

**Effective 5/7/2025**

## **Chapter 5a Firearm Laws**

### **Part 1 General Firearm Laws**

#### **53-5a-101 Title.**

This chapter is known as "Firearm Laws."

Renumbered and Amended by Chapter 382, 2008 General Session

#### **53-5a-101.5 Definitions.**

As used in this part:

- (1) "Ammunition" means the same as that term is defined in Section 53-5d-102.
- (2)
  - (a) "Antique firearm" means:
    - (i) a firearm, including a firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898;
    - (ii) a firearm that is a replica of a firearm described in this Subsection (2)(a), if the replica:
      - (A) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or
      - (B) uses rimfire or centerfire fixed ammunition which is no longer manufactured in the United States and is not readily available in ordinary channels of commercial trade; or
    - (iii) a firearm that:
      - (A) is a muzzle loading rifle, shotgun, or pistol; and
      - (B) is designed to use black powder, or a black powder substitute, and cannot use fixed ammunition.
  - (b) "Antique firearm" does not include:
    - (i) a weapon that incorporates a firearm frame or receiver;
    - (ii) a firearm that is converted into a muzzle loading weapon; or
    - (iii) a muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the:
      - (A) barrel;
      - (B) bolt;
      - (C) breechblock; or
      - (D) any combination of Subsection (2)(b)(iii)(A), (B), or (C).
- (3) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201 within the department.
- (4)
  - (a) "Concealed firearm" means a firearm that is:
    - (i) covered, hidden, or secreted in a manner that the public would not be aware of the firearm's presence; and
    - (ii) readily accessible for immediate use.
  - (b) "Concealed firearm" does not include a firearm that is unloaded and securely encased.
- (5) "Court commissioner" means an individual appointed under Section 78A-5-107.
- (6) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.

- (7) "Directive" means the same as that term is defined in Section 78B-6-2301.
- (8) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle or short barreled rifle, or a device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive.
- (9) "Firearm accessory" means the same as that term is defined in Section 53-5a-401.
- (10) "Handgun" means a pistol, revolver, or other firearm of any description, from which a shot, bullet, or other missile can be discharged, the length of which, not including any revolving, detachable, or magazine breech, does not exceed 12 inches.
- (11) "Judge" means the same as that term is defined in Section 53-5a-311.
- (12) "Law enforcement official" means the same as that term is defined in Section 53-5a-311.
- (13) "Local or state governmental entity" means the same as that term is defined in Section 78B-6-2301.
- (14) "Readily accessible for immediate use" means that a firearm or other dangerous weapon is carried on the person or within such close proximity and in such a manner that the weapon can be retrieved and used as readily as if carried on the person.
- (15) "Securely encased firearm" means the same as that term is defined in Section 76-11-201.
- (16) "Short barreled rifle" means the same as that term is defined in Section 53-5a-601.
- (17) "Short barreled shotgun" means the same as that term is defined in Section 53-5a-601.
- (18) "Shotgun" means the same as that term is defined in Section 53-5a-601.
- (19) "Slug" means the same as that term is defined in Section 53-5a-601.

Enacted by Chapter 208, 2025 General Session

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

- (1) The individual right to keep and bear arms being a constitutionally protected right under Utah Constitution Article I, Section 6, and the Second Amendment to the United States Constitution, the Legislature finds the need to provide uniform civil and criminal firearm laws throughout the state and declares that the Legislature occupies the whole field of state regulation of firearms.
- (2) Except as specifically provided by state law, a local or state governmental entity may not:
  - (a) prohibit an individual from owning, possessing, purchasing, selling, transferring, transporting, or keeping a firearm, ammunition, or a firearm accessory at the individual's place of residence, property, business, or in any vehicle in which the individual is lawfully present; or
  - (b) require an individual to have a permit or license to purchase, own, possess, transport, or keep a firearm, ammunition, or a firearm accessory.
- (3) This part and Title 76, Chapter 11, Weapons, are uniformly applicable throughout the state and in all the political subdivisions of the state.
- (4) Authority to regulate firearms, ammunition, and firearm accessories is reserved to the state except where the Legislature specifically delegates responsibility to local or state governmental entities.
- (5) Unless specifically authorized by the Legislature by statute, a local or state governmental entity may not enact, establish, or enforce a directive pertaining to firearms, ammunition, or firearm accessories that in any way inhibits or restricts the possession, ownership, purchase, sale, transfer, transport, or use of firearms, ammunition, or firearm accessories on either public or private property.
- (6) This section does not restrict or expand private property rights.
- (7) A violation of this section is subject to Title 78B, Chapter 6, Part 23, Firearm Preemption Enforcement Act.

