while]~~ with carrying out [  
 980 ~~their~~] official law enforcement, judicial, or court commissioner duties as agents for

981 the state or [its] the state's political subdivisions.

982 (3) Annual requalification requirements for law enforcement officials, judges, or court  
983 commissioners shall be established by the commissioner [~~of public safety. Additional~~  
984 ~~requalification requirements~~] and may be established by the:

985 (a) Board of Pardons and Parole by rule for [its] the Board of Pardons and Parole's  
986 members;

987 (b) Judicial Council by rule for judges and court commissioners; and

988 (c) the district attorney, county attorney in a county not in a prosecution district, the  
989 attorney general, or city attorney by policy for prosecutors under their jurisdiction.

990 (4) The bureau may:

991 (a) issue a certificate of qualification to a judge, law enforcement official, or court  
992 commissioner who has completed the requirements of Subsection (2), which  
993 certificate of qualification is valid until revoked;

994 (b) revoke the certificate of qualification of a judge, law enforcement official, or court  
995 commissioner who:

996 (i) fails to meet the annual requalification criteria established pursuant to Subsection  
997 (3);

998 (ii) would be subject to revocation of a concealed firearm permit under Subsection [  
999 ~~53-5-704(2)(a)~~] 53-5a-303(2)(a); or

1000 (iii) is no longer employed as a judge, law enforcement official, or court  
1001 commissioner as defined in Subsection (1); and

1002 (c) certify instructors for the training requirements of this section.

1003 Section 21. Section **53-5a-312**, which is renumbered from Section 53-5-712 is renumbered  
1004 and amended to read:

1005 **[53-5-712] 53-5a-312 . Armed Forces -- Permit requirements -- Exemptions.**

1006 An active duty servicemember of the United States Armed Forces who possesses a  
1007 Utah concealed firearm permit is exempt from the requirement in Subsection [  
1008 ~~53-5-704(4)(a)~~] 53-5a-303(4)(a) when renewing a Utah concealed firearm permit.

1009 Section 22. Section **53-5a-401**, which is renumbered from Section 53-5b-103 is renumbered  
1010 and amended to read:

1011 **Part 4. Utah State-Made Firearms Protections**

1012 **[53-5b-103] 53-5a-401 . Definitions.**

1013 As used in this [~~chapter~~] part:

- 1014 (1) "Firearm" means a device from which is expelled a projectile by action of an explosive.
- 1015 (2) "Firearm accessory" means an item that is used in conjunction with or mounted upon a
- 1016 firearm, firearm action, or firearm receiver but is not essential to the basic function of a
- 1017 firearm, including:
- 1018 (a) a telescopic or laser sight;
- 1019 (b) a magazine;
- 1020 (c) a flash or sound suppressor;
- 1021 (d) a folding or aftermarket stock or grip;
- 1022 (e) a speed-loader;
- 1023 (f) an ammunition carrier; and
- 1024 (g) a light for target illumination.
- 1025 (3) "Generic and insignificant parts:"
- 1026 (a) means parts that have other manufacturing or consumer product applications; and
- 1027 (b) includes:
- 1028 (i) springs;
- 1029 (ii) screws;
- 1030 (iii) nuts; and
- 1031 (iv) pins.
- 1032 (4) "Manufactured" means creating a firearm, a firearm action or receiver, a firearm
- 1033 accessory, or ammunition from basic materials for functional usefulness, including:
- 1034 (a) forging;
- 1035 (b) casting;
- 1036 (c) machining; and
- 1037 (d) another process for working materials.

1038 Section 23. Section **53-5a-402**, which is renumbered from Section 53-5b-102 is renumbered

1039 and amended to read:

1040 **~~[53-5b-102]~~ 53-5a-402 . Legal considerations.**

1041 In reviewing any matter covered by this [chapter] part, a court shall consider the

1042 following:

- 1043 (1) The Tenth Amendment to the United States Constitution guarantees to the state and its
- 1044 people all powers not granted to the federal government elsewhere in the Constitution
- 1045 and reserves to the state and people of Utah certain powers as they were understood at
- 1046 the time that Utah was admitted to statehood.
- 1047 (2) The guarantee of powers to the state and its people under the Tenth Amendment is a

- 1048 matter of contract between the state and people of Utah and the United States as of the  
1049 time of statehood.
- 1050 (3) The Ninth Amendment to the United States Constitution guarantees to the people rights  
1051 not granted in the Constitution and reserves to the people of Utah certain rights as they  
1052 were understood at the time that Utah was admitted to statehood.
- 1053 (4) The guarantee of rights to the people under the Ninth Amendment is a matter of contract  
1054 between the state and people of Utah and the United States as of the time of statehood.
- 1055 (5) The regulation of intrastate commerce is vested in the state under the Ninth and Tenth  
1056 Amendments to the United States Constitution.
- 1057 (6) The Second Amendment to the United States Constitution reserves to the people the  
1058 right to keep and bear arms as that right was understood at the time that Utah was  
1059 admitted to statehood, and the guarantee of the right is a matter of contract between the  
1060 state and people of Utah and the United States as of the time of statehood.
- 1061 (7) The Utah Constitution clearly secures to Utah citizens, and prohibits government  
1062 interference with, the right of individual Utah citizens to keep and bear arms.
- 1063 (8) A personal firearm, a firearm action or receiver, a firearm accessory, or ammunition that  
1064 is manufactured commercially or privately in the state to be used or sold within the state  
1065 is not subject to federal law or federal regulation, including registration, under the  
1066 authority of congress to regulate interstate commerce.
- 1067 (9) The Legislature declares that a firearm, a firearm action or receiver, a firearm accessory,  
1068 and ammunition described in Subsection (8) does not travel in interstate commerce.
- 1069 (10) The importation into the state of generic and insignificant parts and those parts'  
1070 incorporation into a firearm, a firearm action or receiver, a firearm accessory, or  
1071 ammunition manufactured in the state does not subject the firearm, firearm accessory,  
1072 firearm action or receiver, or ammunition to federal law or regulation.
- 1073 (11) Basic materials, including unmachined steel and unshaped wood, are not firearms,  
1074 firearm actions or receivers, firearms accessories, or ammunition.
- 1075 (12) Trade in basic materials is not subject to congressional authority to regulate firearms,  
1076 firearm actions or receivers, firearms accessories, and ammunition as if the basic  
1077 materials were actually firearms, firearm actions or receivers, firearms accessories, or  
1078 ammunition.
- 1079 (13) Congress's authority to regulate interstate commerce in basic materials does not  
1080 include authority to regulate firearms, firearm actions or receivers, firearms accessories,  
1081 and ammunition made in the state from basic materials.



1082 (14) The attachment or use of firearms accessories in conjunction with a firearm  
 1083 manufactured in the state does not subject the firearm to federal regulation under  
 1084 Congress's power to regulate interstate commerce, without regard to whether the  
 1085 firearms accessories are themselves subject to federal regulation.

1086 Section 24. Section **53-5a-403**, which is renumbered from Section 53-5b-201 is renumbered  
 1087 and amended to read:

1088 **~~[53-5b-201]~~53-5a-403 . Intrastate firearm manufacturing.**

1089 (1) This chapter applies to a firearm, a firearm action or receiver, a firearm accessory, or  
 1090 ammunition that is manufactured in the state to remain in the state from basic materials  
 1091 that can be manufactured without the inclusion of any significant parts imported into the  
 1092 state.

1093 (2) This chapter does not apply to:

- 1094 (a) a firearm that cannot be carried and used by one ~~[person]~~ individual;
- 1095 (b) a firearm that has a bore diameter greater than 1-1/2 inches and that uses smokeless  
 1096 powder, not black powder, as a propellant;
- 1097 (c) a firearm that discharges two or more projectiles with one activation of the trigger or  
 1098 other firing device, other than a shotgun; or
- 1099 (d) ammunition with a projectile that explodes using an explosion of chemical energy  
 1100 after the projectile leaves the firearm.

1101 Section 25. Section **53-5a-404**, which is renumbered from Section 53-5b-202 is renumbered  
 1102 and amended to read:

1103 **~~[53-5b-202]~~53-5a-404 . Required markings.**

1104 A firearm, firearm action, or firearm receiver manufactured or sold in Utah under  
 1105 this ~~[chapter]~~ part must have the words "Made in Utah" or "Made in UT" clearly  
 1106 stamped on a central metallic part, such as the receiver or frame.

1107 Section 26. Section **53-5a-501**, which is renumbered from Section 53-5c-102 is renumbered  
 1108 and amended to read:

1109

**Part 5. Firearms Safe Harbor**

1110 **~~[53-5c-102]~~53-5a-501 . Definitions.**

1111 As used in this ~~[chapter]~~ part:

- 1112 (1) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201.
- 1113 (2) "Cohabitant" means an individual who:
  - 1114 (a) is 18 years old or older;

- 1115 (b) resides in the same home with another individual; and  
1116 (c)(i) is living as if a spouse of the individual;  
1117 (ii) is related by blood or marriage to the individual;  
1118 (iii) has one or more children in common with the individual; or  
1119 (iv) has an interest in the safety and well-being of the individual.
- 1120 (3) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 1121 (4) "Firearm" means a pistol, revolver, shotgun, short barrel shotgun, rifle or short barrel  
1122 rifle, or a device that could be used as a dangerous weapon from which is expelled a  
1123 projectile by action of an explosive.
- 1124 (5) "Health care provider" means a person:  
1125 (a) who provides health care or professional services related to health care; and  
1126 (b) is acting within the scope of the person's license, certification, practice, education, or  
1127 training.
- 1128 (6) "Illegal firearm" means a firearm the ownership or possession of which is prohibited  
1129 under state or federal law.
- 1130 (7) "Jail release agreement" means the same as that term is defined in Section 78B-7-801.
- 1131 (8) "Jail release court order" means the same as that term is defined in Section 78B-7-801.
- 1132 (9) "Law enforcement agency" means a municipal or county police agency or an officer of  
1133 that agency.
- 1134 (10) "Owner cohabitant" means a cohabitant who:  
1135 (a) is 18 years old or older; and  
1136 (b) owns a firearm.
- 1137 Section 27. Section **53-5a-502**, which is renumbered from Section 53-5c-201 is renumbered  
1138 and amended to read:
- 1139 **[53-5c-201] 53-5a-502 . Voluntary commitment of a firearm by cohabitant -- Law**  
1140 **enforcement to hold firearm.**
- 1141 (1)(a) A cohabitant or owner cohabitant may voluntarily commit a firearm to a law  
1142 enforcement agency or request that a law enforcement officer receive a firearm for  
1143 safekeeping if the owner cohabitant or cohabitant believes that the owner cohabitant  
1144 or another cohabitant with access to the firearm is an immediate threat to:  
1145 (i) a cohabitant;  
1146 (ii) the owner cohabitant; or  
1147 (iii) another individual.
- 1148 (b) Except as provided in Subsection (2), if the owner of a firearm requests return of the

- 1149 firearm in person at the law enforcement agency's office, the law enforcement agency:  
1150 (i) may not hold the firearm under this section; and  
1151 (ii) shall return the firearm to the owner.
- 1152 (2) A law enforcement agency may not return a firearm to an owner under Subsection (1)(b)  
1153 if the owner of the firearm:  
1154 (a) is a restricted person under Section [~~76-10-503~~] 76-11-302 or 76-11-303; or  
1155 (b)(i) has been arrested and booked into a county jail on a class A misdemeanor or  
1156 felony domestic violence offense;  
1157 (ii) has had a court:  
1158 (A) review the probable cause statement detailing the incident leading to the  
1159 owner's arrest; and  
1160 (B) determine that probable cause existed for the arrest; and  
1161 (iii) is subject to a jail release agreement or a jail release court order arising out of the  
1162 domestic violence offense.
- 1163 (3) Unless a firearm is an illegal firearm subject to Section [~~53-5e-202~~] 53-5a-503, a law  
1164 enforcement agency that receives a firearm in accordance with this chapter shall:  
1165 (a) record:  
1166 (i) the owner cohabitant's name, address, and phone number;  
1167 (ii) the firearm serial number and the make and model of each firearm committed; and  
1168 (iii) the date that the firearm was voluntarily committed;  
1169 (b) require the cohabitant to sign a document attesting that the cohabitant resides in the  
1170 home;  
1171 (c) hold the firearm in safe custody:  
1172 (i) for 60 days after the day on which the firearm is voluntarily committed; or  
1173 (ii)(A) for an owner described in Subsection (2)(b), during the time the jail  
1174 release agreement or jail release court order is in effect; and  
1175 (B) for 60 days after the day on which the jail release agreement or jail release  
1176 court order expires; and  
1177 (d) upon proof of identification, return the firearm to:  
1178 (i)(A) the owner cohabitant after the expiration of the 60-day period; or  
1179 (B) if the owner cohabitant requests return of the firearm before the expiration of  
1180 the 60-day period, at the time of the request; or  
1181 (ii) an owner other than the owner cohabitant in accordance with Section [~~53-5e-202~~]  
1182 53-5a-503.

- 1183 (4) The law enforcement agency shall hold the firearm for an additional 60 days:  
 1184 (a) if the initial 60-day period expires; and  
 1185 (b) the cohabitant or owner cohabitant requests that the law enforcement agency hold the  
 1186 firearm for an additional 60 days.
- 1187 (5) A law enforcement agency may not request or require that the owner cohabitant provide  
 1188 the name or other information of the cohabitant who poses an immediate threat or any  
 1189 other cohabitant.
- 1190 (6) Notwithstanding an ordinance or policy to the contrary adopted in accordance with  
 1191 Section 63G-2-701, a law enforcement agency shall destroy a record created under  
 1192 Subsection (3), Subsection [~~53-5c-202(3)(b)(iii)~~] 53-5a-503(3)(b)(iii), or any other  
 1193 record created in the application of this chapter immediately, if practicable, but no later  
 1194 than five days after immediately upon the:  
 1195 (a) return of a firearm in accordance with Subsection (3)(d); or  
 1196 (b) disposal of the firearm in accordance with Section [~~53-5c-202~~] 53-5a-503.
- 1197 (7) Unless otherwise provided, the provisions of Title 77, Chapter 11d, Lost or Mislaid  
 1198 Property, do not apply to a firearm received by a law enforcement agency in accordance  
 1199 with this [~~chapter~~] part.
- 1200 (8) A law enforcement agency shall adopt a policy for the safekeeping of a firearm held in  
 1201 accordance with this [~~chapter~~] part.
- 1202 (9) The department shall create a pamphlet to be distributed by a law enforcement officer  
 1203 under Section 77-36-2.1 that includes information about a cohabitant's or owner  
 1204 cohabitant's ability to have the owner cohabitant's firearm committed to a law  
 1205 enforcement agency for safekeeping in accordance with this section.

1206 Section 28. Section **53-5a-503**, which is renumbered from Section 53-5c-202 is renumbered  
 1207 and amended to read:

1208 **~~[53-5c-202]~~ 53-5a-503 . Illegal firearms confiscated -- Disposition of unclaimed firearm.**

- 1209 (1) If a law enforcement agency receives a firearm in accordance with Section 53-5c-201,  
 1210 and the firearm is an illegal firearm, the law enforcement agency shall:  
 1211 (a) notify the owner cohabitant attempting to voluntarily commit the firearm that the  
 1212 firearm is an illegal firearm; and  
 1213 (b) confiscate the firearm and dispose of the firearm in accordance with Section  
 1214 77-11a-403.
- 1215 (2)(a) If a law enforcement agency cannot, after a reasonable attempt, locate an owner  
 1216 cohabitant to return a firearm in accordance with Section [~~53-5c-201~~] 53-5a-502, the

- 1217 law enforcement agency shall dispose of the firearm in accordance with Section  
 1218 77-11a-403.
- 1219 (b) A law enforcement agency may not dispose of a firearm under Subsection (2)(a)  
 1220 before one year after the day on which the cohabitant initially voluntarily committed  
 1221 the firearm in accordance with Section ~~[53-5e-201]~~ 53-5a-502.
- 1222 (3)(a) If ~~[a-person]~~ an individual other than an owner cohabitant claims ownership of  
 1223 the firearm, the ~~[person]~~ individual may:
- 1224 (i) request that the law enforcement agency return the firearm in accordance with  
 1225 Subsection (3)(b); or
- 1226 (ii) petition the court for the firearm's return in accordance with Subsection (3)(c).
- 1227 (b) Except as provided in Section ~~[53-5e-201]~~ 53-5a-502, the law enforcement agency  
 1228 shall return a firearm to ~~[a-person]~~ an individual other than an owner cohabitant who  
 1229 claims ownership of the firearm if:
- 1230 (i) the 60-day period described in Section ~~[53-5e-201]~~ 53-5a-502 has expired;  
 1231 (ii) the ~~[person]~~ individual provides identification; and  
 1232 (iii) the ~~[person]~~ individual signs a document attesting that the ~~[person]~~ individual has  
 1233 an ownership interest in the firearm.
- 1234 (c) After sufficient notice is given to the prosecutor, the court may order that the firearm  
 1235 be:
- 1236 (i) returned to the rightful owner as determined by the court; or  
 1237 (ii) disposed of in accordance with Section 77-11a-403.
- 1238 (d) A law enforcement agency shall return a firearm ordered returned to the rightful  
 1239 owner as expeditiously as possible after a court determination.
- 1240 Section 29. Section **53-5a-504**, which is renumbered from Section 53-5c-301 is renumbered  
 1241 and amended to read:
- 1242 **~~[53-5e-301]~~ 53-5a-504 . Voluntary restrictions on firearm purchase and possession.**
- 1243 (1) An individual who is not a restricted person under Section ~~[76-10-503]~~ 76-11-302 or  
 1244 76-11-303 may voluntarily request to be restricted from the purchase or possession of  
 1245 firearms.
- 1246 (2) An individual requesting to be restricted under Subsection (1) may request placement on  
 1247 one of the following restricted lists:
- 1248 (a) a restricted list that:
- 1249 (i) restricts the individual from purchasing or possessing a firearm for 180 days with  
 1250 automatic removal of the individual from the restricted list at the end of the 180

- 1251 days; and
- 1252 (ii) allows the individual to request removal 30 days after the day on which the
- 1253 individual is added to the restricted list; or
- 1254 (b) a restricted list that:
- 1255 (i) restricts the individual from purchasing or possessing a firearm indefinitely; and
- 1256 (ii) allows the individual to request removal 90 days after the day on which the
- 1257 individual is added to the restricted list.
- 1258 (3)(a) Subject to Subsections (8) and (9), the bureau shall develop a process and forms
- 1259 for inclusion on, and removal from, a restricted list as described in Subsection (2) to
- 1260 be maintained by the bureau.
- 1261 (b) The bureau shall make the forms for inclusion and removal available by download
- 1262 through the bureau's website and require, at a minimum, the following information
- 1263 for the individual described in Subsection (1):
- 1264 (i) name;
- 1265 (ii) address;
- 1266 (iii) date of birth;
- 1267 (iv) contact information;
- 1268 (v) signature; and
- 1269 (vi)(A) if the individual is entered on the restricted list as described in Subsection
- 1270 (2)(a), an acknowledgment of the statement in Subsection (8)(a); or
- 1271 (B) if the individual is entered on the restricted list as described in Subsection
- 1272 (2)(b), an acknowledgment of the statement in Subsection (8)(b).
- 1273 (4)(a) An individual requesting inclusion on a restricted list under Subsection (2) shall:
- 1274 (i) deliver the completed form in person to a law enforcement agency; or
- 1275 (ii) direct the individual's health care provider under Section [~~53-5e-302~~] 53-5a-505
- 1276 to electronically deliver the individual's request to the bureau.
- 1277 (b) The law enforcement agency described in Subsection (4)(a)(i):
- 1278 (i) shall verify the individual's identity before accepting the form;
- 1279 (ii) may not accept a form from someone other than the individual named on the
- 1280 form; and
- 1281 (iii) shall transmit the form electronically to the bureau through the Utah Criminal
- 1282 Justice Information System.
- 1283 (5) Upon receipt of a verified form provided under this section or Section [~~53-5e-302~~]
- 1284 53-5a-505 requesting inclusion on a restricted list, the bureau shall, within 24 hours, add

1285 the individual's name to the restricted list.

1286 (6)(a) For an individual added to the restricted list described in Subsection (2)(a):

1287 (i) the individual may not request removal from the restricted list unless the

1288 individual has been on the restricted list for at least 30 days;

1289 (ii) the bureau shall remove the individual from the restricted list 180 days after the

1290 day on which the individual was added to the restricted list, unless the individual:

1291 (A) requests to be removed from the restricted list after 30 days;

1292 (B) requests to remain on the restricted list; or

1293 (C) directs the individual's health care provider to request that the individual

1294 remain on the restricted list;

1295 (iii) a request for an extension shall be made in the same manner as the original

1296 request; and

1297 (iv) the individual may continue to request, or direct the individual's health care

1298 provider to continue to request, extensions every 180 days.

