

Effective 5/7/2025

Superseded 5/6/2026

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

- (1)
 - (a) A cohabitant or owner cohabitant may voluntarily commit a firearm to a law enforcement agency or request that a law enforcement officer receive a firearm for safekeeping if the owner cohabitant or cohabitant believes that the owner cohabitant or another cohabitant with access to the firearm is an immediate threat to:
 - (i) a cohabitant;
 - (ii) the owner cohabitant; or
 - (iii) another individual.
 - (b) Except as provided in Subsection (2), if the owner of a firearm requests return of the firearm in person at the law enforcement agency's office, the law enforcement agency:
 - (i) may not hold the firearm under this section; and
 - (ii) shall return the firearm to the owner.
- (2) A law enforcement agency may not return a firearm to an owner under Subsection (1)(b) if the owner of the firearm:
 - (a) is a restricted person under Section 76-11-302 or 76-11-303; or
 - (b)
 - (i) has been arrested and booked into a county jail on a class A misdemeanor or felony domestic violence offense;
 - (ii) has had a court:
 - (A) review the probable cause statement detailing the incident leading to the owner's arrest; and
 - (B) determine that probable cause existed for the arrest; and
 - (iii) is subject to a jail release agreement or a jail release court order arising out of the domestic violence offense.
- (3) Unless a firearm is an illegal firearm subject to Section 53-5a-503, a law enforcement agency that receives a firearm in accordance with this chapter shall:
 - (a) record:
 - (i) the owner cohabitant's name, address, and phone number;
 - (ii) the firearm serial number and the make and model of each firearm committed; and
 - (iii) the date that the firearm was voluntarily committed;
 - (b) require the cohabitant to sign a document attesting that the cohabitant resides in the home;
 - (c) hold the firearm in safe custody:
 - (i) for 60 days after the day on which the firearm is voluntarily committed; or
 - (ii)
 - (A) for an owner described in Subsection (2)(b), during the time the jail release agreement or jail release court order is in effect; and
 - (B) for 60 days after the day on which the jail release agreement or jail release court order expires; and
 - (d) upon proof of identification, return the firearm to:
 - (i)
 - (A) the owner cohabitant after the expiration of the 60-day period; or
 - (B) if the owner cohabitant requests return of the firearm before the expiration of the 60-day period, at the time of the request; or
 - (ii) an owner other than the owner cohabitant in accordance with Section 53-5a-503.

- (4) The law enforcement agency shall hold the firearm for an additional 60 days:
 - (a) if the initial 60-day period expires; and
 - (b) the cohabitant or owner cohabitant requests that the law enforcement agency hold the firearm for an additional 60 days.
- (5) A law enforcement agency may not request or require that the owner cohabitant provide the name or other information of the cohabitant who poses an immediate threat or any other cohabitant.
- (6) Notwithstanding an ordinance or policy to the contrary adopted in accordance with Section 63G-2-701, a law enforcement agency shall destroy a record created under Subsection (3), Subsection 53-5a-503(3)(b)(iii), or any other record created in the application of this chapter immediately, if practicable, but no later than five days after immediately upon the:
 - (a) return of a firearm in accordance with Subsection (3)(d); or
 - (b) disposal of the firearm in accordance with Section 53-5a-503.
- (7) Unless otherwise provided, the provisions of Title 77, Chapter 11d, Lost or Mislaid Property, do not apply to a firearm received by a law enforcement agency in accordance with this part.
- (8) A law enforcement agency shall adopt a policy for the safekeeping of a firearm held in accordance with this part.
- (9) The department shall:
 - (a) create a pamphlet to be distributed by a law enforcement officer under Section 77-36-2.1 that includes information about a cohabitant's or owner cohabitant's ability to have the owner cohabitant's firearm committed to a law enforcement agency for safekeeping in accordance with this section;
 - (b) survey all law enforcement agencies in the state and publish a publicly searchable registry that will allow the public to see whether each law enforcement agency is or is not available to receive a voluntarily committed firearm in accordance with this section; and
 - (c) subject to available funding, create and implement a marketing plan to educate law enforcement agencies and the public regarding the options available under this chapter.