Amended by Chapter 173, 2025 General Session

Amended by Chapter 208, 2025 General Session

**53-5a-102.1 When a firearm is considered to be loaded.**

For the purpose of this chapter, a firearm is considered to be loaded if the firearm meets the conditions described in Subsection 76-11-102(1).

Enacted by Chapter 208, 2025 General Session

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

- (1) To effectuate the Second Amendment to the United States Constitution and Utah Constitution, Article I, Section 6, that prohibit the infringement of the right of the people of Utah to keep and bear arms for security and defense of self, family, others, property, or the state, as well as for other lawful purposes, and consistent with the Legislature's ability to define the lawful use of arms:
  - (a) subject to Subsections (2)(a) and (b), an individual 18 years old or older but younger than 21 years old without a provisional carry permit issued under Section 53-5a-305 may only carry in an open manner:
    - (i) an unloaded rifle, shotgun, or muzzle-loading rifle in a vehicle in which the individual is lawfully present;
    - (ii) an unloaded or loaded handgun in a vehicle in which the individual is lawfully present; and
    - (iii) an unloaded firearm that the individual may otherwise lawfully carry, on a public street;
  - (b) subject to Subsections (2)(a) and (b), an individual 21 years old or older may open or conceal carry, without a conceal carry permit:
    - (i) an unloaded or loaded firearm:
      - (A) on a public street; or
      - (B) in any other place not prohibited by, or pursuant to, state statute or federal law;
    - (ii) an unloaded or loaded handgun in a vehicle in which the individual is lawfully present; and
    - (iii) an unloaded rifle, shotgun, or muzzle-loading rifle in a vehicle in which the individual is lawfully present; and
  - (c) subject to Subsections (2)(c) and (d), an individual 18 years old or older with a concealed carry permit issued under Section 53-5a-303, a temporary concealed carry permit issued under Section 53-5a-304, a provisional concealed carry permit issued under Section 53-5a-305, or a concealed carry permit lawfully issued by or in another state, may open or conceal carry a loaded or unloaded firearm:
    - (i) in a vehicle in which the individual is lawfully present;
    - (ii) on a public street; or
    - (iii) in any other place not prohibited by, or pursuant to, state statute or federal law.
- (2)
  - (a) An individual openly carrying a firearm under Subsection (1)(a) or (b) without a concealed carry permit may not carry the firearm:
    - (i) in a secure area established in accordance with Section 76-8-311.1 in which dangerous weapons are prohibited and notice of the prohibition is posted;
    - (ii) on or about the premises of a public or private elementary school or secondary school as described in Section 76-11-205;
    - (iii) on or about the premises of an institution of higher education as described in Section 76-11-205.5;
    - (iv) on or about the premises of a daycare as described in Section 76-11-206;