1299 (b) For an individual added to a restricted list under Subsection (2)(b), the individual:

1300 (i) may not request removal from the restricted list unless the individual has been on

1301 the restricted list for at least 90 days; and

1302 (ii) shall remain on the restricted list, unless the bureau receives a request from the

1303 individual to have the individual's name removed from the restricted list.

1304 (7) If an individual restricted under this section is a concealed firearm permit holder, the

1305 individual's permit shall be:

1306 (a) suspended upon entry on the restricted list; and

1307 (b) reinstated upon removal from the restricted list, unless:

1308 (i) the permit has been revoked, been suspended for a reason other than under this

1309 section, or has expired; or

1310 (ii) the individual has become a restricted person under Section [76-10-503]

1311 76-11-302 or 76-11-303.

1312 (8)(a) The form for an individual seeking to be placed on the restricted list described in

1313 Subsection (2)(a) shall have the following language prominently displayed before the signature:

1314

#### "ACKNOWLEDGMENT

1315 By presenting this completed form to a law enforcement agency, I understand that I am

1316 requesting that my name be placed on a restricted list that restricts my ability to purchase or

1317 possess firearms for a minimum of 30 days, and up to 6 months. I understand that by

1318 voluntarily making myself a temporarily restricted person, I may not have a firearm in my  
1319 possession and any attempt to purchase a firearm while I am on the restricted list will be  
1320 declined. I also understand that any time after 30 days, I may request removal from the  
1321 restricted list and all previous rights will be restored. In addition, if I am in possession of a  
1322 valid concealed firearm permit, my permit will be suspended during the time I am on the  
1323 restricted list, but will be reinstated upon my removal, unless the permit has expired, been  
1324 revoked, been suspended for another reason, or I become ineligible to possess a firearm.  
1325 Additionally, I acknowledge that if I possess a firearm or attempt to purchase a firearm while  
1326 outside Utah, I will be subject to the law of that location regarding restricted persons."

1327 (b) The form for an individual seeking to be placed on the restricted list described in  
1328 Subsection (2)(b) shall have the following language prominently displayed before the  
1329 signature:  
1330

"ACKNOWLEDGMENT

1331 By presenting this completed form to a law enforcement agency, I understand that I am  
1332 requesting that my name be placed on a restricted list that restricts my ability to purchase or  
1333 possess firearms indefinitely. I understand that by voluntarily making myself a temporarily  
1334 restricted person, I may not have a firearm in my possession and any attempt to purchase a  
1335 firearm while I am on the restricted list will be declined. I also understand that any time after  
1336 90 days, I may request removal from the restricted list and all previous rights will be restored.  
1337 In addition, if I am in possession of a valid concealed firearm permit, my permit will be  
1338 suspended during the time I am on the restricted list, but will be reinstated upon my removal,  
1339 unless the permit has expired, been revoked, been suspended for another reason, or I become  
1340 ineligible to possess a firearm. Additionally, I acknowledge that if I possess a firearm or  
1341 attempt to purchase a firearm while outside Utah, I will be subject to the law of that location  
1342 regarding restricted persons."

1343 (9)(a) An individual requesting removal from a restricted list shall deliver a completed  
1344 removal form in person to:

- 1345 (i) the law enforcement agency that processed the inclusion form if the individual  
1346 was placed on the restricted list under Subsection (4)(a)(i); or  
1347 (ii) the individual's local law enforcement agency if the individual was placed on the  
1348 restricted list under Subsection (4)(a)(ii).

1349 (b) The law enforcement agency described in Subsection (9)(a):

- 1350 (i) shall verify the individual's identity before accepting the form;



1351 (ii) may not accept a removal form from someone other than the individual named on  
1352 the form; and

1353 (iii) shall transmit the removal form electronically to the bureau through the Utah  
1354 Criminal Justice Information System.

1355 (10) Upon receipt of a verified removal form, the bureau shall, after three business days,  
1356 remove the individual from the restricted list and remove the information from the  
1357 National Instant Criminal Background Check System.

1358 (11) For an individual added to the restricted list under Subsection (2)(a), within 30 days  
1359 before the 180-day removal deadline, the bureau shall notify the individual at the  
1360 address listed on the inclusion form described in Subsection (4) and, if applicable, the  
1361 law enforcement agency that processed the inclusion form, that the individual is due to  
1362 be removed from the restricted list, and the date on which the removal will occur, unless  
1363 the individual requests an extension of up to 180 days.

1364 (12)(a) A law enforcement agency that receives a request for inclusion under  
1365 Subsection (4)(a)(i) shall:

1366 (i) maintain the completed form and all subsequent completed forms in a separate  
1367 file; and

1368 (ii) for an individual added to the restricted list under Subsection (2)(a), destroy the  
1369 entire file within five days after the date indicated in the notification if the  
1370 individual does not request an extension after notification in accordance with  
1371 Subsection (11).

1372 (b) A law enforcement agency that receives a removal request under Subsection (9) shall  
1373 destroy the entire file associated with the individual within five days after the day on  
1374 which the information is transmitted to the bureau.

1375 (c) Upon removal of an individual from a restricted list, the bureau shall destroy all  
1376 records related to the inclusion and removal of the individual within five days after  
1377 the day on which the individual was removed.

1378 (d) All forms and records created in accordance with this section are classified as private  
1379 records in accordance with Title 63G, Chapter 2, Government Records Access and  
1380 Management Act.

1381 (13) The bureau may make rules in accordance with Title 63G, Chapter 3, Utah  
1382 Administrative Rulemaking Act, to develop the process and forms to implement this  
1383 section.

1384 Section 30. Section **53-5a-505**, which is renumbered from Section 53-5c-302 is renumbered

1385 and amended to read:

1386 ~~[53-5e-302]~~ **53-5a-505 . Assistance from a health care provider -- Restricted list.**

1387 (1) An individual who is not a restricted person under Section ~~[76-10-503]~~ 76-11-302 or

1388 76-11-303 and is seeking inclusion on a restricted list under Section ~~[53-5e-301]~~

1389 53-5a-504 may direct the individual's health care provider to electronically deliver the

1390 individual's inclusion request described in Section ~~[53-5e-301]~~ 53-5a-504 to the bureau.

1391 (2) In addition to the inclusion form described in Section ~~[53-5e-301]~~ 53-5a-504, the bureau

1392 shall create a form, available by download through the bureau's website, for:

1393 (a) an individual who is directing a health care provider to electronically deliver the

1394 individual's inclusion request and require, at a minimum, the following information:

1395 (i) the individual's signature;

1396 (ii) the name of the individual's health care provider; and

1397 (iii) the individual's acknowledgment of the statement in Subsection (4)(a); and

1398 (b) a health care provider who is delivering an individual's inclusion request and require,

1399 at a minimum, the following information for the health care provider:

1400 (i) the health care provider's name;

1401 (ii) the name of the health care provider's organization;

1402 (iii) the health care provider's license or certification, including the license or

1403 certification number;

1404 (iv) the health care provider's signature; and

1405 (v) the health care provider's acknowledgment of the statement in Subsection (4)(b).

1406 (3)(a) An individual who is directing a health care provider to electronically deliver the

1407 individual's request to be included on a restricted list shall, in the presence of the

1408 health care provider, complete the forms described in Section ~~[53-5e-301]~~ 53-5a-504

1409 and Subsection (2)(a).

1410 (b) The health care provider:

1411 (i) shall verify the individual's identity before accepting the forms;

1412 (ii) may not accept forms from someone other than the individual named on the

1413 forms;

1414 (iii) shall complete the form described in Subsection (2)(b); and

1415 (iv) shall deliver the request to the bureau electronically and maintain a copy of the

1416 completed request in the individual's health record.

1417 (4)(a) The form described in Subsection (2)(a) shall have the following language prominently

1418 displayed before the signature:

1419

## "ACKNOWLEDGMENT

1420 By presenting this completed form to my health care provider, I understand that I am  
 1421 requesting that my health care provider present my name to the Bureau of Criminal  
 1422 Identification to be placed on a restricted list that restricts my ability to purchase or possess  
 1423 firearms."

1424 (b) The form described in Subsection (2)(b) shall have the following language prominently  
 1425 displayed before the signature:

1426

## "ACKNOWLEDGMENT

1427 By presenting this completed form to the Bureau of Criminal Identification, I understand  
 1428 that I am acknowledging that I have verified the identity of [name of individual seeking  
 1429 inclusion on a restricted list] and have witnessed [name of individual] sign the form requesting  
 1430 that [name of individual] be placed on a restricted list that restricts [name of individual]'s  
 1431 ability to purchase or possess firearms. I affirm that [name of individual] is currently my  
 1432 patient, and I am a licensed health care provider acting within the scope of my license,  
 1433 certification, practice, education, or training."

1434 (5) The bureau may make rules in accordance with Title 63G, Chapter 3, Utah  
 1435 Administrative Rulemaking Act, to develop the process and forms to implement this  
 1436 section.

1437 Section 31. Section **53-5a-601** is enacted to read:

1438

**Part 6. Sale and Purchase of a Firearm****53-5a-601 . Definitions.**

1440 As used in this part:

- 1441 (1) "Antique firearm" means the same as that term is defined in Section 53-5a-102.1.  
 1442 (2) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201  
 1443 within the department.  
 1444 (3) "Criminal history background check" means a criminal background check conducted  
 1445 through the bureau or a local law enforcement agency.  
 1446 (4) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.  
 1447 (5) "Dealer" means a person who is:  
 1448 (a) licensed under 18 U.S.C. Sec. 923; and  
 1449 (b) engaged in the business of selling, leasing, or otherwise transferring a handgun,

- 1450            whether the person is a retail or wholesale dealer, pawnbroker, or otherwise.
- 1451    (6) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 1452    (7) "Federal firearms licensee" means a person who:
- 1453            (a) holds a valid federal firearms license issued under 18 U.S.C. Sec. 923; and
- 1454            (b) is engaged in the activities authorized by the specific category of license held.
- 1455    (8)(a) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle, or short
- 1456            barreled rifle, or a device that could be used as a dangerous weapon from which is
- 1457            expelled a projectile by action of an explosive.
- 1458            (b) "Firearm" does not include an antique firearm.
- 1459    (9)(a) "Short barreled rifle" means a rifle having a barrel or barrels of fewer than 16
- 1460            inches in length.
- 1461            (b) "Short barreled rifle" includes a dangerous weapon made from a rifle by alteration,
- 1462            modification, or otherwise, if the weapon as modified has an overall length of fewer
- 1463            than 26 inches.
- 1464    (10)(a) "Short barreled shotgun" means a shotgun having a barrel or barrels of fewer
- 1465            than 18 inches in length.
- 1466            (b) "Short barreled shotgun" includes a dangerous weapon made from a shotgun by
- 1467            alteration, modification, or otherwise, if the weapon as modified has an overall length
- 1468            of fewer than 26 inches.
- 1469    (11) "Shotgun" means a smooth bore firearm designed to fire cartridges containing pellets
- 1470            or a single slug.
- 1471    (12) "Slug" means a single projectile discharged from a shotgun shell.
- 1472            Section 32. Section **53-5a-602**, which is renumbered from Section 76-10-526 is renumbered
- 1473    and amended to read:
- 1474            **[76-10-526] 53-5a-602 . Criminal background check prior to purchase of a firearm -- Fee --**
- 1475    **Exemption for concealed firearm permit holders and law enforcement officers.**
- 1476    [~~(1) For purposes of this section, "valid permit to carry a concealed firearm" does not~~
- 1477            ~~include a temporary permit issued under Section 53-5-705.]~~
- 1478    [~~(2)] (1)(a) To establish personal identification and residence in this state for purposes of~~
- 1479            ~~this part, a dealer shall require an individual receiving a firearm to present one photo~~
- 1480            ~~identification on a form issued by a governmental agency of the state.~~
- 1481            (b) A dealer may not accept a driving privilege card issued under Section 53-3-207 as
- 1482            proof of identification for the purpose of establishing personal identification and
- 1483            residence in this state as required under this Subsection [~~(2)] (1).~~

- 1484 [(3)] (2)(a) A criminal history background check is required for the sale of a firearm by a  
1485 licensed firearm dealer in the state.
- 1486 (b) Subsection [(3)(a)] (2)(a) does not apply to the sale of a firearm to a Federal Firearms  
1487 Licensee.
- 1488 [(4)] (3)(a) An individual purchasing a firearm from a dealer shall consent in writing to a  
1489 criminal background check, on a form provided by the bureau.
- 1490 (b) The form shall contain the following information:
- 1491 (i) the dealer identification number;
- 1492 (ii) the name and address of the individual receiving the firearm;
- 1493 (iii) the date of birth, height, weight, eye color, and hair color of the individual  
1494 receiving the firearm; and
- 1495 (iv) the social security number or any other identification number of the individual  
1496 receiving the firearm.
- 1497 [(5)] (4)(a) The dealer shall send the information required by Subsection [(4)] (3) to the  
1498 bureau immediately upon its receipt by the dealer.
- 1499 (b) A dealer may not sell or transfer a firearm to an individual until the dealer has  
1500 provided the bureau with the information in Subsection [(4)] (3) and has received  
1501 approval from the bureau under Subsection [(7)] (6).
- 1502 [(6)] (5) The dealer shall make a request for criminal history background information by  
1503 telephone or other electronic means to the bureau and shall receive approval or denial of  
1504 the inquiry by telephone or other electronic means.
- 1505 [(7)] (6) When the dealer calls for or requests a criminal history background check, the  
1506 bureau shall:
- 1507 (a) review the criminal history files, including juvenile court records, and the temporary  
1508 restricted file created under Section [53-5e-301] 53-5a-504, to determine if the  
1509 individual is prohibited from purchasing, possessing, or transferring a firearm by  
1510 state or federal law;
- 1511 (b) inform the dealer that:
- 1512 (i) the records indicate the individual is prohibited; or
- 1513 (ii) the individual is approved for purchasing, possessing, or transferring a firearm;
- 1514 (c) provide the dealer with a unique transaction number for that inquiry; and
- 1515 (d) provide a response to the requesting dealer during the call for a criminal background  
1516 check, or by return call, or other electronic means, without delay, except in case of  
1517 electronic failure or other circumstances beyond the control of the bureau, the bureau

1518 shall advise the dealer of the reason for the delay and give the dealer an estimate of  
1519 the length of the delay.

1520 ~~[(8)]~~ (7)(a) The bureau may not maintain any records of the criminal history background  
1521 check longer than 20 days from the date of the dealer's request, if the bureau  
1522 determines that the individual receiving the firearm is not prohibited from  
1523 purchasing, possessing, or transferring the firearm under state or federal law.

1524 (b) However, the bureau shall maintain a log of requests containing the dealer's federal  
1525 firearms number, the transaction number, and the transaction date for a period of 12  
1526 months.

1527 ~~[(9)]~~ (8)(a) If the criminal history background check discloses information indicating  
1528 that the individual attempting to purchase the firearm is prohibited from purchasing,  
1529 possessing, or transferring a firearm, the bureau shall:

1530 (i) within 24 hours after determining that the purchaser is prohibited from purchasing,  
1531 possessing, or transferring a firearm, notify the law enforcement agency in the  
1532 jurisdiction where the dealer is located; and

1533 (ii) inform the law enforcement agency in the jurisdiction where the individual  
1534 resides.

1535 (b) Subsection ~~[(9)(a)]~~ (8)(a) does not apply to an individual prohibited from purchasing  
1536 a firearm solely due to placement on the temporary restricted list under Section [  
1537 ~~53-5e-301~~] 53-5a-504.

1538 (c) A law enforcement agency that receives information from the bureau under  
1539 Subsection ~~[(9)(a)]~~ (8)(a) shall provide a report before August 1 of each year to the  
1540 bureau that includes:

1541 (i) based on the information the bureau provides to the law enforcement agency under  
1542 Subsection ~~[(9)(a)]~~ (8)(a), the number of cases that involve an individual who is  
1543 prohibited from purchasing, possessing, or transferring a firearm as a result of a  
1544 conviction for an offense involving domestic violence; and

1545 (ii) of the cases described in Subsection ~~[(9)(e)(i)]~~ (8)(c)(i):

1546 (A) the number of cases the law enforcement agency investigates; and

1547 (B) the number of cases the law enforcement agency investigates that result in a  
1548 criminal charge.

1549 (d) The bureau shall:

1550 (i) compile the information from the reports described in Subsection ~~[(9)(e)]~~ (8)(c);

1551 (ii) omit or redact any identifying information in the compilation; and

- 1552 (iii) submit the compilation to the Law Enforcement and Criminal Justice Interim  
1553 Committee before November 1 of each year.
- 1554 ~~[(10)]~~ (9) If an individual is denied the right to purchase a firearm under this section, the  
1555 individual may review the individual's criminal history information and may challenge  
1556 or amend the information as provided in Section 53-10-108.
- 1557 ~~[(11)]~~ (10) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah  
1558 Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of  
1559 all records provided by the bureau under this part are in conformance with the  
1560 requirements of the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107  
1561 Stat. 1536 (1993).
- 1562 ~~[(12)]~~ (11)(a) A dealer shall collect a criminal history background check fee for the sale  
1563 of a firearm under this section.
- 1564 (b) The fee described under Subsection ~~[(12)(a)]~~ (11)(a) remains in effect until changed  
1565 by the bureau through the process described in Section 63J-1-504.
- 1566 (c)(i) The dealer shall forward at one time all fees collected for criminal history  
1567 background checks performed during the month to the bureau by the last day of  
1568 the month following the sale of a firearm.
- 1569 (ii) The bureau shall deposit the fees in the General Fund as dedicated credits to  
1570 cover the cost of administering and conducting the criminal history background  
1571 check program.
- 1572 ~~[(13)]~~ (12)(a) An individual with a concealed firearm permit issued under Section  
1573 53-5a-303 or a provisional concealed firearm permit issued under [Title 53, Chapter  
1574 5, Part 7, Concealed Firearm Act,] Section 53-5a-304 is exempt from the background  
1575 check and corresponding fee required in this section for the purchase of a firearm if:  
1576 ~~[(a)]~~ (i) the individual presents the individual's concealed firearm permit to the dealer  
1577 prior to purchase of the firearm; and  
1578 ~~[(b)]~~ (ii) the dealer verifies with the bureau that the individual's concealed firearm  
1579 permit is valid.
- 1580 (b) An individual with a temporary permit to carry a concealed firearm issued under  
1581 Section 53-5a-305 is not exempt from a background check and the corresponding fee  
1582 required in this section for the purchase of a firearm.
- 1583 ~~[(14)]~~ (13)(a) A law enforcement officer, as defined in Section 53-13-103, is exempt  
1584 from the background check fee required in this section for the purchase of a personal  
1585 firearm to be carried while off-duty if the law enforcement officer verifies current

1586 employment by providing a letter of good standing from the officer's commanding  
1587 officer and current law enforcement photo identification.

1588 (b) Subsection [(14)(a)] (13)(a) may only be used by a law enforcement officer to  
1589 purchase a personal firearm once in a 24-month period.

1590 [(15)] (14) A dealer engaged in the business of selling, leasing, or otherwise transferring a  
1591 firearm shall:

1592 (a) make the firearm safety brochure described in Subsection 26B-5-211(3) available to  
1593 a customer free of charge; and

1594 (b) at the time of purchase, distribute a cable-style gun lock provided to the dealer under  
1595 Subsection 26B-5-211(3) to a customer purchasing a shotgun, short barreled shotgun,  
1596 short barreled rifle, rifle, or another firearm that federal law does not require be  
1597 accompanied by a gun lock at the time of purchase.

1598 Section 33. Section **53-5a-603**, which is renumbered from Section 76-10-526.1 is renumbered  
1599 and amended to read:

1600 ~~[76-10-526.1]~~ **53-5a-603 . Information check before private sale of firearm.**

1601 (1) As used in this section:

1602 (a) "Governmental entity" means the state and the state's political subdivisions.

1603 (b) "Law enforcement agency" means the same as that term is defined in Section  
1604 53-1-102.

1605 (c) "Personally identifiable information" means the same as that term is defined in  
1606 Section 63D-2-102.

1607 (2) Subject to Subsections (3) and (4), the bureau shall create an online process that allows  
1608 an individual who is selling or purchasing a firearm to voluntarily determine:

1609 (a) if the other individual involved in the sale of the firearm has a valid concealed carry  
1610 permit issued under Section 53-5a-303, provisional concealed carry permit issued  
1611 under Section 53-5a-304, or a temporary concealed carry permit issued under Section  
1612 53-5a-305; or

1613 (b) based on the serial number of the firearm, if the firearm is reported as stolen.