- (v) in an airport secure area as described in Section 76-11-218;
- (vi) in a house of worship or in any private residence where dangerous weapons are prohibited as described in Section 76-11-219; or
- (vii) in any other place prohibited by, or pursuant to, another state statute or federal law.
- (b) An individual 21 years old or older concealing a firearm without a concealed carry permit under Subsection (1)(b) may not carry the firearm:
  - (i) in a secure area established in accordance with Section 76-8-311.1 in which dangerous weapons are prohibited and notice of the prohibition is posted;
  - (ii) on or about the school premises of a public or private elementary school or secondary school as described in Section 76-11-205;
  - (iii) on or about the premises of an institution of higher education as described in Section 76-11-205.5;
  - (iv) on or about a daycare premises as described in Section 76-11-206;
  - (v) in an airport secure area as described in Section 76-11-218;
  - (vi) in a house of worship or in any private residence where dangerous weapons are prohibited as described in Section 76-11-219; or
  - (vii) in any other place prohibited by, or pursuant to, another state statute or federal law.
- (c) Subject to Subsection (2)(d), an individual with a concealed carry permit under Subsection (1)(c) may not carry the firearm in any manner:
  - (i) in a secure area established in accordance with Section 76-8-311.1 in which dangerous weapons are prohibited and notice of the prohibition posted;
  - (ii) in an airport secure area as described in Section 76-11-218;
  - (iii) in a house of worship or in any private residence where dangerous weapons are prohibited as described in Section 76-11-219; or
  - (iv) in any other place prohibited by, or pursuant to, another state statute or federal law.
- (d) In addition to the locations described in Subsection (2)(c):
  - (i) an individual 18 years old but younger than 21 years old with a provisional concealed carry permit under Section 53-5a-304 may not carry the firearm in any manner on or about the premises of a public or private elementary school or secondary school as described in Section 76-11-205; and
  - (ii) an individual concealing a firearm only with a concealed carry permit lawfully issued by or in another state may not carry the firearm in any manner:
    - (A) on or about the premises of a public or private elementary school or secondary school as described in Section 76-11-205;
    - (B) on or about the premises of an institution of higher education as described in Section 76-11-205.5; or
    - (C) on or about the premises of a daycare as described in Section 76-11-206.
- (3) This section does not prohibit:
  - (a) the owner or lawful possessor of a vehicle from prohibiting another individual from carrying a firearm in the owner or lawful possessor's vehicle; or
  - (b) except as provided in Section 53-5a-102.3, the owner or lawful lessee of private real property from prohibiting another individual from possessing a firearm on the property.
- (4) An individual is lawfully present in a vehicle while carrying a firearm under this section if:
  - (a) the vehicle is in the lawful possession of the individual; or
  - (b) the individual has the consent of the person lawfully in possession of the vehicle to carry the firearm in the vehicle.

**53-5a-102.3 Possession of a firearm at a residence or on real property.**

- (1) Except for an individual categorized as a restricted person under Section 76-11-302, Section 76-11-303, or 18 U.S.C. Sec. 922(g), or an individual otherwise prohibited by law, an individual 18 years old or older may have, and cannot be restricted from having, a loaded or unloaded firearm:
  - (a) at the individual's place of residence; or
  - (b) on the individual's real property.
- (2) An individual's place of residence described in Subsection (1)(a) includes:
  - (a) a temporary residence or camp; or
  - (b) a residence that the individual has been granted the lawful right of possession to rent or lease.

Renumbered and Amended by Chapter 173, 2025 General Session

Renumbered and Amended by Chapter 208, 2025 General Session

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

- (1) As used in this section:
  - (a) "Firearm possessor" means an individual who may lawfully possess a firearm.
  - (b) "Property occupant" means:
    - (i) a private property owner; or
    - (ii) an individual who has the right to occupy a private property under an agreement.
- (2) Except as provided under Subsection (3), a property occupant, who knowingly allows a firearm possessor to lawfully bring a firearm onto the property occupant's property, is not civilly or criminally liable for any damage or harm resulting from the discharge of the firearm by the firearm possessor while on the property occupant's property.
- (3) Subsection (2) does not apply if the property occupant solicits, requests, commands, encourages, or intentionally aids the firearm possessor in discharging the firearm while on the property occupant's property for a purpose other than the lawful defense of an individual on the property.
- (4) This section does not alter the responsibilities a tenant owes to a landlord under the terms of the lease agreement entered into between the tenant and landlord.