1614 (3) Subsection (2) does not apply to a federal firearms licensee or dealer.

1615 (4) The bureau may not:

1616 (a) provide information related to a request under Subsection (2) to a law enforcement  
1617 agency; or

1618 (b) collect a user's personally identifiable information under Subsection (2).

1619 (5) A governmental entity may not require an individual who is selling or purchasing a



1620 firearm to use the process under Subsection (2).

1621 (6) If an individual uses the process under Subsection (2), the individual is not required,  
1622 based on the information the individual receives from the bureau, to make a report to a  
1623 law enforcement agency.

1624 (7) After responding to a request under Subsection (2), the bureau shall immediately  
1625 dispose of all information related to the request.

1626 (8)(a) This section does not create a civil cause of action arising from the sale or  
1627 purchase of a firearm under this section.

1628 (b) An individual's failure to use the process under Subsection (2) is not evidence of the  
1629 individual's negligence in a civil cause of action.

1630 Section 34. Section **53-5a-604**, which is renumbered from Section 76-10-527 is renumbered  
1631 and amended to read:

1632 **~~[76-10-527]~~ 53-5a-604 . Penalties.**

1633 (1) A dealer is guilty of a class A misdemeanor ~~[who]~~ if the dealer willfully and  
1634 intentionally:

1635 (a) requests, obtains, or seeks to obtain criminal history background information under  
1636 false pretenses;

1637 (b) disseminates criminal history background information; or

1638 (c) violates Section ~~[76-10-526]~~ 53-5a-602.

1639 (2) ~~[A person]~~ An individual who purchases or transfers a firearm is guilty of a ~~[felony of~~  
1640 ~~the]~~ third degree felony if the ~~[person]~~ individual willfully and intentionally makes a  
1641 false statement of the information required for a criminal background check in Section [  
1642 ~~76-10-526]~~ 53-5a-602.

1643 (3) Except as otherwise provided in Subsection (1), a dealer is guilty of a ~~[felony of the]~~  
1644 third degree felony if the dealer willfully and intentionally sells or transfers a firearm in  
1645 violation of this part or Title 76, Chapter 11, Weapons.

1646 (4) ~~[A person]~~ An individual is guilty of a ~~[felony of the]~~ third degree felony if the ~~[person]~~  
1647 individual purchases a firearm with the intent to:

1648 (a) resell or otherwise provide a firearm to ~~[a person]~~ an individual who is ineligible to  
1649 purchase or receive a firearm from a dealer; or

1650 (b) transport a firearm out of this state to be resold to an ineligible ~~[person]~~ individual.

1651 Section 35. Section **53-5a-605**, which is renumbered from Section 76-10-524 is renumbered  
1652 and amended to read:

1653 **~~[76-10-524]~~ 53-5a-605 . Purchase of firearms pursuant to federal law.**

1654 This part [~~will allow purchases~~] allows the purchase of firearms and ammunition  
 1655 pursuant to U.S.C. Title 18 Chapter 44 Sec. 922b(3).

1656 Section 36. Section **53B-3-103** is amended to read:

1657 **53B-3-103 . Power of board and institutions to adopt rules and enact regulations.**

1658 (1) As used in this section[;] :

1659 (a) "Face covering" means the same as that term is defined in Section 53G-9-210.

1660 (b) [~~"institution"~~] "Institution" means an institution listed in Section 53B-1-102.

1661 (2)(a) The board may enact regulations governing the conduct of university and college  
 1662 students, faculty, and employees.

1663 (b) A president in consultation with the board of trustees, may enact policies governing  
 1664 the conduct of university and college students, faculty, and employees.

1665 (3)(a) An institution may enact traffic, parking, and related policies governing all  
 1666 individuals on campus and facilities owned or controlled by the institution.

1667 (b)(i) The board and an institution may not require proof of vaccination as a  
 1668 condition for enrollment or attendance within the system of higher education  
 1669 unless the board or an institution allows for the following exemptions:

1670 (A) a medical exemption if the student provides to the institution a statement that  
 1671 the claimed exemption is for a medical reason; and

1672 (B) a personal exemption if the student provides to the institution a statement that  
 1673 the claimed exemption is for a personal or religious belief.

1674 (ii) An institution that offers both remote and in-person learning options may not  
 1675 deny a student who is exempt from a requirement to receive a vaccine under  
 1676 Subsection [~~(2)(b)(i)~~] (3)(b)(i) to participate in an in-person learning option based  
 1677 upon the student's vaccination status.

1678 (iii) Subsections [~~(2)(b)(i)~~] (3)(b)(i) and (ii) do not apply to a student studying in a  
 1679 medical setting at an institution of higher education.

1680 (iv) Nothing in this section restricts a state or local health department from acting  
 1681 under applicable law to contain the spread of an infectious disease.

1682 (c)[~~(i) For purposes of this Subsection (2)(e), "face covering" means the same as~~  
 1683 ~~that term is defined in Section 53G-9-210.~~]

1684 [~~(ii)~~] (i) The board or an institution may not require an individual to wear a face  
 1685 covering as a condition of attendance for in-person instruction,  
 1686 institution-sponsored athletics, institution-sponsored extracurricular activities, in  
 1687 dormitories, or in any other place on a campus of an institution within the system

- 1688 of higher education at any time after the end of the spring semester in 2021.
- 1689 [(iii)] (ii) Subsection [(2)(e)(ii)] (3)(c)(i) does not apply to an individual in a medical  
1690 setting at an institution of higher education.
- 1691 (4) The board shall enact regulations that require all testimony be given under oath during  
1692 an employee grievance hearing for a non-faculty employee of an institution of higher  
1693 education if the grievance hearing relates to the non-faculty employee's:
- 1694 (a) demotion; or  
1695 (b) termination.
- 1696 (5) Acknowledging that the Legislature has the authority to regulate, by law, firearms at  
1697 higher education institutions, the board may:
- 1698 (a) authorize higher education institutions to establish no more than one secure area at  
1699 each institution as a hearing room in accordance with Section 76-8-311.1, but not  
1700 otherwise restrict the lawful possession or carrying of firearms; and
- 1701 (b) authorize a higher education institution to make a policy that allows a resident of a  
1702 dormitory located at the institution to request only roommates who ~~[are not licensed~~  
1703 ~~to carry a concealed firearm under Section 53-5-704 or 53-5-705]~~ choose not to  
1704 lawfully possess firearms in the resident's dormitory as allowed in Section  
1705 53-5a-102.3.
- 1706 (6) In addition to the requirements and penalty prescribed in Sections 76-8-311.1 and  
1707 76-8-311.2, the board shall make rules to ensure:
- 1708 (a) the use of reasonable means such as mechanical, electronic, x-ray, or similar devices,  
1709 to detect firearms, ammunition, or dangerous weapons contained in the personal  
1710 property of or on the person of any individual attempting to enter a secure area  
1711 hearing room;
- 1712 (b) that an individual required or requested to attend a hearing in a secure area hearing  
1713 room is notified in writing of the requirements related to entering a secure area  
1714 hearing room under this Subsection (6)(b) and Section 76-8-311.1;
- 1715 (c) that the restriction of firearms, ammunition, or dangerous weapons in the secure area  
1716 hearing room is in effect only during the time the secure area hearing room is in use  
1717 for hearings and for a reasonable time before and after the hearing; and
- 1718 (d) the application of reasonable space limitations to the secure area hearing room as the  
1719 number of individuals involved in a typical hearing warrants.
- 1720 (7) The board and institutions may enforce the rules, regulations, and policies described in  
1721 this section in any reasonable manner, including the assessment of fees, fines, and

- 1722 forfeitures, through:
- 1723 (a) withholding from money owed the violator;
- 1724 (b) the imposition of probation, suspension, or expulsion from the institution;
- 1725 (c) the revocation of privileges;
- 1726 (d) the refusal to issue certificates, degrees, and diplomas;
- 1727 (e) judicial process; or
- 1728 (f) any reasonable combination of the alternatives described in this Subsection (7).
- 1729 Section 37. Section **63I-1-253** is amended to read:
- 1730 **63I-1-253 . Repeal dates: Titles 53 through 53G.**
- 1731 (1) Section 53-1-122, Road Rage Awareness and Prevention Restricted Account, is
- 1732 repealed July 1, 2028.
- 1733 (2) Section 53-2a-105, Emergency Management Administration Council created --
- 1734 Function -- Composition -- Expenses, is repealed July 1, 2029.
- 1735 (3) Section 53-2a-1103, Search and Rescue Advisory Board -- Members -- Compensation,
- 1736 is repealed July 1, 2027.
- 1737 (4) Section 53-2a-1104, General duties of the Search and Rescue Advisory Board, is
- 1738 repealed July 1, 2027.
- 1739 (5) Title 53, Chapter 2a, Part 15, Grid Resilience Committee, is repealed July 1, 2027.
- 1740 (6) Section 53-2d-104, State Emergency Medical Services Committee -- Membership --
- 1741 Expenses, is repealed July 1, 2029.
- 1742 (7) Section 53-2d-703, Volunteer Emergency Medical Service Personnel Health Insurance
- 1743 Program -- Creation -- Administration -- Eligibility -- Benefits -- Rulemaking --
- 1744 Advisory board, is repealed July 1, 2027.
- 1745 (8) Section 53-5-703, Board -- Membership -- Compensation -- Terms -- Duties, is repealed
- 1746 July 1, 2029.
- 1747 (9) Section 53-5a-603, Information check before private sale of firearm, is repealed July 1,
- 1748 2025.
- 1749 [(9)] (10) Section 53-11-104, Board, is repealed July 1, 2029.
- 1750 [(10)] (11) Section 53-22-104.1, School Security Task Force -- Membership -- Duties -- Per
- 1751 diem -- Report -- Expiration, is repealed December 31, 2025.
- 1752 [(11)] (12) Section 53-22-104.2, The School Security Task Force -- Education Advisory
- 1753 Board, is repealed December 31, 2025.
- 1754 [(12)] (13) Subsection 53B-1-301(1)(j), regarding the Higher Education and Corrections
- 1755 Council, is repealed July 1, 2027.

- 1756 [~~(13)~~] (14) Section 53B-7-709, Five-year performance goals, is repealed July 1, 2027.
- 1757 [~~(14)~~] (15) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed  
1758 July 1, 2028.
- 1759 [~~(15)~~] (16) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.
- 1760 [~~(16)~~] (17) Section 53B-17-1203, SafeUT and School Safety Commission established --  
1761 Members, is repealed January 1, 2030.
- 1762 [~~(17)~~] (18) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- 1763 [~~(18)~~] (19) Title 53B, Chapter 18, Part 17, Food Security Council, is repealed July 1, 2027.
- 1764 [~~(19)~~] (20) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure  
1765 Research Center, is repealed July 1, 2028.
- 1766 [~~(20)~~] (21) Title 53B, Chapter 35, Higher Education and Corrections Council, is repealed  
1767 July 1, 2027.
- 1768 [~~(21)~~] (22) Subsection 53C-3-203(4)(b)(vii), regarding the distribution of money from the  
1769 Land Exchange Distribution Account to the Geological Survey for test wells and other  
1770 hydrologic studies in the West Desert, is repealed July 1, 2030.
- 1771 [~~(22)~~] (23) Subsection 53E-1-201(1)(q), regarding the Higher Education and Corrections  
1772 Council, is repealed July 1, 2027.
- 1773 [~~(23)~~] (24) Subsection 53E-2-304(6), regarding foreclosing a private right of action or  
1774 waiver of governmental immunity, is repealed July 1, 2027.
- 1775 [~~(24)~~] (25) Subsection 53E-3-503(5), regarding coordinating councils for youth in care, is  
1776 repealed July 1, 2027.
- 1777 [~~(25)~~] (26) Subsection 53E-3-503(6), regarding coordinating councils for youth in care, is  
1778 repealed July 1, 2027.
- 1779 [~~(26)~~] (27) Subsection 53E-4-202(8)(b), regarding a standards review committee, is repealed  
1780 January 1, 2028.
- 1781 [~~(27)~~] (28) Section 53E-4-203, Standards review committee, is repealed January 1, 2028.
- 1782 [~~(28)~~] (29) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission,  
1783 is repealed July 1, 2033.
- 1784 [~~(29)~~] (30) Subsection 53E-7-207(7), regarding a private right of action or waiver of  
1785 governmental immunity, is repealed July 1, 2027.
- 1786 [~~(30)~~] (31) Section 53F-2-420, Intensive Services Special Education Pilot Program, is  
1787 repealed July 1, 2024.
- 1788 [~~(31)~~] (32) Section 53F-5-214, Grant for professional learning, is repealed July 1, 2025.
- 1789 [~~(32)~~] (33) Section 53F-5-215, Elementary teacher preparation grant, is repealed July 1,

- 1790 2025.
- 1791 [(33)] (34) Section 53F-5-219, Local Innovations Civics Education Pilot Program, is  
1792 repealed July 1, 2025.
- 1793 [(34)] (35) Title 53F, Chapter 10, Part 2, Capital Projects Evaluation Panel, is repealed July  
1794 1, 2027.
- 1795 [(35)] (36) Subsection 53G-4-608(2)(b), regarding the Utah Seismic Safety Commission, is  
1796 repealed January 1, 2025.
- 1797 [(36)] (37) Subsection 53G-4-608(4)(b), regarding the Utah Seismic Safety Commission, is  
1798 repealed January 1, 2025.
- 1799 [(37)] (38) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.
- 1800 Section 38. Section **63I-1-253** is amended to read:
- 1801 **63I-1-253 . Repeal dates: Titles 53 through 53G.**
- 1802 (1) Section 53-1-122, Road Rage Awareness and Prevention Restricted Account, is  
1803 repealed July 1, 2028.
- 1804 (2) Section 53-2a-105, Emergency Management Administration Council created --  
1805 Function -- Composition -- Expenses, is repealed July 1, 2029.
- 1806 (3) Section 53-2a-1103, Search and Rescue Advisory Board -- Members -- Compensation,  
1807 is repealed July 1, 2027.
- 1808 (4) Section 53-2a-1104, General duties of the Search and Rescue Advisory Board, is  
1809 repealed July 1, 2027.
- 1810 (5) Title 53, Chapter 2a, Part 15, Grid Resilience Committee, is repealed July 1, 2027.
- 1811 (6) Section 53-2d-104, State Emergency Medical Services Committee -- Membership --  
1812 Expenses, is repealed July 1, 2029.
- 1813 (7) Section 53-2d-703, Volunteer Emergency Medical Service Personnel Health Insurance  
1814 Program -- Creation -- Administration -- Eligibility -- Benefits -- Rulemaking --  
1815 Advisory board, is repealed July 1, 2027.
- 1816 (8) Section 53-5-703, Board-- Membership -- Compensation -- Terms -- Duties, is repealed  
1817 July 1, 2029.
- 1818 (9) Section 53-5a-603, Information check before private sale of firearm, is repealed July 1,  
1819 2025.
- 1820 [(9)] (10) Section 53-11-104, Board, is repealed July 1, 2029.
- 1821 [(10)] (11) Section 53-22-104.1, School Security Task Force -- Membership -- Duties -- Per  
1822 diem -- Report -- Expiration, is repealed December 31, 2025.
- 1823 [(11)] (12) Section 53-22-104.2, The School Security Task Force -- Education Advisory

- 1824 Board, is repealed December 31, 2025.
- 1825 ~~[(12)]~~ (13) Subsection 53B-1-301(1)(j), regarding the Higher Education and Corrections  
1826 Council, is repealed July 1, 2027.
- 1827 ~~[(13)]~~ (14) Section 53B-7-709, Five-year performance goals, is repealed July 1, 2027.
- 1828 ~~[(14)]~~ (15) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed  
1829 July 1, 2028.
- 1830 ~~[(15)]~~ (16) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.
- 1831 ~~[(16)]~~ (17) Section 53B-17-1203, SafeUT and School Safety Commission established --  
1832 Members, is repealed January 1, 2030.
- 1833 ~~[(17)]~~ (18) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- 1834 ~~[(18)]~~ (19) Title 53B, Chapter 18, Part 17, Food Security Council, is repealed July 1, 2027.
- 1835 ~~[(19)]~~ (20) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure  
1836 Research Center, is repealed July 1, 2028.
- 1837 ~~[(20)]~~ (21) Title 53B, Chapter 35, Higher Education and Corrections Council, is repealed  
1838 July 1, 2027.
- 1839 ~~[(21)]~~ (22) Subsection 53C-3-203(4)(b)(vii), regarding the distribution of money from the  
1840 Land Exchange Distribution Account to the Geological Survey for test wells and other  
1841 hydrologic studies in the West Desert, is repealed July 1, 2030.
- 1842 ~~[(22)]~~ (23) Subsection 53E-1-201(1)(q), regarding the Higher Education and Corrections  
1843 Council, is repealed July 1, 2027.
- 1844 ~~[(23)]~~ (24) Subsection 53E-2-304(6), regarding foreclosing a private right of action or  
1845 waiver of governmental immunity, is repealed July 1, 2027.
- 1846 ~~[(24)]~~ (25) Subsection 53E-3-503(5), regarding coordinating councils for youth in care, are  
1847 repealed July 1, 2027.
- 1848 ~~[(25)]~~ (26) Subsection 53E-3-503(5), regarding coordinating councils for youth in care, is  
1849 repealed July 1, 2027.
- 1850 ~~[(26)]~~ (27) Subsection 53E-4-202(8)(b), regarding a standards review committee, is repealed  
1851 January 1, 2028.
- 1852 ~~[(27)]~~ (28) Section 53E-4-203, Standards review committee, is repealed January 1, 2028.
- 1853 ~~[(28)]~~ (29) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission,  
1854 is repealed July 1, 2033.
- 1855 ~~[(29)]~~ (30) Subsection 53E-7-207(7), regarding a private right of action or waiver of  
1856 governmental immunity, is repealed July 1, 2027.
- 1857 ~~[(30)]~~ (31) Section 53F-2-420, Intensive Services Special Education Pilot Program, is

- 1858 repealed July 1, 2024.
- 1859 [(31)] (32) Section 53F-5-214, Grant for professional learning, is repealed July 1, 2025.
- 1860 [(32)] (33) Section 53F-5-215, Elementary teacher preparation grant, is repealed July 1,  
1861 2025.
- 1862 [(33)] (34) Section 53F-5-219, Local Innovations Civics Education Pilot Program, is  
1863 repealed July 1, 2025.
- 1864 [(34)] (35) Subsection 53F-9-201.1(2)(b)(ii), regarding the use of funds from a loss in  
1865 enrollment for certain fiscal years, is repealed July 1, 2030.
- 1866 [(35)] (36) Title 53F, Chapter 10, Part 2, Capital Projects Evaluation Panel, is repealed July  
1867 1, 2027.
- 1868 [(36)] (37) Subsection 53G-4-608(2)(b), regarding the Utah Seismic Safety Commission, is  
1869 repealed January 1, 2025.
- 1870 [(37)] (38) Subsection 53G-4-608(4)(b), regarding the Utah Seismic Safety Commission, is  
1871 repealed January 1, 2025.
- 1872 [(38)] (39) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.  
1873 Section 39. Section **63I-1-276** is amended to read:  
1874 **63I-1-276 . Repeal dates: Title 76.**
- 1875 [(4)] Subsection 76-7-313(6), regarding a report provided by the Department of Health and  
1876 Human Services, is repealed July 1, 2027.
- 1877 [(2) Section 76-10-526.1, Information check before private sale of firearm, is repealed July  
1878 1, 2025.]
- 1879 Section 40. Section **63I-2-276** is amended to read:  
1880 **63I-2-276 . Repeal dates: Title 76.**
- 1881 (1) Subsection 76-5-102.7(2)(b), regarding assault or threat of violence against an employee  
1882 of a health facility, is repealed January 1, 2027.
- 1883 (2) Subsection [~~76-10-529(9)~~] 76-11-218(10), regarding data collection requirements for a  
1884 law enforcement agency that issues a written warning, citation, or referral, is repealed  
1885 December 31, 2031.
- 1886 Section 41. Section **76-8-311.1** is amended to read:  
1887 **76-8-311.1 . Establishment of secure areas -- Items prohibited -- References to**  
1888 **penalty provisions.**
- 1889 (1)(a) As used in this section:  
1890 (i) "Correctional facility" means the same as that term is defined in Section  
1891 76-8-311.3.



- 1892 (ii) "Dangerous weapon" means the same as that term is defined in Section [  
1893 ~~76-10-501~~] 76-11-101.
- 1894 (iii) "Explosive" means the same as the term "explosive, chemical, or incendiary  
1895 device" defined in Section 76-10-306.
- 1896 (iv) "Firearm" means the same as that term is defined in Section [~~76-10-501~~]  
1897 76-11-101.
- 1898 (v) "Law enforcement facility" means a facility that is owned, leased, or operated by  
1899 a law enforcement agency.
- 1900 (vi) "Mental health facility" means the same as that term is defined in Section  
1901 26B-5-301.
- 1902 (vii)(A) "Secure area" means an area created under this section into which certain [  
1903 ~~persons~~] individuals are restricted from transporting a firearm or other  
1904 dangerous weapon, ammunition, or explosive.
- 1905 (B) [~~A "secure area" may~~] "Secure area" does not include any area normally  
1906 accessible to the public.
- 1907 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- 1908 (2)(a) The State Tax Commission or a correctional, law enforcement, or mental health  
1909 facility may establish secure areas within the facility and may prohibit or control by  
1910 rule any firearm or other dangerous weapon, ammunition, or explosive.
- 1911 (b) [~~Subsections (2)(a), (3), (4), and (5) apply~~] This section applies to:
- 1912 (i) a higher education secure area hearing room [~~referred to in Subsections 53B-3-103~~  
1913 ~~(2)(a)(ii) and (b)~~] established in accordance with Section 53B-3-103; and
- 1914 (ii) a secure area established by the Judicial Council in accordance with Section  
1915 78A-2-203.
- 1916 (3) An entity that creates a secure area under this section shall ensure that at least one notice  
1917 is prominently displayed at each entrance to the secure area in which a firearm,  
1918 ammunition, dangerous weapon, or explosive is restricted.
- 1919 (4)(a) An entity that creates a secure area under this section shall provide a secure  
1920 weapons storage area so that an individual entering the secure area may store the  
1921 individual's weapon before entering the secure area.
- 1922 (b) The entity operating the facility shall be responsible for a weapon while the weapon  
1923 is stored in the storage area described in Subsection (4)(a).
- 1924 (5)(a) An actor who transports a firearm or other dangerous weapon or ammunition into  
1925 a secure area created under this section or a higher education secure area hearing

1926 room created under this section may be punished under Section 76-8-311.2.

1927 (b) An actor who knowingly or intentionally transports, possesses, distributes, or sells an  
 1928 explosive in a secure area or a higher education secure area hearing room created  
 1929 under this section may be punished under Section 76-10-306.

1930 (c) It is a defense to a prosecution related to this section that the actor acted in  
 1931 conformity with the facility's rule or policy established pursuant to this section.

1932 Section 42. Section **76-11-101**, which is renumbered from Section 76-10-501 is renumbered  
 1933 and amended to read:

1934 **CHAPTER 11. WEAPONS**

1935 **Part 1. General Provisions**

1936 **~~[76-10-501]~~76-11-101 . Definitions.**

1937 As used in this ~~[part]~~ chapter:

1938 (1)(a) "Antique firearm" means:

1939 (i) any firearm, including any firearm with a matchlock, flintlock, percussion cap, or  
 1940 similar type of ignition system, manufactured in or before 1898;

1941 (ii) a firearm that is a replica of any firearm described in this Subsection (1)(a), if the  
 1942 replica:

1943 (A) is not designed or redesigned for using rimfire or conventional centerfire fixed  
 1944 ammunition; or

1945 (B) uses rimfire or centerfire fixed ammunition ~~[which]~~ that is~~[:]~~

1946 ~~[(H)]~~ no longer manufactured in the United States~~[:]~~ and

1947 ~~[(H)]~~ is not readily available in ordinary channels of commercial trade; or

1948 (iii)(A) that is a muzzle loading rifle, shotgun, or pistol; and

1949 (B) is designed to use black powder, or a black powder substitute, and cannot use  
 1950 fixed ammunition.

1951 (b) "Antique firearm" does not include:

1952 (i) a weapon that incorporates a firearm frame or receiver;

1953 (ii) a firearm that is converted into a muzzle loading weapon; or

1954 (iii) a muzzle loading weapon that can be readily converted to fire fixed ammunition  
 1955 by replacing the:

1956 (A) barrel;

1957 (B) bolt;

1958 (C) breechblock; or

1959 (D) any combination of Subsection (1)(b)(iii)(A), (B), or (C).

1960 (2) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201

1961 within the Department of Public Safety.

1962 ~~[(3)(a) "Concealed firearm" means a firearm that is:]~~

1963 ~~[(i) covered, hidden, or secreted in a manner that the public would not be aware of its~~

1964 ~~presence; and]~~

1965 ~~[(ii) readily accessible for immediate use.]~~

1966 ~~[(b) A firearm that is unloaded and securely encased is not a concealed firearm for the~~

1967 ~~purposes of this part.]~~

1968 ~~[(4) "Criminal history background check" means a criminal background check conducted~~

1969 ~~by a licensed firearms dealer on every purchaser of a handgun, except a Federal~~

1970 ~~Firearms Licensee, through the bureau or the local law enforcement agency where the~~

1971 ~~firearms dealer conducts business.]~~

1972 ~~[(5) "Curio or relic firearm" means a firearm that:]~~

1973 ~~[(a) is of special interest to a collector because of a quality that is not associated with~~

1974 ~~firearms intended for:]~~

1975 ~~[(i) sporting use;]~~

1976 ~~[(ii) use as an offensive weapon; or]~~

1977 ~~[(iii) use as a defensive weapon;]~~

1978 ~~[(b)(i) was manufactured at least 50 years before the current date; and]~~

1979 ~~[(ii) is not a replica of a firearm described in Subsection (5)(b)(i);]~~

1980 ~~[(e) is certified by the curator of a municipal, state, or federal museum that exhibits~~

1981 ~~firearms to be a curio or relic of museum interest;]~~

1982 ~~[(d) derives a substantial part of its monetary value:]~~

1983 ~~[(i) from the fact that the firearm is:]~~

1984 ~~[(A) novel;]~~

1985 ~~[(B) rare; or]~~

1986 ~~[(C) bizarre; or]~~

1987 ~~[(ii) because of the firearm's association with an historical:]~~

1988 ~~[(A) figure;]~~

1989 ~~[(B) period; or]~~

1990 ~~[(C) event; and]~~

1991 ~~[(e) has been designated as a curio or relic firearm by the director of the United States~~

1992 ~~Treasury Department Bureau of Alcohol, Tobacco, and Firearms under 27 C.F.R. Sec.~~

- 1993 478.11.]
- 1994 [(6)] (3)(a) "Dangerous weapon" means:
- 1995 (i) a firearm; or
- 1996 (ii) an object that in the manner of its use or intended use is capable of causing death
- 1997 or serious bodily injury.
- 1998 (b) The following factors are used in determining whether any object, other than a
- 1999 firearm, is a dangerous weapon:
- 2000 (i) the location and circumstances in which the object was used or possessed;
- 2001 (ii) the primary purpose for which the object was made;
- 2002 (iii) the character of the wound, if any, produced by the object's unlawful use;
- 2003 (iv) the manner in which the object was unlawfully used;
- 2004 (v) whether the manner in which the object is used or possessed constitutes a
- 2005 potential imminent threat to public safety; and
- 2006 (vi) the lawful purposes for which the object may be used.
- 2007 (c) "Dangerous weapon" does not include an explosive, chemical, or incendiary device
- 2008 as defined by Section 76-10-306.
- 2009 [(7)(a) "Dating relationship" means a romantic or intimate relationship between
- 2010 individuals.]
- 2011 [(b) "Dating relationship" does not include a casual acquaintanceship or ordinary
- 2012 fraternization in a business or social context.]
- 2013 [(8) "Dealer" means a person who is:]
- 2014 [(a) licensed under 18 U.S.C. Sec. 923; and]
- 2015 [(b) engaged in the business of selling, leasing, or otherwise transferring a handgun,
- 2016 whether the person is a retail or wholesale dealer, pawnbroker, or otherwise.]
- 2017 [(9) "Domestic violence" means the same as that term is defined in Section 77-36-1.]
- 2018 [(10) "Enter" means intrusion of the entire body.]
- 2019 [(11) "Federal Firearms Licensee" means a person who:]
- 2020 [(a) holds a valid Federal Firearms License issued under 18 U.S.C. Sec. 923; and]
- 2021 [(b) is engaged in the activities authorized by the specific category of license held.]
- 2022 [(12)] (4)[(a)] "Firearm" means:
- 2023 (a) [-]a pistol, revolver, shotgun, [short barreled shotgun,] or rifle[- or short barreled
- 2024 rifle,] ; or
- 2025 (b) [-]a device that could be used as a dangerous weapon from which a projectile is
- 2026 expelled [a projectile] by an explosive action[-of an explosive].

- 2027 [(b) As used in Sections 76-10-526 and 76-10-527, "firearm" does not include an  
2028 antique firearm.]
- 2029 [(13) "Firearms transaction record form" means a form created by the bureau to be  
2030 completed by a person purchasing, selling, or transferring a handgun from a dealer in the  
2031 state.]
- 2032 [(14) "Fully automatic weapon" means a firearm which fires, is designed to fire, or can be  
2033 readily restored to fire, automatically more than one shot without manual reloading by a  
2034 single function of the trigger.]
- 2035 [(15)] (5)[(a)] "Handgun" means a pistol, revolver, or other firearm of any description, [  
2036 loaded or unloaded,] from which a shot, bullet, or other missile can be discharged,  
2037 the length of which, not including any revolving, detachable, or magazine breech,  
2038 does not exceed 12 inches.
- 2039 [(b) As used in Sections 76-10-520, 76-10-521, and 76-10-522, "handgun" and "pistol  
2040 or revolver" do not include an antique firearm.]
- 2041 [(16) "House of worship" means a church, temple, synagogue, mosque, or other building  
2042 set apart primarily for the purpose of worship in which religious services are held and  
2043 the main body of which is kept for that use and not put to any other use inconsistent with  
2044 its primary purpose.]
- 2045 [(17) "Machinegun firearm attachment" means any part or combination of parts added to a  
2046 semiautomatic firearm that allows the firearm to fire as a fully automatic weapon.]
- 2047 [(18) "Prohibited area" means a place where it is unlawful to discharge a firearm.]
- 2048 [(19) "Readily accessible for immediate use" means that a firearm or other dangerous  
2049 weapon is carried on the person or within such close proximity and in such a manner  
2050 that it can be retrieved and used as readily as if carried on the person.]
- 2051 [(20) "Residence" means an improvement to real property used or occupied as a primary or  
2052 secondary residence.]
- 2053 [(21) "Securely encased" means not readily accessible for immediate use, such as held in a  
2054 gun rack, or in a closed case or container, whether or not locked, or in a trunk or other  
2055 storage area of a motor vehicle, not including a glove box or console box.]
- 2056 [(22)] (6) ["Short barreled shotgun" or "short barreled rifle" means a shotgun having a barrel  
2057 or barrels of fewer than 18 inches in length, or in the case of a rifle, having a barrel or  
2058 barrels of fewer than 16 inches in length, or a dangerous weapon made from a rifle or  
2059 shotgun by alteration, modification, or otherwise, if the weapon as modified has an  
2060 overall length of fewer than 26 inches.] "Minor" means an individual under 18 years old.

2061 [(23)] (7) "Shotgun" means a smooth bore firearm designed to fire cartridges containing  
 2062 pellets or a single slug.

2063 [(24) "Shoulder arm" means a firearm that is designed to be fired while braced against the  
 2064 shoulder.]

2065 [(25) "Single criminal episode" means the same as that term is defined in Section 76-1-401.]

2066 [(26)] (8) "Slug" means a single projectile discharged from a shotgun shell.

2067 [(27) "State entity" means a department, commission, board, council, agency, institution,  
 2068 officer, corporation, fund, division, office, committee, authority, laboratory, library, unit,  
 2069 bureau, panel, or other administrative unit of the state.]

2070 [(28)] (9) "Violent felony" means the same as that term is defined in Section 76-3-203.5.

2071 Section 43. Section **76-11-102**, which is renumbered from Section 76-10-502 is renumbered  
 2072 and amended to read:

2073 **[76-10-502]76-11-102 . When a firearm is deemed to be loaded.**

2074 (1) For the purpose of this chapter, [~~any pistol, revolver, shotgun, rifle, or other weapon~~  
 2075 ~~described in this part shall be deemed to be~~] a firearm is considered to be loaded when  
 2076 there is an unexpended cartridge, shell, or projectile in the firing position.

2077 (2) [~~Pistols and revolvers shall also be deemed to be~~] Handguns are also considered to be  
 2078 loaded when an unexpended cartridge, shell, or projectile is in a position whereby the  
 2079 manual operation of any mechanism once would cause the unexpended cartridge, shell,  
 2080 or projectile to be fired.

2081 (3) A muzzle loading firearm [~~shall be deemed to be~~] is considered loaded when [~~it~~] the  
 2082 muzzle loading firearm is capped or primed and has a powder charge and ball or shot in  
 2083 the barrel or cylinders.

2084 Section 44. Section **76-11-201** is enacted to read:

2085 **Part 2. General Weapons Violations**

2086 **76-11-201 . Definitions.**

2087 As used in this part:

2088 (1) "Enter" means intrusion of the entire body.

2089 (2) "Fully automatic weapon" means a firearm that fires, is designed to fire, or can be  
 2090 readily restored to fire, automatically more than one shot without manual reloading by a  
 2091 single function of the trigger.

2092 (3) "House of worship" means a church, temple, synagogue, mosque, or other building set  
 2093 apart primarily for the purpose of worship in which religious services are held and the

2094 main body of which is kept for that use and not put to any other use inconsistent with its  
2095 primary purpose.

2096 (4) "Machinegun firearm attachment" means any part or combination of parts added to a  
2097 semiautomatic firearm that allows the firearm to fire as a fully automatic weapon.

2098 (5) "NFA firearm" means a firearm as that term is defined in the National Firearms Act, 26  
2099 U.S.C. Sec. 5845.

2100 (6)(a) "Readily accessible for immediate use" means that a firearm or other dangerous  
2101 weapon is carried on an individual's person or within such close proximity and in  
2102 such a manner that it can be retrieved and used as readily as if carried on the  
2103 individual's person.

2104 (b) "Readily accessible for immediate use" does not include a securely encased firearm.

2105 (7)(a) "Securely encased firearm" means a firearm that is not readily accessible for  
2106 immediate use.

2107 (b) "Securely encased firearm" includes a loaded or unloaded firearm located in a gun  
2108 rack, in a closed locked or unlocked case or container, or in a trunk or other storage  
2109 area of a motor vehicle.

2110 (c) "Securely encased firearm" does not include a firearm in a glove box or console box  
2111 unless the firearm is also in a holster or other case which covers the trigger  
2112 mechanism.

2113 Section 45. Section **76-11-202**, which is renumbered from Section 76-10-504 is renumbered  
2114 and amended to read:

2115 **[76-10-504]76-11-202 . Unlawful carrying of a concealed firearm by an individual under 21**  
2116 **years old.**

2117 [~~(1) Except as provided in Sections 76-10-503 and 76-10-523 and in Subsections (2), (3),~~  
2118 ~~and (4), a person who carries a concealed firearm, as defined in Section 76-10-501,~~  
2119 ~~including an unloaded firearm on his or her person or one that is readily accessible for~~  
2120 ~~immediate use which is not securely encased, as defined in this part, in or on a place~~  
2121 ~~other than the person's residence, property, a vehicle in the person's lawful possession,~~  
2122 ~~or a vehicle, with the consent of the individual who is lawfully in possession of the~~  
2123 ~~vehicle, or business under the person's control is guilty of a class B misdemeanor.]~~

2124 [~~(2) A person who carries a concealed firearm that is a loaded firearm in violation of~~  
2125 ~~Subsection (1) is guilty of a class A misdemeanor.]~~

2126 [~~(3) A person who carries concealed an unlawfully possessed short barreled shotgun or a~~  
2127 ~~short barreled rifle is guilty of a second degree felony.]~~

- 2128 [~~(4) If the concealed firearm is used in the commission of a violent felony as defined in~~  
2129 ~~Section 76-3-203.5, and the person is a party to the offense, the person is guilty of a~~  
2130 ~~second-degree felony.]~~
- 2131 [~~(5) Nothing in Subsection (1) or (2) prohibits a person engaged in the lawful taking of~~  
2132 ~~protected or unprotected wildlife as defined in Title 23A, Wildlife Resources Act, from~~  
2133 ~~carrying a concealed firearm as long as the taking of wildlife does not occur:]~~
- 2134 [~~(a) within the limits of a municipality in violation of that municipality's ordinances; or]~~  
2135 [~~(b) upon the highways of the state as defined in Section 41-6a-102.]~~
- 2136 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
- 2137 (2) An actor commits unlawful carrying of a concealed firearm by a restricted person or an  
2138 individual under 21 years old if:
- 2139 (a) the actor is younger than 21 years old;
- 2140 (b) the actor does not have a provisional concealed carry permit issued in accordance  
2141 with Section 53-5a-304 or a concealed carry permit lawfully issued by or in another  
2142 state;
- 2143 (c) the actor conceals a firearm in a covered, hidden, or secreted manner that the public  
2144 would not be aware of the firearm's presence;
- 2145 (d) the firearm described in Subsection (2)(c) is readily accessible for immediate use by  
2146 the actor; and
- 2147 (e) the actor is in a location that is not:
- 2148 (i) the actor's residence;
- 2149 (ii) the actor's real property;
- 2150 (iii) a vehicle that the actor is lawfully present in; or
- 2151 (iv) a business under the actor's control.
- 2152 (3)(a) Except as provided in Subsection (3)(b) or (3)(c), a violation of Subsection (2) is  
2153 a class B misdemeanor.
- 2154 (b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a class A  
2155 misdemeanor if the firearm at the time of the violation was loaded.
- 2156 (c) A violation of Subsection (2) is a second degree felony if the firearm was used in the  
2157 commission of a violent felony and the actor is a party to the offense.
- 2158 (4) This section does not:
- 2159 (a) apply to an individual who is a restricted person under Section 76-11-302 or  
2160 76-11-303 and may not possess a firearm in any manner or location and is subject to  
2161 the penalties described in Part 3, Persons Restricted Regarding Dangerous Weapons;



- 2162 (b) prohibit an individual engaged in the lawful taking of protected or unprotected  
 2163 wildlife as defined in Title 23A, Wildlife Resources Act, from carrying a concealed  
 2164 firearm while performing an act to take the wildlife if the taking of wildlife does not  
 2165 occur:  
 2166 (i) within the limits of a municipality in violation of that municipality's ordinances; or  
 2167 (ii) upon the highways of the state as defined in Section 41-6a-102;  
 2168 (c) apply to an individual who is not a restricted person as described in Section  
 2169 76-11-302 or 76-11-303 or 18 U.S.C. Sec. 922(g) and is issued a protective order  
 2170 under Subsection 78B-7-603(1)(b) or 78B-7-404(1)(b), for a period of 120 days after  
 2171 the day on which the individual is issued the protective order; or  
 2172 (d) prohibit the owner or lawful possessor of a vehicle from prohibiting another  
 2173 individual from carrying a firearm in the owner's or lawful possessor's vehicle.  
 2174 (5) An actor is lawfully present in a vehicle while carrying a firearm under this section if:  
 2175 (a) the vehicle is in the lawful possession of the actor; or  
 2176 (b) the actor has the consent of the person lawfully in possession of the vehicle to carry  
 2177 the firearm in the vehicle.

2178 Section 46. Section **76-11-203** is enacted to read:

2179 **76-11-203 . Concealing an unlawfully possessed NFA firearm.**

- 2180 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.  
 2181 (2) An actor commits concealing an unlawfully possessed NFA firearm if:  
 2182 (a) the actor unlawfully possesses an NFA firearm;  
 2183 (b) the actor conceals the unlawfully possessed NFA firearm in a covered, hidden, or  
 2184 secreted manner that the public would not be aware of the NFA firearm's presence;  
 2185 and  
 2186 (c) the NFA firearm is readily accessible by for immediate use by the actor.  
 2187 (3) A violation of Subsection (2) is a second degree felony.