Amended by Chapter 208, 2025 General Session

**53-5a-103.5 Firearm regulation in homeless shelters.**

- (1) As used in this section:
  - (a)
    - (i) "Homeless shelter" means a permanent or temporary facility operated or owned by a local or state governmental entity that provides temporary shelter to homeless individuals and has the capacity to provide temporary shelter to at least 10 individuals per night.
    - (ii) "Homeless shelter" does not include a permanent or temporary facility operated by a local or state governmental entity that provides temporary shelter to individuals displaced due to a disaster or under a state of emergency.
  - (b) "Local or state governmental entity" means the same as that term is defined in Section 78B-6-2301.
- (2)

- (a) Except as provided in Subsection (2)(b) and subject to Subsection (3), a local or state governmental entity may prohibit the possession of a firearm within a homeless shelter over which the local or state government entity exercises authority.
- (b) A local or state governmental entity may not prohibit the possession of a firearm on the grounds outside of a homeless shelter.
- (3) If a local or state governmental entity prohibits the possession of a firearm under Subsection (2), the local or state governmental entity shall:
  - (a) display readily visible signage at all public entrances of the homeless shelter indicating that firearms are not permitted inside the homeless shelter;
  - (b)
    - (i) provide a means of detecting a firearm at all public entrances to the homeless shelter; and
    - (ii) ensure an individual is physically present at a public entrance to the homeless shelter when the public entrance to the homeless shelter is in use;
  - (c) provide secure storage for a firearm while an individual is inside the homeless shelter; and
  - (d) prohibit the collection of information about a firearm that is stored at the homeless shelter, including taking a photograph of the firearm or recording the serial number of the firearm.
- (4) A stored firearm in a homeless shelter that is abandoned for more than seven days by the owner of the firearm may be relinquished by the homeless shelter to a law enforcement agency for disposal.

Enacted by Chapter 428, 2022 General Session

**53-5a-104 Firearm transfer certification or notification.**

- (1) As used in this section:
  - (a) "Certification" means the participation and assent of the chief law enforcement officer necessary under federal law for the approval of the application to transfer or make a firearm.
  - (b) "Chief law enforcement officer" means any official that the Bureau of Alcohol, Tobacco, Firearms and Explosives, or any successor agency, identifies by regulation or otherwise as eligible to provide any required certification for the making or transfer of a firearm.
  - (c) "Firearm" means the same as that term is defined in the National Firearms Act, 26 U.S.C. Sec. 5845(a).
  - (d) "Local law enforcement agency" means the same as that term is described in 18 U.S.C. Sec. 923.
  - (e) "Notification" means any form or record that is subject to 18 U.S.C. Sec. 923(g)(3)(B).
- (2) A chief law enforcement officer may not make a certification under this section that the chief law enforcement officer knows to be untrue. The chief law enforcement officer may not refuse to provide certification based on a generalized objection to private persons or entities making, possessing, or receiving firearms or any certain type of firearm, the possession of which is not prohibited by law.
- (3) Upon receiving a federal firearm transfer form a chief law enforcement officer or the chief law enforcement officer's designee shall provide certification if the applicant:
  - (a) is not prohibited by law from receiving or possessing the firearm; or
  - (b) is not the subject of a proceeding that could result in the applicant being prohibited by law from receiving or possessing the firearm.
- (4) The chief law enforcement officer, the chief law enforcement officer's designee, or official signing the federal transfer form shall:
  - (a) return the federal transfer form to the applicant within 15 calendar days; or

- (b) if the applicant is denied, provide to the applicant the reasons for denial in writing within 15 calendar days.
- (5) Chief law enforcement officers and their employees who act in good faith when acting within the scope of their duties are immune from liability arising from any act or omission in making a certification as required by this section. Any action taken against a chief law enforcement officer or an employee shall be in accordance with Title 63G, Chapter 7, Governmental Immunity Act of Utah.
- (6) A chief law enforcement officer or local law enforcement agency that receives a certification or notification shall destroy and delete the certification or notification and any other record that contains information obtained from the certification or notification within 15 days after the day on which the chief law enforcement officer or local law enforcement agency receives the certification or notification.
- (7) A certification or notification and any other record or portion of a record that contains information gathered from the certification or notification is classified as a private record in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 245, 2017 General Session