2188 Section 47. Section **76-11-204**, which is renumbered from Section 76-10-505 is renumbered  
 2189 and amended to read:

2190 **[76-10-505] 76-11-204 . Carrying a loaded firearm in a vehicle by an adult younger than 21**  
 2191 **years old.**

2192 [(1) Unless otherwise authorized by law, a person may not carry a loaded firearm:]

2193 [(a) in or on a vehicle, unless:]

2194 [(i) the vehicle is in the person's lawful possession; or]

2195 [(ii) the person is carrying the loaded firearm in a vehicle with the consent of the person

- 2196 lawfully in possession of the vehicle;]
- 2197 [(b) on a public street; or]
- 2198 [(c) in a posted prohibited area.]
- 2199 [(2) Subsection (1)(a) does not apply to a minor under 18 years of age, since a minor under
- 2200 18 years of age may not carry a loaded firearm in or on a vehicle.]
- 2201 [(3) Notwithstanding Subsections (1)(a)(i) and (ii), and Subsection 76-10-523(5), a person
- 2202 may not possess a loaded rifle, shotgun, or muzzle-loading rifle in a vehicle.]
- 2203 [(4)] (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this
- 2204 section.
- 2205 (2) An actor commits carrying a loaded firearm in a vehicle by an adult younger than 21
- 2206 years old if the actor:
- 2207 (a) is 18 years old but younger than 21 years old; and
- 2208 (b) is carrying a firearm that is readily accessible by the actor for immediate use in a
- 2209 vehicle in which the actor is not lawfully present.
- 2210 (3) A violation of [~~this section~~] Subsection (2) is a class B misdemeanor.
- 2211 (4) This section does not:
- 2212 (a) apply to an actor:
- 2213 (i) who has a provisional concealed carry permit as described in Section 53-5a-304;
- 2214 (ii) who has a concealed carry permit lawfully issued by or in another state; or
- 2215 (iii) licensed as an armored car security officer or an armed private security officer as
- 2216 described in Section 58-63-307; or
- 2217 (b) prohibit the owner or lawful possessor of a vehicle from prohibiting another
- 2218 individual who may otherwise lawfully carry a firearm from carrying a firearm in the
- 2219 owner's or lawful possessor's vehicle.
- 2220 (5) An actor is lawfully present in a vehicle while carrying a firearm under this section if:
- 2221 (a) the vehicle is in the lawful possession of the actor; or
- 2222 (b) the actor has the consent of the person lawfully in possession of the vehicle to carry
- 2223 the firearm in the vehicle.
- 2224 Section 48. Section **76-11-205**, which is renumbered from Section 76-10-505.5 is renumbered
- 2225 and amended to read:
- 2226 **[76-10-505.5] 76-11-205 . Carrying a dangerous weapon at an elementary school or**
- 2227 **secondary school.**
- 2228 (1)(a) As used in this section, "on or about school premises" means:
- 2229 [(a)](i) in a public or private elementary school or secondary school; or

- 2230 (ii) on the grounds of [~~any of those schools;~~] a private elementary school or secondary  
 2231 school.
- 2232 [~~(b)(i) in a public or private institution of higher education; or]~~  
 2233 [(ii) on the grounds of a public or private institution of higher education; or]  
 2234 [~~(e)(i) inside the building where a preschool or child care is being held, if the entire~~  
 2235 ~~building is being used for the operation of the preschool or child care; or]~~  
 2236 [(ii) if only a portion of a building is being used to operate a preschool or child care,  
 2237 in that room or rooms where the preschool or child care operation is being held.]
- 2238 (b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this  
 2239 section.
- 2240 (2) [~~An actor who is 18 years old or older may not possess a dangerous weapon, firearm, or~~  
 2241 ~~short barreled shotgun at a place that the actor knows, or has reasonable cause to~~  
 2242 ~~believe, is on or about school premises]~~ An actor commits carrying a dangerous weapon  
 2243 at an elementary school or secondary school if the actor:
- 2244 (a) is not a individual listed in Subsection (4);  
 2245 (b) carries a dangerous weapon on or about school premises; and  
 2246 (c) has reasonable cause to believe that the actor is on or about school premises at the  
 2247 time the actor carried the dangerous weapon.
- 2248 (3)(a) [~~Possession of a dangerous weapon on or about school premises is a class B~~  
 2249 ~~misdemeanor.]~~ A violation of Subsection (2) is a class B misdemeanor if the  
 2250 dangerous weapon carried by the actor is not a firearm.
- 2251 (b) [~~Possession of a firearm or short barreled shotgun on or about school premises is a~~  
 2252 ~~class A misdemeanor.]~~ A violation of Subsection (2) is a class A misdemeanor if the  
 2253 dangerous weapon carried by the actor is a firearm.
- 2254 (4) This section does not apply if:
- 2255 (a) the actor is [~~authorized to possess a firearm as described in Section 53-5-704,~~  
 2256 ~~53-5-705, 76-10-511, or 76-10-523, or as otherwise authorized by law]~~ an individual  
 2257 exempt from certain weapons laws as described in Section 53-5a-108;
- 2258 (b) the actor has a concealed carry permit as described in Section 53-5a-303 and is  
 2259 carrying the actor's firearm in a concealed manner unless during an active threat;  
 2260 [~~(b) the actor is authorized to possess a firearm as described in Section 53-5-704.5,~~  
 2261 ~~unless the actor is in a location where the actor is prohibited from carrying a firearm~~  
 2262 ~~under Subsection 53-5-710(2);]~~
- 2263 (c) the actor has a temporary concealed carry permit issued under Section 53-5a-304 and

- 2264 is carrying the actor's firearm in a concealed manner unless during an active threat;  
 2265 (d) the actor is carrying the dangerous weapon at the actor's place of residence or on the  
 2266 actor's real property as described in Section 53-5a-102.3;  
 2267 ~~[(e)]~~ (e) the possession of the dangerous weapon is approved by the responsible school  
 2268 administrator;  
 2269 ~~[(d)]~~ (f) the [item] dangerous weapon is present or to be used in connection with a lawful,  
 2270 approved activity and is in the possession or under the control of the actor  
 2271 responsible for the [item's] dangerous weapon's possession or use;  
 2272 ~~[(e)]~~ (g) the actor is an armed school security guard as described in Section 53G-8-704; or  
 2273 ~~[(f)]~~ (h) ~~the[-possession-is]~~ actor is carrying the dangerous weapon[:]  
 2274 [(i) at the actor's place of residence or on the actor's property; or]  
 2275 [(ii)] in [any] a vehicle lawfully under the actor's control, [other than] not including a  
 2276 vehicle owned by the school or used by the school to transport students.  
 2277 (5) This section does not[:] ;  
 2278 (a) prohibit prosecution of [a more serious weapons] another criminal offense that may  
 2279 occur on or about school premises;  
 2280 (b) prevent an actor from securely storing a firearm on the grounds of a school if the  
 2281 actor:  
 2282 (i) participates in:  
 2283 (A) the school guardian program created in Section 53-22-105; [and] or  
 2284 (B) the Educator-Protector Program created in Section 53-22-107; and  
 2285 (ii) complies with the requirements for securely storing the firearm described in  
 2286 Subsection 53-22-107(5)(a)[; or] .  
 2287 ~~[(e)]~~ prohibit the prosecution of possession of a dangerous weapon by a minor, as  
 2288 described in Section 76-10-509.4, that occurs on or about school premises.:  
 2289 Section 49. Section **76-11-206** is enacted to read:  
 2290 **76-11-206 . Carrying a dangerous weapon at a daycare.**  
 2291 (1)(a) As used in this section:  
 2292 (i) "Daycare" means a preschool or child care center.  
 2293 (ii) "On or about daycare premises" means:  
 2294 (A) inside the building where a daycare is being held, if the entire building is  
 2295 being used for the operation of the daycare; or  
 2296 (B) if only a portion of a building is being used to operate a daycare, in the room  
 2297 or rooms where the daycare operation is being held.

- 2298        (b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this  
2299        section.
- 2300    (2) An actor commits carrying a dangerous weapon at a daycare if the actor:  
2301        (a) is not an individual listed in Subsection (4);  
2302        (b) carries a dangerous weapon on or about daycare premises; and  
2303        (c) has reasonable cause to believe that the actor is on or about daycare premises at the  
2304        time the actor carried the dangerous weapon.
- 2305    (3)(a) A violation of Subsection (2) is a class B misdemeanor if the dangerous weapon  
2306        carried by the actor is not a firearm.
- 2307        (b) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon  
2308        carried by the actor is a firearm.
- 2309    (4) This section does not apply if:  
2310        (a) the actor is an individual exempted from certain weapons laws as described in  
2311        Section 53-5a-108;  
2312        (b) the actor has a concealed carry permit as described in Section 53-5a-303 and is  
2313        carrying the actor's firearm in a concealed manner unless during an active threat;  
2314        (c) the actor has a provisional concealed carry permit as described in Section 53-5a-304  
2315        and is carrying the actor's firearm in a concealed manner unless during an active  
2316        threat;  
2317        (d) the actor has a temporary concealed carry permit issued under Section 53-5a-305 and  
2318        is carrying the actor's firearm in a concealed manner unless during an active threat;  
2319        (e) the actor is carrying the dangerous weapon at the actor's place of residence or on the  
2320        actor's real property as described in Section 53-5a-102.3;  
2321        (f) the actor's carrying of the dangerous weapon is approved by the responsible daycare  
2322        administrator;  
2323        (g) the dangerous weapon is present or to be used in connection with a lawful, approved  
2324        activity and is in the possession or under the control of the actor responsible for the  
2325        dangerous weapon's possession or use; or  
2326        (h) the actor is carrying the dangerous weapon in a vehicle lawfully under the actor's  
2327        control, not including a vehicle owned by the daycare or used by the daycare to  
2328        transport minors enrolled in the daycare.
- 2329    (5) This section does not prohibit the prosecution of another criminal offense that may  
2330        occur on or about daycare premises.

2331        Section 50. Section **76-11-207**, which is renumbered from Section 76-10-506 is renumbered

2332 and amended to read:

2333 ~~[76-10-506]~~ 76-11-207 . **Threatening with or using a dangerous weapon in a fight or quarrel.**

2334 [(1) ~~As used in this section:~~]

2335 [(a) "Dangerous weapon" means an item that in the manner of its use or intended use is  
2336 capable of causing death or serious bodily injury. The following factors shall be used in  
2337 determining whether an item, object, or thing is a dangerous weapon:]

2338 [(i) the character of the instrument, object, or thing;]

2339 [(ii) the character of the wound produced, if any; and]

2340 [(iii) the manner in which the instrument, object, or thing was exhibited or used.]

2341 [(b) "Threatening manner" does not include:]

2342 [(i) the possession of a dangerous weapon, whether visible or concealed, without  
2343 additional behavior which is threatening; or]

2344 [(ii) informing another of the actor's possession of a deadly weapon to prevent what the  
2345 actor reasonably perceives as a possible use of unlawful force by the other and the actor  
2346 is not engaged in any activity described in Subsection 76-2-402(3)(a).]

2347 [(2) ~~Except as otherwise provided in Section 76-2-402 and for an individual described in~~  
2348 ~~Section 76-10-503, an individual who, in the presence of two or more individuals, and~~  
2349 ~~not amounting to a violation of Section 76-5-103,~~]

2350 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

2351 (2) An actor commits threatening with or using a dangerous weapon in a fight or quarrel if  
2352 the actor, in the presence of two or more individuals:[-]

2353 (a) unlawfully draws or exhibits a dangerous weapon in an angry and threatening manner;  
2354 or

2355 (b) [-]unlawfully uses a dangerous weapon in a fight or quarrel[- is guilty of a class A  
2356 misdemeanor].

2357 (3) A violation of Subsection (2) is a class A misdemeanor.

2358 [(3)] (4) This section does not apply to:

2359 (a) [-]an individual who, reasonably believing the action to be necessary in compliance  
2360 with Section 76-2-402, with purpose to prevent another's use of unlawful force:

2361 [(a)] (i) threatens the use of a dangerous weapon; or

2362 [(b)] (ii) draws or exhibits a dangerous weapon[-]; or

2363 [(4)] (b) [This section does not apply to an individual listed in Subsections

2364 76-10-523(1)(a) through (f)] an individual exempted from certain weapons laws as  
2365 described in Subsection 53-5a-108(1)(a) through (f) acting in performance of the

2366 individual's duties.

2367 (5) For purposes of this section, the following conduct by an actor does not constitute  
 2368 drawing or exhibiting a dangerous weapon in an angry and threatening manner as  
 2369 described in Subsection (2):

2370 (a) possession of a dangerous weapon, whether visible or concealed, without additional  
 2371 threatening behavior; or

2372 (b)(i) informing another individual of the actor's possession of a dangerous weapon  
 2373 to prevent what the actor reasonably perceives as a possible use of unlawful force  
 2374 by the individual; and

2375 (ii) the actor is not engaged in any activity described in Subsection 76-2-402(3)(a).

2376 Section 51. Section **76-11-208**, which is renumbered from Section 76-10-507 is renumbered  
 2377 and amended to read:

2378 **[76-10-507]76-11-208 . Possession of a dangerous weapon with criminal intent.**

2380 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

2381 (2) ~~[Every person having upon his person any]~~ An actor commits possession of a  
 2382 dangerous weapon with criminal intent if the actor possesses a dangerous weapon with  
 2383 the intent to use [it] the dangerous weapon to commit a criminal offense.

2384 (3) A violation of Subsection (2) is [guilty of]a class A misdemeanor.

2385 Section 52. Section **76-11-209**, which is renumbered from Section 76-10-508 is renumbered  
 2386 and amended to read:

2387 **[76-10-508]76-11-209 . Improper discharging of a dangerous weapon.**

2388 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

2389 ~~[(+)] (2)[(a) An individual may not discharge]~~ An actor commits improper discharging of  
 2390 a dangerous weapon [or firearm] if the actor discharges a dangerous weapon:

2391 ~~[(+)]~~ (a) from [an automobile or other] a vehicle;

2392 ~~[(+)]~~ (b) from, upon, or across a highway;

2393 ~~[(+)]~~ (c) at a road sign placed [upon a highway of the] on a state highway;

2394 ~~[(+)]~~ (d) at communications equipment or property of public utilities including facilities,  
 2395 lines, poles, or devices of transmission or distribution;

2396 ~~[(+)]~~ (e) at railroad equipment or facilities including a sign or signal;

2397 ~~[(+)]~~ (f) within a Utah State Park building, designated camp or picnic sites, overlooks,  
 2398 golf courses, boat ramps, and developed beaches; or

2399 ~~[(+)]~~ (g) without written permission to discharge the dangerous weapon from the owner  
 2400 or person in charge of the property within 600 feet of:

- 2401           ~~[(A)]~~ (i) a house, dwelling, or~~[-any]~~ other building; or
- 2402           ~~[(B)]~~ (ii) ~~[any]~~ a structure in which a domestic animal is kept or fed, including a barn,
- 2403                           poultry yard, corral, feeding pen, or stockyard.
- 2404       ~~[(b) It is a defense to any charge for violating this section that the individual being~~
- 2405           ~~accused had actual permission of the owner or person in charge of the property at the~~
- 2406           ~~time in question.]~~
- 2407       ~~[(2)]~~ (3) A violation of ~~[any provision of]~~ Subsection ~~[(1)]~~ (2) is a class B misdemeanor.
- 2408       ~~[(3)]~~ (4) In addition to any other penalties, the court shall:
- 2409           (a) notify the Driver License Division of the conviction for purposes of any revocation,
- 2410                           denial, suspension, or disqualification of a driver license under Subsection
- 2411                           53-3-220(1)(a)(xi); and
- 2412           (b) specify in court at the time of sentencing the length of the revocation under
- 2413                           Subsection 53-3-225(1)(c).
- 2414       ~~[(4)]~~ (5) This section does not apply to an ~~[individual]~~ actor who:
- 2415           (a) discharges a ~~[firearm when that individual is]~~ dangerous weapon in the lawful defense
- 2416                           of ~~[self]~~ the actor or ~~[others]~~ another individual;
- 2417           (b) is an individual listed in Subsection 53-5a-108(1)(a) through (f) and is performing
- 2418                           official duties as provided in Section 23A-5-202 ~~[and Subsections 76-10-523(1)(a)~~
- 2419                           ~~through (f) and]~~ or as otherwise provided by law; or
- 2420           (c) discharges a dangerous weapon~~[-or firearm]~~ from an automobile or other vehicle, if:
- 2421                           (i) the discharge occurs at a firing range or training ground;
- 2422                           (ii) at no time after the discharge does the projectile that is discharged cross over or
- 2423   stop at a location other than within the boundaries of the firing range or training
- 2424   ground described in Subsection ~~[(4)(e)(i)]~~ (5)(c)(i);
- 2425                           (iii) the discharge is made as practice or training for a lawful purpose;
- 2426                           (iv) the discharge and the location, time, and manner of the discharge are approved
- 2427   by the owner or operator of the firing range or training ground before the
- 2428   discharge; and
- 2429                           (v) the discharge is not made in violation of Subsection ~~[(1)]~~ (2).
- 2430       (6) It is a defense to a charge for violating this section that the actor had actual permission
- 2431           of the person in charge of the property at the time the actor discharged the dangerous
- 2432           weapon as described in Subsection (2).
- 2433           Section 53. Section **76-11-210**, which is renumbered from Section 76-10-508.1 is renumbered
- 2434           and amended to read:



- 2435 ~~[76-10-508.1]~~ **76-11-210 . Felony discharge of a firearm.**
- 2436 (1)(a) As used in this section, "habitable structure" means the same as that term is
- 2437 defined in Section 76-6-101.
- 2438 (b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
- 2439 (2) ~~[Except as provided under Subsection (2) or (3), an individual who discharges a firearm~~
- 2440 ~~is guilty of a third degree felony punishable by imprisonment for a term of not less than~~
- 2441 ~~three years nor more than five years.] An actor commits felony discharge of a firearm if:~~
- 2442 (a) the actor discharges a firearm in the direction of ~~[one or more individuals]~~ an
- 2443 individual, knowing or having reason to believe that ~~[any]~~ an individual may be
- 2444 endangered by the discharge of the firearm;
- 2445 (b) the actor, with intent to intimidate or harass another individual or with intent to
- 2446 damage a habitable structure~~[as defined in Section 76-6-101]~~, discharges a firearm in
- 2447 the direction of ~~[any]~~ an individual or a habitable structure; or
- 2448 (c) the actor, with intent to intimidate or harass another individual, discharges a firearm
- 2449 in the direction of ~~[any]~~ a vehicle.
- 2450 ~~[(2)]~~ (3)(a) ~~[A]~~ Except as provided in Subsection (3)(b) or (3)(c), a violation of
- 2451 Subsection ~~[(1)]~~ (2) is a third degree felony punishable by a term of imprisonment of
- 2452 not less than three years nor more than five years.
- 2453 (b) Except as provided in Subsection (3)(c), a violation of Subsection (2) that causes
- 2454 bodily injury to any individual is a second degree felony punishable by imprisonment
- 2455 for a term of not less than three years nor more than 15 years.
- 2456 ~~[(3)]~~ (c) A violation of Subsection ~~[(1)]~~ (2) that causes serious bodily injury to [any] an
- 2457 individual is a first degree felony.
- 2458 (4) In addition to any other penalties for a violation of this section, the court shall:
- 2459 (a) notify the Driver License Division of the conviction for purposes of any revocation,
- 2460 denial, suspension, or disqualification of a driver license under Subsection
- 2461 53-3-220(1)(a)(xi); and
- 2462 (b) specify in court at the time of sentencing the length of the revocation under
- 2463 Subsection 53-3-225(1)(c).
- 2464 (5) This section does not apply to an ~~[individual]~~ actor:
- 2465 (a) who discharges a firearm ~~[when that individual is]~~ in the lawful defense of [self] the
- 2466 actor or [others] another individual;
- 2467 (b) who is an individual listed in Subsection 53-5a-108(1)(a) through (f) and is
- 2468 performing official duties as provided in Section 23A-5-202,~~[or Subsections~~

- 2469           76-10-523(1)(a) through (f)] or as otherwise authorized by law; or
- 2470           (c) who discharges a dangerous weapon[~~or firearm~~] from an automobile or other
- 2471           vehicle, if:
- 2472           (i) the discharge occurs at a firing range or training ground;
- 2473           (ii) at no time after the discharge does the projectile that is discharged cross over or
- 2474           stop at a location other than within the boundaries of the firing range or training
- 2475           ground described in Subsection (5)(c)(i);
- 2476           (iii) the discharge is made as practice or training for a lawful purpose;
- 2477           (iv) the discharge and the location, time, and manner of the discharge are approved
- 2478           by the owner or operator of the firing range or training ground before the
- 2479           discharge; and
- 2480           (v) the discharge is not made in violation of Subsection [~~(1)~~] (2).
- 2481           Section 54. Section **76-11-211**, which is renumbered from Section 76-10-509.4 is renumbered
- 2482 and amended to read:
- 2483           ~~[76-10-509.4]~~ **76-11-211 . Possession of a dangerous weapon by a minor.**
- 2484           (1)(a) As used in this section, "responsible adult" means an individual:
- 2485           ~~[(a)]~~ (i) who is 18 years old or older; and
- 2486           ~~[(b)]~~ (ii) who may lawfully possess a dangerous weapon.
- 2487           (b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this
- 2488           section.
- 2489           (2) An actor [~~who is under 18 years old may not possess a dangerous weapon~~] commits
- 2490           possession of a dangerous weapon by a minor if the actor:
- 2491           (a) is a minor; and
- 2492           (b) possesses a dangerous weapon.
- 2493           (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is:
- 2494           (i) a class B misdemeanor for a first offense; and
- 2495           (ii) a class A misdemeanor for each subsequent offense.
- 2496           (b) A violation of Subsection (2) is a third degree felony if the dangerous weapon is:
- 2497           (i) a handgun;
- 2498           ~~[(ii) a short barreled rifle;]~~
- 2499           ~~[(iii) a short barreled shotgun;]~~
- 2500           ~~[(iv)]~~ (ii) [a fully automatic weapon] an NFA firearm; or
- 2501           ~~[(v)]~~ (iii) a machinegun firearm attachment.
- 2502           (4) For an actor who is younger than 14 years old, this section does not apply if the actor:

- 2503 (a) possesses a dangerous weapon;
- 2504 (b) has permission from the actor's parent or guardian to possess the dangerous weapon;
- 2505 (c) is accompanied by the actor's parent or guardian, or a responsible adult, while the
- 2506 actor has the dangerous weapon in the actor's possession; and
- 2507 (d) does not use the dangerous weapon in the commission of a crime.
- 2508 (5) For an actor who is 14 years old or older but younger than 18 years old, this section
- 2509 does not apply if the actor:
- 2510 (a) possesses a dangerous weapon;
- 2511 (b) has permission from the actor's parent or guardian to possess the dangerous weapon;
- 2512 and
- 2513 (c) does not use the dangerous weapon in the commission of a crime.
- 2514 (6) This section does not apply to the following minors who are otherwise complying with
- 2515 Subsection (4) or (5):
- 2516 (a) a minor who is a patron at an amusement park, pier, or similar location and is
- 2517 possessing a firearm to participate in lawfully operated target concessions if the
- 2518 firearm to be used is firmly chained or affixed to the counters;
- 2519 (b) a minor attending a hunter's safety course or a firearms safety course and possessing
- 2520 a weapon as part of the course;
- 2521 (c) a minor using a firearm at an established range or other area where the discharge of a
- 2522 firearm is not prohibited by state or local law;
- 2523 (d) a minor participating in an organized competition involving the use of a firearm, or
- 2524 practicing for the competition;
- 2525 (e) a minor who is on real property with the permission of the owner, licensee, or lessee
- 2526 of the property and who has the permission of a parent or legal guardian or the
- 2527 owner, licensee, or lessee to possess a firearm not otherwise in violation of law;
- 2528 (f) a minor who has a valid hunting license and is possessing a firearm to lawfully
- 2529 engage in hunting; or
- 2530 (g) a minor traveling to or from an activity described in Subsections (6)(a) through (f)
- 2531 with an unloaded firearm in the minor's possession.

2532 Section 55. Section **76-11-212**, which is renumbered from Section 76-10-509.5 is renumbered

2533 and amended to read:

2534 ~~[76-10-509.5]~~ **76-11-212 . Providing a handgun or an NFA firearm to a minor.**

2535 [(1) Any person who provides a handgun to a minor when the possession of the handgun

2536 by the minor is a violation of Section 76-10-509.4 is guilty of:]

- 2537 [(a) a class B misdemeanor upon the first offense; and]  
 2538 [(b) a class A misdemeanor for each subsequent offense.]  
 2539 [(2) Any person who transfers in violation of applicable state or federal law a short  
 2540 barreled rifle, short barreled shotgun, or fully automatic weapon to a minor is guilty of a  
 2541 third degree felony.]  
 2542 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.  
 2543 (2) An actor is guilty of providing a handgun or an NFA firearm to a minor if the actor:  
 2544 (a)(i) intentionally or knowingly transfers or provides a handgun to a minor; or  
 2545 (ii) intentionally or knowingly transfers or provides an NFA firearm to a minor; and  
 2546 (b) knows, or is reckless as to whether, the providing or transferring of the firearm  
 2547 described in Subsection (2)(a):  
 2548 (i) would result in the minor committing a violation of Section 76-11-211, Possession  
 2549 of a dangerous weapon by a minor; or  
 2550 (ii) is in violation of any other applicable state or federal law.

- 2551 (3) A violation of Subsection (2)(a) is:  
 2552 (a) if the violation is the result of transferring or providing a handgun:  
 2553 (i) a class B misdemeanor upon the first offense; and  
 2554 (ii) a class A misdemeanor for each subsequent offense; or  
 2555 (b) a third degree felony if the violation is the result of transferring or providing an NFA  
 2556 firearm.

2557 Section 56. Section **76-11-213**, which is renumbered from Section 76-10-509.6 is renumbered  
 2558 and amended to read:

2559 ~~[76-10-509.6]~~ **76-11-213 . Parent or guardian providing a firearm to a violent minor.**

- 2560 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.  
 2561 (2) ~~[A parent or guardian may not]~~ An actor is guilty of a parent or guardian providing a  
 2562 firearm to a violent minor if:  
 2563 (a) ~~[-] the actor~~ intentionally or knowingly ~~[provide]~~ provides a firearm to, or ~~[permit]~~  
 2564 permits the possession of a firearm by, [any] a minor;  
 2565 (b) ~~[-] the minor is the actor's biological or adopted child or the actor is the legal guardian~~  
 2566 of the minor; and  
 2567 (c) ~~[who]~~ the minor has previously been:  
 2568 (i) ~~[-]convicted of a violent felony[- as defined in Section 76-3-203.5] ;~~ or  
 2569 (ii) ~~[-any minor who has been-]~~ adjudicated in juvenile court for an offense which  
 2570 would constitute a violent felony if the minor were an adult.

2571 ~~[(2)] (3) [Any person who violates this section is guilty of]~~ A violation of Subsection (2) is:

2572 (a) a class A misdemeanor upon the first offense; and

2573 (b) a third degree felony for each subsequent offense.

2574 Section 57. Section **76-11-214**, which is renumbered from Section 76-10-509.7 is renumbered  
2575 and amended to read:

2576 ~~[76-10-509.7]~~ **76-11-214 . Parent or guardian knowing a minor is in possession of a  
2577 dangerous**

**weapon.**

2578 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

2579 (2) ~~[Any parent or guardian of a minor who knows that the minor is in]~~ An actor is  
2580 guilty of parent or guardian knowing a minor is in possession of a dangerous weapon if:

2581 (a) the actor knows a minor is in possession of a deadly weapon in violation of Section[  
2582 76-10-509.4] 76-11-211, Possession of a dangerous weapon by a minor;

2583 (b) the minor is the actor's biological or adopted child or the actor is the legal guardian  
2584 of the minor; and

2585 (c) the actor fails to make reasonable efforts to remove the dangerous weapon from the  
2586 minor's possession.

2587 (3) A violation of Subsection (2) is~~[guilty of]~~ a class B misdemeanor.

2588 Section 58. Section **76-11-215**, which is renumbered from Section 76-10-509.9 is renumbered  
2589 and amended to read:

2590 ~~[76-10-509.9]~~ **76-11-215 . Selling a firearm to a minor.**

2591 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

2592 (2) ~~[A person may not sell any-]~~ An actor commits selling a firearm to a minor [under 18  
2593 years of age unless] if:

2594 (a) the actor sells a firearm to a minor; and

2595 (b) at the time the actor sells the weapon to a minor, the minor is not accompanied by a  
2596 parent of the minor or a legal guardian of the minor.

2597 ~~[(2)] (3) [Any person who violates this section is guilty of-]~~ A violation of Subsection (2) is a  
2598 third degree felony.

2599 Section 59. Section **76-11-216** is enacted to read:

2600 **76-11-216 . Prohibited conduct in the sale of a dangerous weapon.**

2601 (1)(a) As used in this section, "materially false information" means information that  
2602 portrays an illegal dangerous weapon transaction as legal or a legal dangerous  
2603 weapon transaction as illegal.

- 2604 (b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this  
 2605 section.
- 2606 (2) An actor commits prohibited conduct in the sale of a dangerous weapon if the actor:  
 2607 (a)(i) knowingly solicits, persuades, encourages, or entices a person to sell, transfer,  
 2608 or otherwise provide a dangerous weapon to the actor or another individual; and  
 2609 (ii) knows that the sale, transfer, or providing of the dangerous weapon to the actor or  
 2610 other individual would be a violation of state or federal law; or  
 2611 (b)(i) provides information that the actor knows is materially false information to a  
 2612 person; and  
 2613 (ii) knowingly provides the materially false information to the person with intent to  
 2614 deceive the person about the lawfulness of a sale, transfer, or providing of a  
 2615 dangerous weapon to the actor or another individual.

2616 (3)(a) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon  
 2617 sold, transferred, or provided is not a firearm.

2618 (b) A violation of Subsection (2) is a third degree felony if the dangerous weapon sold,  
 2619 transferred, or provided is a firearm.

2620 Section 60. Section **76-11-217**, which is renumbered from Section 76-10-528 is renumbered  
 2621 and amended to read:

2622 **[76-10-528] 76-11-217 . Carrying a dangerous weapon while under the influence of alcohol**  
 or  
 2623 **drugs.**

2624 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

2625 (2) ~~[It is a class B misdemeanor for an actor to carry-]~~ An actor commits carrying a  
 2626 dangerous weapon while under the influence of alcohol or drugs if the actor:

2627 (a) carries a dangerous weapon that is readily accessible by the actor for immediate use;  
 2628 and

2629 (b) is under the influence of:

2630 ~~[(a)]~~(i) alcohol as determined by the actor's blood or breath alcohol concentration in  
 2631 accordance with Subsections 41-6a-502(1)(a) through (c); or

2632 ~~[(b)]~~ (ii) a controlled substance as defined in Section 58-37-2.

2633 (3) A violation of Subsection (2) is a class B misdemeanor.

2634 ~~[(2)]~~ (4) This section does not apply to:

2635 ~~[(a) an actor carrying a dangerous weapon that is either securely encased, as defined in~~  
 2636 ~~this part, or not within such close proximity and in such a manner that it can be~~

- 2637 ~~retrieved and used as readily as if carried on the person;]~~
- 2638 [(b)] (a) an actor who uses or threatens to use force in compliance with Section 76-2-402;
- 2639 [(e)] (b) an actor carrying a dangerous weapon in the actor's residence or the residence of
- 2640 another individual with the consent of the individual who is lawfully in possession of
- 2641 the residence;
- 2642 [(d)] (c) an actor under the influence of cannabis or a cannabis product, as those terms
- 2643 are defined in Section 26B-4-201, if the actor's use of the cannabis or cannabis
- 2644 product complies with Title 26B, Chapter 4, Part 2, Cannabinoid Research and
- 2645 Medical Cannabis; or
- 2646 [(e)] (d) an actor who:
- 2647 (i) has a valid prescription for a controlled substance;
- 2648 (ii) takes the controlled substance described in Subsection [(2)(e)(i)] (4)(d)(i) as
- 2649 prescribed; and
- 2650 (iii) after taking the controlled substance, the actor:
- 2651 (A) is not a danger to the actor or another individual; or
- 2652 (B) is capable of safely handling a dangerous weapon.
- 2653 [(3)] (5) It is not a defense to prosecution under this section that the actor:
- 2654 (a) is licensed in the pursuit of wildlife of any kind;[~~or~~]
- 2655 (b) has a [~~valid~~] concealed carry permit [~~to carry a concealed firearm.~~] as described in
- 2656 Section 53-5a-303;
- 2657 (c) has a provisional concealed carry permit as described in Section 53-5a-304;
- 2658 (d) has a temporary concealed carry permit issued under Section Section 53-5a-305;
- 2659 (e) has a concealed carry permit lawfully issued by or in another state; or
- 2660 (f) is 21 years old or older and may otherwise lawfully possess a concealed loaded
- 2661 firearm without a concealed carry permit as described in Section 53-5a-102.1.
- 2662 Section 61. Section **76-11-218**, which is renumbered from Section 76-10-529 is renumbered
- 2663 and amended to read:
- 2664 **[76-10-529]76-11-218 . Possession of a dangerous weapon in an airport secure area --**
- 2665 **Reporting requirements.**
- 2666 (1)(a) As used in this section:
- 2667 (i) "Airport authority" has the same meaning as defined in Section 72-10-102.
- 2668 (ii) "Explosive" is the same as defined for "explosive, chemical, or incendiary
- 2669 device" in Section 76-10-306.
- 2670 (iii) "Law enforcement officer" means the same as that term is defined in Section

- 2671 53-13-103.
- 2672 (b) ~~[Terms defined in Sections 76-1-101.5 and 76-10-501 apply to this section]~~ Terms
- 2673 defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
- 2674 (2)~~(a)~~ ~~Within~~ Except as provided in Subsection (4), an actor commits possession of a
- 2675 dangerous weapon in an airport secure area if the actor, [a secure area of an airport
- 2676 established pursuant to this section, an actor,] including an actor [licensed to carry a]
- 2677 concealed firearm permit issued under [Title 53, Chapter 5, Part 7, Concealed
- 2678 Firearm Act, is guilty of] Title 53, Chapter 5a, Part 3, Concealed Firearm Permits:
- 2679 (a) knowingly or intentionally possesses a dangerous weapon within the secure area of
- 2680 an airport established under Subsection (5); or
- 2681 (b) recklessly or with criminal negligence possesses a dangerous weapon within the
- 2682 secure area of an airport established under Subsection (5).
- 2683 [(i) ~~a class A misdemeanor if the actor knowingly or intentionally possesses a~~
- 2684 ~~firearm or other dangerous weapon;]~~
- 2685 [(ii) ~~subject to Subsection (5), an infraction if the actor recklessly or with criminal~~
- 2686 ~~negligence possesses a firearm or other dangerous weapon; or]~~
- 2687 [(iii) ~~a violation of Section 76-10-306 if the actor transports, possesses, distributes,~~
- 2688 ~~or sells an explosive, chemical, or incendiary device.]~~
- 2689 ~~[(b) Subsection (2)(a) does not apply to:]~~
- 2690 ~~[(i) individuals exempted under Section 76-10-523; and]~~
- 2691 ~~[(ii) a member of the state or federal military forces while engaged in the performance~~
- 2692 ~~of the member's official duties.]~~
- 2693 (3)(a) A violation of Subsection (2)(a) is a class A misdemeanor.
- 2694 (b) Subject to Subsection (6), a violation of Subsection (2)(b) is an infraction.
- 2695 (4) Subsection (2) does not apply to:
- 2696 (a) an individual exempted from certain weapons laws as described in Section
- 2697 53-5a-108; or
- 2698 (b) a member of the state or federal military forces while engaged in the performance of
- 2699 the member's official duties.
- 2700 ~~[(3)]~~ (5)(a) An airport authority, county, municipality, or other entity regulating an
- 2701 airport may:
- 2702 ~~[(a)]~~ (i) establish a secure area located beyond the main area where the public
- 2703 generally buys tickets, checks and retrieves luggage; and
- 2704 ~~[(b)]~~ (ii) use reasonable means, including mechanical, electronic, x-ray, or another



2705 device, to detect firearms, other dangerous weapons, or explosives concealed in  
2706 baggage or upon the person of an individual attempting to enter the secure area.

2707 ~~[(4)]~~ (b) At least one notice shall be prominently displayed at each entrance to a secure  
2708 area in which a firearm, other dangerous weapon, or explosive is restricted.

2709 (c) An actor who transports, possesses, distributes, or sells an explosive, chemical, or  
2710 incendiary device within the secure area of an airport commits a violation of Section  
2711 76-10-306.

2712 ~~[(5)]~~ ~~(6)~~(a) An actor who violates Subsection ~~[(2)(a)(ii)]~~ ~~(2)~~(b) on a first offense may  
2713 receive a written warning for the offense and may not receive a citation or any other  
2714 form of punishment.

2715 (b) An actor who violates Subsection ~~[(2)(a)(ii)]~~ ~~(2)~~(b) on a second or subsequent  
2716 offense may receive a written warning or a citation.

2717 ~~[(6)]~~ ~~(7)~~(a) Except as provided in Subsection ~~[(6)(d)]~~ ~~(7)~~(d), if a law enforcement officer  
2718 issues a citation to an actor for an infraction as a result of the actor's conduct  
2719 described in Subsection ~~[(2)(a)(ii)]~~ ~~(2)~~(b), or provides an oral or written warning for  
2720 that conduct, the law enforcement officer shall:

2721 (i) if the law enforcement officer is able to confirm that the actor may lawfully  
2722 possess the ~~[firearm or other]~~ dangerous weapon, allow the actor, at the actor's  
2723 option, to:

2724 (A) temporarily surrender custody of the ~~[firearm or other]~~ dangerous weapon into  
2725 the custody of the law enforcement agency so that the ~~[firearm or other]~~  
2726 dangerous weapon may be retrieved by the actor at a later date; or

2727 (B) exit the secure area of the airport with the ~~[firearm or other]~~ dangerous  
2728 weapon; or

2729 (ii) if the law enforcement officer is unable to confirm that the actor may lawfully  
2730 possess the ~~[firearm or other]~~ dangerous weapon, or the airport authority under  
2731 Subsection ~~[(6)(d)]~~ ~~(7)~~(d) prohibits the procedure described in Subsection ~~[(6)(a)(i)]~~  
2732 ~~(7)~~(a)(i), take temporary custody of the ~~[firearm or other]~~ dangerous weapon so  
2733 that the ~~[firearm or other]~~ dangerous weapon may be retrieved by the actor at a  
2734 later date if legally permitted to do so.

2735 (b) If a law enforcement officer takes temporary custody of a ~~[firearm or other]~~  
2736 dangerous weapon under Subsection ~~[(6)(a)]~~ ~~(7)~~(a):

2737 (i) at the time the ~~[firearm or other]~~ dangerous weapon is obtained from the actor, the  
2738 law enforcement officer, or another law enforcement officer, or an employee who

- 2739 works in the secure area of the airport, shall provide the actor with written  
2740 instructions on how, when, and where the actor may retrieve the actor's [~~firearm or~~  
2741 ~~other~~] dangerous weapon; and
- 2742 (ii) within three business days from the time when the law enforcement officer  
2743 receives the [~~firearm or other~~] dangerous weapon, the law enforcement agency  
2744 shall determine whether the actor is legally permitted to possess the [~~firearm or~~  
2745 ~~other~~] dangerous weapon, and if so, ensure that the [~~firearm or other~~] dangerous  
2746 weapon is available for the actor to retrieve.
- 2747 (c) An unclaimed [~~firearm or other~~] dangerous weapon that is surrendered into the  
2748 custody of a law enforcement agency under this Subsection [~~(6)~~] (7) may be disposed  
2749 of pursuant to Section 77-11d-105, disposition of unclaimed property.
- 2750 (d) An airport authority may implement a policy that prohibits the law enforcement  
2751 agency with jurisdiction over the airport from utilizing the procedure described in  
2752 Subsection [~~(6)(a)(i)~~] (7)(a)(i).
- 2753 [~~(7)~~] (8)(a) An actor's firearm that is confiscated based on a violation of Subsection [  
2754 ~~(2)(a)(i)~~] (2)(a) shall be returned to the actor in accordance with Subsection  
2755 77-11a-402(1)(b)[-].
- 2756 (b) In accordance with Subsection 77-11b-102(5), a firearm seized under Subsection [  
2757 ~~(2)(a)(i)~~] (2)(a) is not subject to forfeiture if the actor may lawfully possess the  
2758 firearm.
- 2759 (c) In a prosecution brought under this section, a prosecutor may not condition a plea on  
2760 the forfeiture of a firearm.
- 2761 [~~(8)~~] (9) An airport authority, county, municipality, or other entity regulating an airport or  
2762 with local jurisdiction over an airport may not:
- 2763 (a) charge, cite, or prosecute an actor with a different offense under the Utah Code, local  
2764 ordinance, or another state or local law or regulation for conduct described in  
2765 Subsection [~~(2)(a)(ii)~~] (2)(b);
- 2766 (b) assess a civil penalty for conduct described in Subsection [~~(2)(a)(i) or (ii)~~] (2); or
- 2767 (c) enact a regulation, ordinance, or law covering conduct described in Subsection (2).
- 2768 [~~(9)~~] (10) A law enforcement agency that issues a written warning, citation, or referral for  
2769 prosecution under this section shall record and report the information as required under  
2770 Section 53-25-103.
- 2771 Section 62. Section **76-11-219**, which is renumbered from Section 76-10-530 is renumbered  
2772 and amended to read:

2773 ~~[76-10-530]~~**76-11-219 . Trespass with a firearm in a house of worship or a private residence.**

2774 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

2775 ~~[(1)]~~ (2) ~~[A person, including a person licensed to carry a concealed firearm pursuant to~~

2776 ~~Title 53, Chapter 5, Part 7, Concealed Firearm Act,] An actor is guilty of trespass with a~~

2777 ~~firearm in a house of worship or a private residence if the actor:~~

2778 (a) ~~[-after notice-]~~has been given notice as [provided] described in Subsection ~~[(2)]~~ (4)

2779 that firearms are prohibited~~[,]~~ in a house or worship or a private residence; and

2780 (b) ~~[-may not-]~~knowingly and intentionally:

2781 ~~[(a)]~~ (i) ~~[transport]~~ transports a firearm into~~[:]~~ the house of worship or private

2782 residence; or

2783 ~~[(i) a house of worship; or]~~

2784 ~~[(ii) a private residence; or]~~

2785 ~~[(b)]~~ (ii) while in possession of a firearm, ~~[enter or remain in:]~~ enters or remains in the

2786 house of worship or private residence.