**53-5a-105 Number or mark assigned to a handgun by the department.**

- (1) The department, upon request, may assign a distinguishing number or mark of identification to a handgun whenever it is without a manufacturer's number, or other mark of identification or whenever the manufacturer's number or other mark of identification or the distinguishing number or mark assigned by the department has been destroyed or obliterated.
- (2) Except as provided in Subsection (3), an individual who places or stamps a mark of identification or distinguishing number on a handgun except one assigned to the handgun by the department is guilty of a class A misdemeanor.
- (3) This section does not:
  - (a) prohibit restoration by the owner of the name of the maker, model, or of the original manufacturer's number or other mark of identification when the restoration is authorized by the department;
  - (b) prohibit a manufacturer from placing in the ordinary course of business the name of the make, model, manufacturer's number, or other mark of identification upon a new handgun; or
  - (c) apply to a handgun that is an antique firearm.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-106 Alteration of number or mark on a handgun.**

- (1) An individual may not change, alter, remove, or obliterate the name of the maker, the model, manufacturer's number, or other mark of identification, including any distinguishing number or mark assigned by the department, on a handgun, without first having secured written permission from the department to make the change, alteration, removal, or obliteration.
- (2) Except as provided in Subsection (3), a violation of Subsection (1) is a class A misdemeanor.
- (3) This section does not apply to a handgun that is an antique firearm.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-107 Compliance with firearms prohibitions in secure facilities.**

An individual, including an individual with a concealed firearm permit issued under Part 3, Concealed Firearm Permits, or possessing a concealed firearm without a permit in accordance with Section 53-5a-102.2, shall comply with any rule established by a secure facility pursuant to Section 76-8-311.1 and is subject to any penalty provided for violating the established rule.

Renumbered and Amended by Chapter 173, 2025 General Session

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-108 Individuals who are exempt from certain weapons laws.**

- (1) Except as provided in Subsections (2) and (3), this part, Part 3, Concealed Firearm Permits, and Title 76, Chapter 11, Weapons, do not apply to any of the following:
- (a) a United States marshal;
  - (b) a federal official required to carry a firearm;
  - (c) a peace officer of any jurisdiction;
  - (d) a law enforcement official with a certificate issued under Section 53-5a-311(4);
  - (e) a judge with a certificate issued under Section 53-5a-311(4);
  - (f) a court commissioner with a certificate issued under Section 53-5a-311(4); or
  - (g) a common carrier while engaged in the regular and ordinary transport of firearms as merchandise.
- (2) Subsection (1) does not apply to Section 76-11-207, 76-11-209, or 76-11-210.
- (3) Notwithstanding Subsection (1), the provisions of Section 76-11-217 apply to any individual listed in Subsection (1) who is not employed by a state or federal agency or political subdivision that has adopted a policy or rule regarding the use of dangerous weapons.

Renumbered and Amended by Chapter 173, 2025 General Session

Renumbered and Amended by Chapter 208, 2025 General Session

## **Part 2**

### **Federal Firearm Enforcement Limitation Act**

**53-5a-201 Findings.**

To protect and preserve the individual right to keep and bear arms as guaranteed by the Second Amendment to the United States Constitution and Utah Constitution, Article I, Section 6, the Legislature makes the following findings:

- (1) the Tenth Amendment to the United States Constitution guarantees to the state and the state's people all powers not granted to the federal government elsewhere in the United States Constitution and reserves to the state and people of Utah certain powers as those powers were understood at the time that Utah was admitted to statehood;
- (2) the guarantee of powers to the state and the state's people under the Tenth Amendment is a matter of contract between the state and people of Utah and the United States as of the time of statehood;
- (3) the Ninth Amendment to the United States Constitution guarantees to the people rights not granted in the United States Constitution and reserves to the people of Utah certain rights as those rights were understood at the time that Utah was admitted to statehood;
- (4) the guarantee of rights to the people under the Ninth Amendment is a matter of contract between the state and people of Utah and the United States as of the time of statehood;



- (5) the Second Amendment to the United States Constitution reserves to the people the right to keep and bear arms as that right was understood at the time that Utah was admitted to statehood, and the guarantee of the right is a matter of contract between the state and people of Utah and the United States as of the time of statehood; and
- (6) the Utah Constitution clearly secures to Utah citizens, and prohibits unconstitutional government interference with, the right of individual Utah citizens to keep and bear arms.