2787 ~~[(i) a house of worship; or]~~

2788 ~~[(ii) a private residence.]~~

2789 (3) A violation of Subsection (2) is an infraction.

2790 ~~[(2)]~~ (4) Notice that firearms are prohibited may be given by:

2791 (a) personal communication to the actor by:

2792 (i) the church or organization operating the house of worship;

2793 (ii) the owner, lessee, or person with lawful right of possession of the private

2794 residence; or

2795 (iii) a person with authority to act for the person or entity in Subsections ~~[(2)](a)(i)]~~

2796 (4)(a)(i) and (ii);

2797 (b) posting of signs reasonably likely to come to the attention of persons entering the

2798 house of worship or private residence;

2799 (c) announcement, by a person with authority to act for the church or organization

2800 operating the house of worship, in a regular congregational meeting in the house of

2801 worship;

2802 (d) publication in a bulletin, newsletter, worship program, or similar document generally

2803 circulated or available to the members of the congregation regularly meeting in the

2804 house of worship; or

2805 (e) publication:

2806 (i) in a newspaper of general circulation in the county in which the house of worship

2807 is located or the church or organization operating the house of worship has its  
2808 principal office in this state; and

2809 (ii) as required in Section 45-1-101.

2810 ~~[(3)]~~ (5) A church or organization operating a house of worship and giving notice that  
2811 firearms are prohibited may:

2812 (a) revoke the notice, with or without supersedure, by giving further notice in any  
2813 manner provided in Subsection ~~[(2)]~~ (4); and

2814 (b) provide or allow exceptions to the prohibition as the church or organization  
2815 considers advisable.

2816 ~~[(4)]~~ (6)(a)(i) Within 30 days of giving or revoking any notice pursuant to  
2817 Subsection ~~[(2)(e)]~~ (4)(c), (d), or (e), a church or organization operating a house of  
2818 worship shall notify the division on a form and in a manner as the division shall  
2819 prescribe.

2820 (ii) The division shall post on its website a list of the churches and organizations  
2821 operating houses of worship who have given notice under Subsection ~~[(4)(a)(i)]~~  
2822 (6)(a)(i).

2823 (b) Any notice given pursuant to Subsection ~~[(2)(e)]~~ (4)(c), (d), or (e) shall remain in  
2824 effect until revoked or for a period of one year from the date the notice was originally  
2825 given, whichever occurs first.

2826 ~~[(5)]~~ (7) ~~[Nothing in this section permits.]~~ This section does not permit an owner who has  
2827 granted the lawful right of possession to a renter or lessee to restrict the renter or lessee  
2828 from lawfully possessing a firearm in the residence.

2829 ~~[(6) A violation of this section is an infraction.]~~

2830 Section 63. Section **76-11-301** is enacted to read:

2831

### **Part 3. Persons Restricted Regarding Dangerous Weapons**

2832 **76-11-301 . Definitions.**

2833 As used in this part:

2834 (1) "Adjudicated" means a judgment has been entered against a minor for an offense by a  
2835 juvenile court under Section 80-6-701.

2836 (2) "Category I restricted person" means an individual described in Section 76-11-302.

2837 (3) "Category II restricted person" means an individual described in Section 76-11-304.

2838 (4) "Carry" means for an individual to have an item under the individual custody or control.

2839 (5) "Controlled substance" means the same as that term is defined in Section 58-37-2.

- 2840 (6)(a) "Dating relationship" means a romantic or intimate relationship between  
2841 individuals.
- 2842 (b) "Dating relationship" does not include a casual acquaintanceship or ordinary  
2843 fraternization in a business or social context.
- 2844 (7) "Dealer" means a person who is:
- 2845 (a) licensed under 18 U.S.C. Sec. 923; and
- 2846 (b) engaged in the business of selling, leasing, or otherwise transferring a firearm,  
2847 whether the person is a retail or wholesale dealer, pawnbroker, or otherwise.
- 2848 (8) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 2849 (9) "Intimate partner" means the same as that term is defined in 18 U.S.C. Sec. 921.
- 2850 (10) "Schedule I controlled substance" means a substance listed as a schedule I controlled  
2851 substance in Section 58-37-4.
- 2852 (11) "Schedule II controlled substance" means a substance listed as a schedule II controlled  
2853 substance in Section 58-37-4.
- 2854 (12) "Secure care" means the same as that term is defined in Section 80-1-102.
- 2855 (13) "Single criminal episode" means the same as that term is defined in Section 76-1-401.
- 2856 Section 64. Section **76-11-302** is enacted to read:
- 2857 **76-11-302 . Category I restricted person established.**
- 2858 Except as provided in Section 76-11-304, Exceptions, limitations, and exclusions  
2859 to restricted person categories, an individual is categorized as a category I restricted  
2860 person and subject to the restrictions and penalties described in Section 76-11-305 for:
- 2861 (1) having a conviction of a violent felony;
- 2862 (2) being on probation or parole for a felony;
- 2863 (3) being on parole from secure care;
- 2864 (4) 10 years after the day on which the individual was adjudicated for an offense which if  
2865 committed by an adult would have been a violent felony;
- 2866 (5) being an alien who is illegally or unlawfully in the United States; or
- 2867 (6) being on probation for a conviction of possessing:
- 2868 (a) a substance classified in Section 58-37-4 as a Schedule I or II controlled substance;
- 2869 (b) a controlled substance analog; or
- 2870 (c) a substance listed in Section 58-37-4.2.
- 2871 Section 65. Section **76-11-303** is enacted to read:
- 2872 **76-11-303 . Category II restricted person established.**
- 2873 Except as provided in Section 76-11-304, Exceptions, limitations, and exclusions

- 2874 to restricted person categories, an individual is categorized as a category II restricted  
2875 person and subject to the restrictions and penalties described in Section 76-11-306 for:
- 2876 (1) having a conviction of:
- 2877 (a) a domestic violence offense that is a felony; or  
2878 (b) multiple felonies that are not part of a single criminal episode;
- 2879 (2) having a conviction of:
- 2880 (a)(i) a felony that is not a domestic violence offense or a violent felony; or  
2881 (ii) multiple felonies that are part of a single criminal episode and are not domestic  
2882 violence offenses or violent felonies; and
- 2883 (b) within seven years after completing the sentence for the conviction described in  
2884 Subsection (2)(a), the individual has been convicted of, or charged with, another  
2885 felony or class A misdemeanor;
- 2886 (3) seven years after the day on which the individual completes a sentence for:
- 2887 (a) a conviction for a felony that is not a domestic violence offense or a violent felony; or  
2888 (b) convictions for multiple felonies that are part of a single criminal episode and are not  
2889 domestic violence offenses or violent felonies;
- 2890 (4) seven years after the day on which the individual was an adjudicated delinquent for an  
2891 offense which if committed by an adult would have been a felony;
- 2892 (5) being an unlawful user of a controlled substance;
- 2893 (6) being in possession of a dangerous weapon while knowingly and intentionally being in  
2894 unlawful possession of a schedule I controlled substance or a schedule II controlled  
2895 substance;
- 2896 (7) being found not guilty by reason of insanity for a felony offense;
- 2897 (8) being found mentally incompetent to stand trial for a felony offense;
- 2898 (9) being adjudicated as mentally defective as provided in the Brady Handgun Violence  
2899 Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993), or having been committed  
2900 to a mental institution;
- 2901 (10) being dishonorably discharged from the armed forces;
- 2902 (11) renouncing the individual's citizenship after having been a citizen of the United States;
- 2903 (12) being a respondent or defendant subject to a protective order or child protective order  
2904 that:
- 2905 (a) is issued after a hearing for which the individual received actual notice and at which  
2906 the individual had an opportunity to participate;
- 2907 (b) restrains the individual from harassing, stalking, threatening, or engaging in other

- 2908 conduct that would place an intimate partner, or a child of the intimate partner, in  
 2909 reasonable fear of bodily injury to the intimate partner or child of the intimate  
 2910 partner; and
- 2911 (c)(i) includes a finding that the individual represents a credible threat to the physical  
 2912 safety of an intimate partner or the child of the intimate partner; or
- 2913 (ii) explicitly prohibits the use, attempted use, or threatened use of physical force that  
 2914 would reasonably be expected to cause bodily harm against an intimate partner or  
 2915 the child of an intimate partner; or
- 2916 (13) except as provided in Subsection 76-11-304(2), being convicted of the commission or  
 2917 attempted commission of misdemeanor assault under Section 76-5-102, or aggravated  
 2918 assault under Section 76-5-103, against a victim:
- 2919 (a) who is a current or former spouse, parent, or guardian of the individual;  
 2920 (b) with whom the individual shares a child in common;  
 2921 (c) who is cohabitating or has cohabitated with the individual as a spouse, parent, or  
 2922 guardian;  
 2923 (d) involved in a dating relationship with the individual within the last five years; or  
 2924 (e) similarly situated to a spouse, parent, or guardian of the individual.

2925 Section 66. Section **76-11-304** is enacted to read:

2926 **76-11-304 . Exceptions, limitations, and exclusions to restricted person categories**

2927 **-- Burden on defendant to prove exception.**

- 2928 (1)(a) Subject to Subsection (1)(c), an individual convicted of a felony, or adjudicated  
 2929 for an offense which would be a felony if committed by an adult, is not a category I  
 2930 restricted person, or a category II restricted person, if:
- 2931 (i) the felony or adjudication has, in accordance with the law of the jurisdiction in  
 2932 which the conviction or adjudication occurred, been:
- 2933 (A) expunged;  
 2934 (B) set aside;  
 2935 (C) reduced to a misdemeanor by court order; or  
 2936 (D) pardoned;
- 2937 (ii) the individual has had the individual's civil rights that had been limited by the  
 2938 conviction or adjudication restored in accordance with the law of the jurisdiction  
 2939 in which the conviction or adjudication occurred; or
- 2940 (iii) the felony or adjudication is an offense pertaining to antitrust violations, unfair  
 2941 trade practices, restraint of trade, or other similar offenses relating to the

- 2942 regulation of business practices not involving theft or fraud.
- 2943 (b) Subject to Subsection (1)(c), an individual convicted of a misdemeanor assault under
- 2944 Subsection 76-11-303(13) that qualifies to make the individual a category II
- 2945 restricted person is otherwise not a category II restricted person, if, in accordance
- 2946 with the law of the jurisdiction in which the conviction occurred:
- 2947 (i) the misdemeanor has been:
- 2948 (A) expunged;
- 2949 (B) set aside;
- 2950 (C) reduced to an infraction by court order; or
- 2951 (D) pardoned; or
- 2952 (ii) the individual has had the individual's civil rights that had been limited by the
- 2953 conviction restored.
- 2954 (c) An individual who has received a pardon, reduction, expungement, setting aside, or
- 2955 restoration of civil rights as described in Subsection (1)(a) or (b) remains a category I
- 2956 or category II restricted person that corresponds with the individual's conviction if the
- 2957 pardon, reduction, expungement, setting aside, or restoration of civil rights expressly
- 2958 provides that the person may not ship, transport, possess, or receive firearms.
- 2959 (2) An individual is not a category II restricted person resulting from a conviction for a
- 2960 misdemeanor assault committed against an individual involved in a dating relationship
- 2961 as described in Subsection 76-11-303(13)(d) if:
- 2962 (a) five years have elapsed from the later of:
- 2963 (i) the day on which the conviction is entered;
- 2964 (ii) the day on which the individual is released from incarceration following the
- 2965 conviction; or
- 2966 (iii) the day on which the individual's probation for the conviction is successfully
- 2967 terminated;
- 2968 (b) the individual only has a single conviction for misdemeanor assault as described in
- 2969 Subsection 76-11-303(12)(d); and
- 2970 (c) the individual is not otherwise a category I restricted person or a category II
- 2971 restricted person.
- 2972 (3)(a) In a criminal case brought against the defendant in which the question of whether
- 2973 the defendant meets an exception, limitation, or exclusion under this section arises
- 2974 and therefore makes the defendant not a category I or category II restricted person,
- 2975 the defendant has the burden to provide evidence that an exception, limitation, or



2976 exclusion described in Subsection (1) or (2) applies.

2977 (b) If the defendant satisfies the defendant's burden to provide evidence described in  
2978 Subsection (2)(a), the burden shifts to the state to prove beyond a reasonable doubt  
2979 that the defendant's conviction or adjudication is not subject to an exception,  
2980 limitation, or exclusion described in Subsection (1) or (2).

2981 Section 67. Section **76-11-305** is enacted to read:

2982 **76-11-305 . Category I restricted person participating in prohibited dangerous**  
2983 **weapon conduct.**

2984 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-301 apply to this section.

2985 (2) An actor commits category I restricted person participating in prohibited dangerous  
2986 weapon conduct if the actor:

2987 (a) is a category I restricted person; and

2988 (b) intentionally or knowingly:

2989 (i) agrees, consents, offers, or arranges to:

2990 (A) purchase a dangerous weapon;

2991 (B) transfer a dangerous weapon;

2992 (C) use a dangerous weapon; or

2993 (D) carry or otherwise possess a dangerous weapon; or

2994 (ii) purchases, transfers, uses, carries, or otherwise possesses a dangerous weapon.

2995 (3)(a) A violation of Subsection (2) is a third degree felony if the dangerous weapon is  
2996 not a firearm.

2997 (b) A violation of Subsection (2) is a second degree felony if the dangerous weapon is a  
2998 firearm.

2999 (4) For purposes of this section, using a dangerous weapon includes using an antique  
3000 firearm for an activity regulated under Title 23A, Wildlife Resources Act.

3001 (5) It is an affirmative defense to a prosecution for transferring a dangerous weapon by an  
3002 actor under Subsection (2) that the dangerous weapon:

3003 (a) was possessed by the actor or was under the actor's custody or control before the  
3004 actor became a restricted person;

3005 (b) was not used in or possessed during the commission of a crime or subject to  
3006 disposition under Section Title 77, Chapter 11a, Part 4, Disposal of Seized Property  
3007 and Contraband;

3008 (c) is not being held as evidence by a court or law enforcement agency;

3009 (d) was transferred to an individual not legally prohibited from possessing the weapon;

3010           and  
3011           (e) unless a different time is ordered by the court, was transferred within 10 days after  
3012           the day on which the actor became a restricted person.

3013   (6)(a) It is not a violation of this section for an actor who is a category I restricted  
3014   person to own, carry, or otherwise possess, archery equipment, including crossbows,  
3015   for the purpose of lawful hunting and lawful target shooting.

3016   (b) Notwithstanding Subsection (6)(a), this section applies if the owning, carrying, or  
3017   otherwise possessing archery equipment, including crossbows, is prohibited by:

3018           (i) a court, as a condition of pre-trial release or probation; or

3019           (ii) the Board of Pardons and Parole, as a condition of parole.

3020           Section 68. Section **76-11-306** is enacted to read:

3021           **76-11-306 . Category II restricted person participating in prohibited dangerous**  
3022   **weapon conduct.**

3023   (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-301 apply to this section.

3024   (2) An actor commits category II restricted person participating in prohibited dangerous  
3025   weapon conduct if the actor:

3026           (a) is a category II restricted person; and

3027           (b) intentionally or knowingly:

3028                   (i) purchases a dangerous weapon;

3029                   (ii) transfers a dangerous weapon;

3030                   (iii) uses a dangerous weapon; or

3031                   (iv) carries or otherwise possesses a dangerous weapon.

3032   (3)(a) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon  
3033   is not a firearm.

3034   (b) A violation of Subsection (2) is a third degree felony if the dangerous weapon is a  
3035   firearm.

3036   (4) For purposes of this section using a dangerous weapon includes using an antique  
3037   firearm for an activity regulated under Title 23A, Wildlife Resources Act.

3038   (5) It is an affirmative defense to:

3039           (a) a prosecution under this section that is based on proving that an actor is a category II  
3040           restricted person as a result of being in possession of a dangerous weapon while

3041           knowingly and intentionally being in unlawful possession of a schedule I controlled  
3042           substance or a schedule II controlled substance as described in Subsection

3043           76-11-303(6) that the actor was:

- 3044 (i) in possession of the controlled substance pursuant to a lawful order of a  
 3045 practitioner for use of a member of the person's household or for administration to  
 3046 an animal owned by the person or a member of the person's household; or  
 3047 (ii) otherwise authorized by law to possess the controlled substance; and
- 3048 (b) a prosecution for transferring a dangerous weapon by an actor under Subsection (2)  
 3049 that the dangerous weapon:
- 3050 (i) was possessed by the actor or was under the actor's custody or control before the  
 3051 actor became a restricted person;
- 3052 (ii) was not used in or possessed during the commission of a crime or subject to  
 3053 disposition under Section Title 77, Chapter 11a, Part 4, Disposal of Seized  
 3054 Property and Contraband;
- 3055 (iii) is not being held as evidence by a court or law enforcement agency;
- 3056 (iv) was transferred to an individual not legally prohibited from possessing the  
 3057 weapon; and
- 3058 (v) unless a different time is ordered by the court, was transferred within 10 days  
 3059 after the day on which the actor became a restricted person.
- 3060 (6)(a) It is not a violation of this section for an actor who is a category II restricted  
 3061 person to own, carry, or otherwise possess, archery equipment, including crossbows,  
 3062 for the purpose of lawful hunting and lawful target shooting.
- 3063 (b) Notwithstanding Subsection (6)(a), this section applies if the owning, carrying, or  
 3064 otherwise possessing of archery equipment, including crossbows, is prohibited by:
- 3065 (i) a court, as a condition of pre-trial release or probation; or
- 3066 (ii) the Board of Pardons and Parole, as a condition of parole.
- 3067 Section 69. Section **76-11-307** is enacted to read:
- 3068 **76-11-307 . Selling a dangerous weapon to a category I restricted person.**
- 3069 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-301 apply to this section.
- 3070 (2) An actor commits selling a dangerous weapon to a category I restricted person if the  
 3071 actor:
- 3072 (a) sells, transfers, or otherwise provide a dangerous weapon to an individual who is a  
 3073 category I restricted person; and
- 3074 (b) knows the individual that the actor has sold, transferred, or provided the dangerous  
 3075 weapon to is a category I restricted person.
- 3076 (3)(a) A violation of Subsection (2) is a second degree felony if the dangerous weapon  
 3077 sold, transferred, or provided is a firearm.

3078 (b) A violation of Subsection (2) is a third degree felony if the dangerous weapon sold,  
 3079 transferred, or provided is not a firearm and the actor knew that the recipient intended  
 3080 to use the dangerous weapon for an unlawful purpose.

3081 Section 70. Section **76-11-308** is enacted to read:

3082 **76-11-308 . Selling a dangerous weapon to a category II restricted person.**

3083 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-301 apply to this section.

3084 (2) An actor commits selling a dangerous weapon to a category II restricted person if the  
 3085 actor:

3086 (a) sells, transfers, or otherwise provide a dangerous weapon to an individual who is a  
 3087 category II restricted person; and

3088 (b) knows the individual that the actor has sold, transferred, or provided the dangerous  
 3089 weapon to is a category II restricted person.

3090 (3)(a) A violation of Subsection (2) is a third degree felony if the dangerous weapon  
 3091 sold, transferred, or provided is a firearm.

3092 (b) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon  
 3093 sold, transferred, or provided is not a firearm and the actor knew that the recipient  
 3094 intended to use the dangerous weapon for an unlawful purpose.

3095 Section 71. Section **76-11-309**, which is renumbered from Section 76-10-503.1 is renumbered  
 3096 and amended to read:

3097 ~~[76-10-503.1]~~ **76-11-309 . Firearm restriction notification requirement for restricted persons.**

3098 (1) As used in this section:

3099 (a) "Peace officer" means an officer described Section 53-13-102.

3100 ~~[(b) "Possess" means actual physical possession, actual or purported ownership,~~  
 3101 ~~or exercising control of an item.]~~

3102 ~~[(e)]~~ (b) "Restricted person" means an individual who is restricted from ~~[possessing,]~~  
 3103 ~~purchasing, transferring, using, or owning] otherwise possessing a firearm under~~  
 3104 ~~Section [76-10-503] 76-11-302 or 76-11-303 or federal law.~~

3105 (2) A defendant intending to plead guilty or no contest to a criminal charge that will, upon  
 3106 conviction, cause the defendant to become a restricted person shall, before entering a  
 3107 plea before a court, sign an acknowledgment that states:

3108 (a) the defendant's attorney or the prosecuting attorney has informed the defendant:

3109 (i) that conviction of the charge will classify the defendant as a restricted person;

3110 (ii) that a restricted person may not ~~[possess]~~ purchase, transfer, use, or otherwise  
 3111 possess a firearm; and

- 3112 (iii) of the criminal penalties associated with [~~possession of~~] purchasing,  
3113 transferring, using, or otherwise possessing a firearm by a restricted person of the  
3114 same category the defendant will become upon entering a plea for the criminal  
3115 charge; and
- 3116 (b) the defendant acknowledges and understands that, by pleading guilty or no contest to  
3117 the criminal charge, the defendant:
- 3118 (i) will be a restricted person;
- 3119 (ii) upon conviction, shall forfeit possession of each firearm currently [~~possessed by~~]  
3120 in the [defendant] defendant's possession; and
- 3121 (iii) will be in violation of federal and state law if the defendant purchases, transfers,  
3122 uses, or otherwise possesses a firearm.
- 3123 (3) The prosecuting attorney or the defendant's attorney shall provide the acknowledgment  
3124 described in Subsection (2) to the court before the defendant's entry of a plea, if the  
3125 defendant pleads guilty or no contest.
- 3126 (4) A defendant who is convicted by trial of a criminal charge resulting in the defendant  
3127 becoming a restricted person shall, at the time of sentencing:
- 3128 (a) be verbally informed by the court, prosecuting attorney, or defendant's attorney:
- 3129 (i) that the defendant is a restricted person;
- 3130 (ii) that, as a restricted person, the defendant may not purchase, transfer, use, or  
3131 otherwise possess a firearm; and
- 3132 (iii) of the criminal penalties associated with [~~possession of~~] purchasing,  
3133 transferring, using, or otherwise possessing a firearm by a restricted person of the  
3134 defendant's category; and
- 3135 (b) sign an acknowledgment in the presence of the court attesting that the defendant  
3136 acknowledges and understands that the defendant:
- 3137 (i) is a restricted person;
- 3138 (ii) shall forfeit possession of each firearm; and
- 3139 (iii) will be in violation of federal and state law if the defendant purchases, transfers,  
3140 uses, or otherwise possesses a firearm.
- 3141 (5) The prosecuting attorney and the defendant's attorney shall inform the court at the  
3142 preliminary hearing if a charge filed against the defendant would qualify the defendant  
3143 as a restricted person if the defendant is convicted of the charge.
- 3144 (6) The failure to inform or obtain a signed acknowledgment from the defendant may not  
3145 render the plea invalid, form the basis for withdrawal of the plea, or create a basis to

3146 challenge a conviction or sentence.

3147 (7) An individual who becomes a restricted person as a result of being served with a pretrial  
3148 protective order in accordance with Section 78B-7-803, a sentencing protective order in  
3149 accordance with Section 77-36-5, or a continuous protective order in accordance with  
3150 Section 77-36-5, shall, at the time of service of the protective order:

3151 (a) be verbally informed by the court, prosecuting attorney, defendant's attorney, or, if a  
3152 peace officer is serving the protective order, the peace officer:

3153 (i) that the individual is a restricted person;

3154 (ii) that, as a restricted person, the individual may not purchase, transfer, use, or  
3155 otherwise possess a firearm; and

3156 (iii) of the criminal penalties associated with [~~possession of~~] purchasing,  
3157 transferring, using, or otherwise possessing a firearm by a restricted person of the  
3158 individual's category; and

3159 (b) sign, in the presence of the court or, if a peace officer serves the protective order, in  
3160 the presence of the peace officer, an acknowledgment contained within the protective  
3161 order document attesting that the individual acknowledges and understands that the  
3162 individual:

3163 (i) is a restricted person;

3164 (ii) is required to relinquish possession of each firearm in the individual's possession;

3165 (iii) will be in violation of federal and state law if the individual purchases, transfers,  
3166 uses, or otherwise possesses a firearm; and

3167 (iv) may be eligible for an affirmative defense to a state-law prosecution for [~~possession of~~]  
3168 transferring a firearm under Section [~~76-10-503~~] 76-11-302 or 76-11-303 if  
3169 the individual lawfully transfers the individual's firearms within 10 days [~~of~~  
3170 becoming] after the day on which the individual became a restricted person.

3171 Section 72. Section **76-11-310**, which is renumbered from Section 76-10-532 is renumbered  
3172 and amended to read:

3173 **[76-10-532]76-11-310 . Removal from National Instant Check System database for certain**  
3174 **category II restricted persons.**

3175 (1) [~~A person~~] An individual who is subject to the restrictions in Subsection [  
3176 76-10-503(1)(b)(vi), (vii), or (viii)] 76-11-303(7), (8), or (9), or 18 U.S.C. 922(d)(4) and  
3177 (g)(4) based on a commitment, finding, or adjudication that occurred in this state may  
3178 petition the district court in the county in which the commitment, finding, or  
3179 adjudication occurred to remove the disability imposed.

- 3180 (2) The petition shall be filed in the district court in the county where the commitment,  
3181 finding, or adjudication occurred~~[-The petition]~~ and shall include:
- 3182 (a) a listing of facilities, with their addresses, where the petitioner has ever received  
3183 mental health treatment;
- 3184 (b) a release signed by the petitioner to allow the prosecutor or county attorney to obtain  
3185 the petitioner's mental health records;
- 3186 (c) a verified report of a mental health evaluation conducted by a licensed psychiatrist  
3187 occurring within 30 days prior to the filing of the petition, which shall include a  
3188 statement regarding:
- 3189 (i) the nature of the commitment, finding, or adjudication that resulted in the  
3190 restriction on the petitioner's ability to purchase or possess a dangerous weapon;
- 3191 (ii) the petitioner's previous and current mental health treatment;
- 3192 (iii) the petitioner's previous violent behavior, if any;
- 3193 (iv) the petitioner's current mental health medications and medication management;
- 3194 (v) the length of time the petitioner has been stable;
- 3195 (vi) external factors that may influence the petitioner's stability;
- 3196 (vii) the ability of the petitioner to maintain stability with or without medication; and  
3197 (viii) whether the petitioner is dangerous to public safety; and
- 3198 (d) a copy of the petitioner's state and federal criminal history record.
- 3199 (3) The petitioner shall serve the petition on the prosecuting entity that prosecuted the case  
3200 or, if the disability is not based on a criminal case, on the county or district attorney's  
3201 office having jurisdiction where the petition was filed and the individual who filed the  
3202 original action which resulted in the disability.
- 3203 (4)(a) The court shall schedule a hearing as soon as practicable~~[-The]~~ in which the  
3204 petitioner may present evidence and subpoena witnesses to appear at the hearing.~~[-]~~
- 3205 (b) The prosecuting, county attorney, or the individual who filed the original action  
3206 which resulted in the disability may object to the petition and present evidence in  
3207 support of the objection.
- 3208 (5) The court shall consider the following evidence:
- 3209 (a) the facts and circumstances that resulted in the commitment, finding, or adjudication;
- 3210 (b) the ~~[person's]~~ petitioner's mental health and criminal history records; and
- 3211 (c) the ~~[person's]~~ petitioner's reputation, including the testimony of character witnesses.
- 3212 (6) The court shall grant the relief if the court finds by clear and convincing evidence that:
- 3213 (a) the ~~[person]~~ petitioner is not a danger to the ~~[person]~~ petitioner or to ~~[others]~~ another

- 3214            individual;
- 3215            (b) the [~~person~~] petitioner is not likely to act in a manner dangerous to public safety; and
- 3216            (c) the requested relief would not be contrary to the public interest.
- 3217 (7) The court shall issue an order with its findings and send a copy to the bureau.
- 3218 (8)(a) The bureau, upon receipt of a court order removing [~~a person's~~] a petitioner's
- 3219            disability under Subsection [~~76-10-503(1)(b)(viii),~~] 76-11-303(9), shall send a copy
- 3220            of the court order to the National Instant Check System requesting removal of the [~~person's~~]
- 3221            petitioner's name from the database.[~~-~~]
- 3222            (b) In addition to the action described in Subsection (8)(a), if the [~~person~~] petitioner is
- 3223            listed in a state database utilized by the bureau to determine eligibility for the
- 3224            purchase or possession of a firearm or to obtain a concealed firearm permit under
- 3225            Title 53, Chapter 5a, Part 3, Concealed Firearm Permits, the bureau shall remove the
- 3226            petitioner's name or send a copy of the court's order to the agency responsible for the
- 3227            database for removal of the petitioner's name.
- 3228 (9) If the court denies the petition, the petitioner may not petition again for relief until at
- 3229            least two years after the date of the court's final order.
- 3230 (10) The petitioner may appeal a denial of the requested relief[~~-The~~] and the review on
- 3231            appeal shall be de novo.

3232            Section 73. Section **78B-5-502** is amended to read:

3233            **78B-5-502 . Definitions.**

3234            As used in this part:

- 3235 (1) "Civil accounts receivable" means the same as that term is defined in Section
- 3236            77-32b-102.
- 3237 (2) "Civil judgment of restitution" means the same as that term is defined in Section
- 3238            77-32b-102.
- 3239 (3) "Curio or relic firearm" means a firearm that:
- 3240            (a) is of special interest to a collector because of a quality that is not associated with
- 3241            firearms intended for:
- 3242            (i) sporting use;
- 3243            (ii) use as an offensive weapon; or
- 3244            (iii) use as a defensive weapon;
- 3245            (b)(i) was manufactured at least 50 years before the current date; and
- 3246            (ii) is not a replica of a firearm described in Subsection (3)(b)(i);
- 3247            (c) is certified by the curator of a municipal, state, or federal museum that exhibits



- 3248 firearms to be a curio or relic of museum interest;
- 3249 (d) derives a substantial part of the firearm's monetary value:
- 3250 (i) from the fact that the firearm is:
- 3251 (A) novel;
- 3252 (B) rare; or
- 3253 (C) bizarre; or
- 3254 (ii) because of the firearm's association with an historical:
- 3255 (A) figure;
- 3256 (B) period; or
- 3257 (C) event; and
- 3258 (e) has been designated as a curio or relic firearm by the director of the United States
- 3259 Treasury Department Bureau of Alcohol, Tobacco, and Firearms under 27 C.F.R.
- 3260 Sec. 478.11.
- 3261 ~~[(3)]~~ (4) "Debt" means a legally enforceable monetary obligation or liability of an
- 3262 individual, whether arising out of contract, tort, or otherwise.
- 3263 ~~[(4)]~~ (5) "Dependent" means the spouse of an individual, and the grandchild or the natural or
- 3264 adoptive child of an individual who derives support primarily from that individual.
- 3265 ~~[(5)]~~ (6) "Exempt" means protected, and "exemption" means protection from subjection to a
- 3266 judicial process to collect an unsecured debt.
- 3267 (7) "Firearm" means the same as that term is defined in Section 76-11-101.
- 3268 ~~[(6)]~~ (8) "Judicial lien" means a lien on property obtained by judgment or other legal process
- 3269 instituted for the purpose of collecting an unsecured debt.
- 3270 ~~[(7)]~~ (9) "Levy" means the seizure of property pursuant to any legal process issued for the
- 3271 purpose of collecting an unsecured debt.
- 3272 ~~[(8)]~~ (10) "Lien" means a judicial, or statutory lien, in property securing payment of a debt
- 3273 or performance of an obligation.
- 3274 ~~[(9)]~~ (11) "Liquid assets" means deposits, securities, notes, drafts, unpaid earnings not
- 3275 otherwise exempt, accrued vacation pay, refunds, prepayments, and other receivables.
- 3276 ~~[(10)]~~ (12) "Security interest" means an interest in property created by contract to secure
- 3277 payment or performance of an obligation.
- 3278 ~~[(11)]~~ (13) "Statutory lien" means a lien arising by force of a statute, but does not include a
- 3279 security interest or a judicial lien.
- 3280 ~~[(12)]~~ (14) "Value" means fair market value of an individual's interest in property, exclusive
- 3281 of valid liens.

3282 Section 74. Section **78B-5-505** is amended to read:

3283 **78B-5-505 . Property exempt from execution.**

3284 (1)(a) An individual is entitled to exemption of the following property:

3285 (i) a burial plot for the individual and the individual's family;

3286 (ii) health aids reasonably necessary to enable the individual or a dependent to work  
3287 or sustain health;

3288 (iii) benefits that the individual or the individual's dependent have received or are  
3289 entitled to receive from any source because of:

3290 (A) disability;

3291 (B) illness; or

3292 (C) unemployment;

3293 (iv) benefits paid or payable for medical, surgical, or hospital care to the extent that  
3294 the benefits are used by an individual or the individual's dependent to pay for that  
3295 care;

3296 (v) veterans benefits;

3297 (vi) money or property received, and rights to receive money or property for child  
3298 support;

3299 (vii) money or property received, and rights to receive money or property for alimony  
3300 or separate maintenance, to the extent reasonably necessary for the support of the  
3301 individual and the individual's dependents;

3302 (viii)(A) one:

3303 (I) clothes washer and dryer;

3304 (II) refrigerator;

3305 (III) freezer;

3306 (IV) stove;

3307 (V) microwave oven; and

3308 (VI) sewing machine;

3309 (B) all carpets in use;

3310 (C) provisions sufficient for 12 months actually provided for individual or family  
3311 use;

3312 (D) all wearing apparel of every individual and dependent, not including jewelry  
3313 or furs; and

3314 (E) all beds and bedding for every individual or dependent;

3315 (ix) except for works of art held by the debtor as part of a trade or business, works of

- 3316 art:
- 3317 (A) depicting the debtor or the debtor and the debtor's resident family; or
- 3318 (B) produced by the debtor or the debtor and the debtor's resident family;
- 3319 (x) proceeds of insurance, a judgment, or a settlement, or other rights accruing as a
- 3320 result of bodily injury of the individual or of the wrongful death or bodily injury
- 3321 of another individual of whom the individual was or is a dependent to the extent
- 3322 that those proceeds are compensatory;
- 3323 (xi) the proceeds or benefits of any life insurance contracts or policies paid or
- 3324 payable to the debtor or any trust of which the debtor is a beneficiary upon the
- 3325 death of the spouse or children of the debtor, provided that the contract or policy
- 3326 has been owned by the debtor for a continuous unexpired period of one year;
- 3327 (xii) the proceeds or benefits of any life insurance contracts or policies paid or
- 3328 payable to the spouse or children of the debtor or any trust of which the spouse or
- 3329 children are beneficiaries upon the death of the debtor, provided that the contract
- 3330 or policy has been in existence for a continuous unexpired period of one year;
- 3331 (xiii) proceeds and avails of any unmatured life insurance contracts owned by the
- 3332 debtor or any revocable grantor trust created by the debtor, excluding any
- 3333 payments made on the contract during the one year immediately preceding a
- 3334 creditor's levy or execution;
- 3335 (xiv) except as provided in Subsection (1)(b), and except for a judgment described in
- 3336 Subsection 75-7-503(2)(c), any money or other assets held for or payable to the
- 3337 individual as an owner, participant, or beneficiary from or an interest of the
- 3338 individual as an owner, participant, or beneficiary in a fund or account, including
- 3339 an inherited fund or account, in a retirement plan or arrangement that is described
- 3340 in Section 401(a), 401(h), 401(k), 403(a), 403(b), 408, 408A, 409, 414(d), 414(e),
- 3341 or 457, Internal Revenue Code, including an owner's, a participant's, or a
- 3342 beneficiary's interest that arises by inheritance, designation, appointment, or
- 3343 otherwise;
- 3344 (xv) the interest of or any money or other assets payable to an alternate payee under a
- 3345 qualified domestic relations order as those terms are defined in Section 414(p),
- 3346 Internal Revenue Code;
- 3347 (xvi) unpaid earnings of the household of the filing individual due as of the date of
- 3348 the filing of a bankruptcy petition in the amount of 1/24 of the Utah State annual
- 3349 median family income for the household size of the filing individual as

- 3350 determined by the Utah State Annual Median Family Income reported by the  
3351 United States Census Bureau and as adjusted based upon the Consumer Price  
3352 Index for All Urban Consumers for an individual whose unpaid earnings are paid  
3353 more often than once a month or, if unpaid earnings are not paid more often than  
3354 once a month, then in the amount of 1/12 of the Utah State annual median family  
3355 income for the household size of the individual as determined by the Utah State  
3356 Annual Median Family Income reported by the United States Census Bureau and  
3357 as adjusted based upon the Consumer Price Index for All Urban Consumers;
- 3358 (xvii) except for curio or relic firearms~~[, as defined in Section 76-10-501,]~~ any three  
3359 of the following:
- 3360 (A) one handgun and ammunition for the handgun not exceeding 1,000 rounds;  
3361 (B) one shotgun and ammunition for the shotgun not exceeding 1,000 rounds; and  
3362 (C) one shoulder arm and ammunition for the shoulder arm not exceeding 1,000  
3363 rounds; and
- 3364 (xviii) money, not exceeding \$200,000, in the aggregate, that an individual deposits,  
3365 more than 18 months before the day on which the individual files a petition for  
3366 bankruptcy or an action is filed by a creditor against the individual, as applicable,  
3367 in all tax-advantaged accounts for saving for higher education costs on behalf of a  
3368 particular individual that meets the requirements of Section 529, Internal Revenue  
3369 Code.
- 3370 (b)(i) Any money, asset, or other interest in a fund or account that is exempt from a  
3371 claim of a creditor of the owner, beneficiary, or participant under Subsection  
3372 (1)(a)(xiv) does not cease to be exempt after the owner's, participant's, or  
3373 beneficiary's death by reason of a direct transfer or eligible rollover to an inherited  
3374 individual retirement account as defined in Section 408(d)(3), Internal Revenue  
3375 Code.
- 3376 (ii) Subsections (1)(a)(xiv) and (1)(b)(i) apply to all inherited individual retirement  
3377 accounts without regard to the date on which the account was created.
- 3378 (c)(i) The exemption granted by Subsection (1)(a)(xiv) does not apply to:
- 3379 (A) an alternate payee under a qualified domestic relations order, as those terms  
3380 are defined in Section 414(p), Internal Revenue Code; or  
3381 (B) amounts contributed or benefits accrued by or on behalf of a debtor within one  
3382 year before the debtor files for bankruptcy, except amounts directly rolled over  
3383 from other funds that are exempt from attachment under this section.

3384 (ii) The exemptions in Subsections (1)(a)(xi), (xii), and (xiii) do not apply to the  
3385 secured creditor's interest in proceeds and avails of any matured or unmatured life  
3386 insurance contract assigned or pledged as collateral for repayment of a loan or  
3387 other legal obligation.

3388 (2)(a) Disability benefits, as described in Subsection (1)(a)(iii)(A), and veterans  
3389 benefits, as described in Subsection (1)(a)(v), may be garnished on behalf of a victim  
3390 who is a child if the person receiving the benefits has been convicted of a felony sex  
3391 offense against the victim and ordered by the sentencing court to pay restitution to  
3392 the victim.

3393 (b) The exemption from execution under this Subsection (2) shall be reinstated upon  
3394 payment of the restitution in full.

3395 (3) The exemptions under this section do not limit items that may be claimed as exempt  
3396 under Section 78B-5-506.

3397 (4)(a) The exemptions described in Subsections (1)(a)(iii), (iv), (vi), (vii), (x), (xii), (xiii),  
3398 (xiv), (xv), (xvii), and (xviii) do not apply to a civil accounts receivable or a civil  
3399 judgment of restitution for an individual who is found in contempt under Section  
3400 78B-6-317.

3401 (b) Subsection (4)(a) does not apply to the benefits described in Subsection (1)(a)(iii) if  
3402 the individual's dependent received, or is entitled to receive, the benefits.

3403 Section 75. **Repealer.**

3404 This bill repeals:

3405 Section **53-5-701, Title.**

3406 Section **53-5-710, Cross-references to concealed firearm permit restrictions.**

3407 Section **53-5b-101, Title.**

3408 Section **76-10-500, Uniform law.**

3409 Section **76-10-503, Restrictions on possession, purchase, transfer, and ownership of**  
3410 **dangerous weapons by certain persons -- Exceptions.**

3411 Section **76-10-512, Target concessions, shooting ranges, competitions, and hunting**  
3412 **excepted from prohibitions.**

3413 Section **76-10-521, Unlawful marking of pistol or revolver.**

3414 Section 76. **Effective date.**

3415 This bill takes effect on May 7, 2025.