Enacted by Chapter 395, 2023 General Session

**53-5a-202 Definitions.**

As used in this part:

- (1)
  - (a) "Federal regulation" means a federal executive order, rule, or regulation that infringes upon, prohibits, restricts, or requires individual licensure for, or registration of, the purchase, ownership, possession, transfer, or use of a firearm, ammunition, or firearm accessory.
  - (b) "Federal regulation" does not include:
    - (i) a federal firearm statute; or
    - (ii) a federal executive order, rule, or regulation that is incorporated into the Utah Code by reference.
- (2) "Firearm" means the same as that term is defined in Section 76-11-101.
- (3) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
- (4) "Political subdivision" means a city, town, county, special district, or water conservancy district.

Amended by Chapter 173, 2025 General Session

Amended by Chapter 208, 2025 General Session

**53-5a-203 Prohibition on enforcement.**

- (1) A law enforcement officer, state employee, or employee of a political subdivision is prohibited from implementing, enforcing, assisting, or cooperating in the enforcement of a federal regulation on firearms, firearm accessories, or ammunition.
- (2) An employee of the state or a political subdivision may not expend public funds or allocate public resources for the enforcement of a federal regulation on firearms, firearm accessories, or ammunition.
- (3) Notwithstanding Subsection (1) or (2), this section does not prohibit or otherwise limit a law enforcement officer, state employee, or employee of a political subdivision from:
  - (a) cooperating, communicating, or collaborating with a federal agency if the primary purpose of the cooperation is not the investigation or enforcement of a federal regulation on firearms, ammunition, or firearm accessories;
  - (b) serving on or participating in:
    - (i) a federal law enforcement task force or program if:
      - (A) investigation and prosecution of state or federal firearms regulations are part of the duties of the task force or program; or
      - (B) the law enforcement officer, state employee, or employee of the political subdivision is compensated by federal funds; or
    - (ii) a state law enforcement task force or program that:
      - (A) receives federal funding; or
      - (B) has participation from federal law enforcement officials; or

- (c) referring an investigation to a federal law enforcement agency if the law enforcement officer, state employee, or political subdivision employee reasonably believes that a federal law regarding firearms, ammunition, or firearm accessories has been violated.
- (4) This section does not apply to:
  - (a) a law enforcement officer or state employee employed by or assisting:
    - (i) the Bureau of Criminal Identification of the Department of Public Safety established in Section 53-10-201;
    - (ii) the Peace Officer Standards and Training Division created in Section 53-6-103; or
    - (iii) the Utah National Guard or the Utah State Defense Force created in Title 39A, National Guard and Militia Act; or
  - (b) an individual who:
    - (i) is appointed as a Special Assistant U.S. Attorney under 18 U.S.C. Sec. 925D; or
    - (ii) is assisting another individual that is appointed as a Special Assistant U.S. Attorney under 18 U.S.C. Sec. 925D.

Enacted by Chapter 395, 2023 General Session

### **Part 3**

### **Concealed Firearm Permits**

#### **53-5a-301 Definitions.**

As used in this part:

- (1) "Active duty service member" means an individual on active military duty with the United States military and includes full time military active duty, military reserve active duty, and national guard military active duty service members stationed in Utah.
- (2) "Active duty service member spouse" means an individual recognized by the military as the spouse of an active duty service member and who resides with the active duty service member in Utah.
- (3) "Board" means the Concealed Firearm Review Board created in Section 53-5a-302.
- (4) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201 within the department.
- (5) "Concealed firearm" means the same as that term is defined in Section 53-5a-101.5.
- (6) "Conviction" means criminal conduct in which the filing of a criminal charge has resulted in:
  - (a) a finding of guilt based on evidence presented to a judge or jury;
  - (b) a guilty plea;
  - (c) a plea of nolo contendere;
  - (d) a plea of guilty or nolo contendere that is held in abeyance pending the successful completion of probation;
  - (e) a pending diversion agreement; or
  - (f) a conviction that has been reduced in accordance with Section 76-3-402.
- (7) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
- (8) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- (9) "Firearm" means the same as that term is defined in Section 53-5a-101.5.
- (10)
  - (a) "School employee" means an employee of a public school district, charter school, or private school whose duties, responsibilities, or assignments require the employee to be physically

present on a school's campus at least half of the days on which school is held during a school year.

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

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

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-302 Concealed Firearm Review Board -- Membership -- Compensation -- Terms -- Duties.**

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

(2)

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

(b) The board shall include a member representing law enforcement and at least two citizens, one of whom represents sporting interests.

(3)

(a) Except as required by Subsection (3)(b), as terms of current board members expire, the commissioner shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(5) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(6) The board shall meet at least quarterly, unless the board has no business to conduct during that quarter.

(7) The board, upon receiving a timely filed petition for review, shall review within a reasonable time the denial, suspension, or revocation of a permit or a temporary permit to carry a concealed firearm.

Renumbered and Amended by Chapter 173, 2025 General Session

Renumbered and Amended by Chapter 208, 2025 General Session

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

(1)

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

(b)

- (i) Within 90 days before the day on which a provisional permit holder under Section 53-5a-304 reaches 21 years old, the provisional permit holder may apply under this section for a permit to carry a concealed firearm for lawful self defense.
- (ii) The bureau shall issue a permit for an applicant under Subsection (1)(b)(i) within 60 days after receiving an application, unless the bureau finds proof that the applicant is not qualified to hold a permit under Subsection (2) or (3).
- (iii) A permit issued under this Subsection (1)(b):
  - (A) is not valid until an applicant is 21 years old; and
  - (B) requires, before July 1, 2026, a \$10 application fee and, on or after July 1, 2026, an application fee set by the bureau.
- (iv) An individual who applies for a permit under this Subsection (1)(b) is not required to retake the firearms training described in Subsection 53-5a-303(8).
- (c) A concealed firearm permit issued in accordance with this section is valid throughout the state for five years, without restriction, except as otherwise provided by Section 53-5a-102.2.
- (d) Subsection (4)(a) does not apply to a nonresident:
  - (i) active duty service member, who presents to the bureau orders requiring the active duty service member to report for duty in this state; or
  - (ii) active duty service member's spouse, stationed with the active duty service member, who presents to the bureau the active duty service member's orders requiring the service member to report for duty in this state.
- (2)
  - (a) The bureau may deny, suspend, or revoke a concealed firearm permit if the applicant or permit holder:
    - (i) has been or is convicted of a felony;
    - (ii) has been or is convicted of a crime of violence;
    - (iii) has been or is convicted of an offense involving the use of alcohol;
    - (iv) has been or is convicted of an offense involving the unlawful use of narcotics or other controlled substances;
    - (v) has been or is convicted of an offense involving moral turpitude;
    - (vi) has been or is convicted of an offense involving domestic violence;
    - (vii) has been or is adjudicated by a state or federal court as mentally incompetent, unless the adjudication has been withdrawn or reversed; or
    - (viii) is not qualified to purchase and possess a firearm pursuant to Title 76, Chapter 11, Part 3, Persons Restricted Regarding Dangerous Weapons, or federal law.
  - (b) In determining whether an applicant or permit holder is qualified to hold a concealed firearm permit under Subsection (2)(a), the bureau shall consider mitigating circumstances.
- (3)
  - (a) The bureau may deny, suspend, or revoke a concealed firearm permit if the bureau has reasonable cause to believe that the applicant or concealed firearm permit holder has been or is a danger to self or others as demonstrated by evidence, including:
    - (i) past pattern of behavior involving unlawful violence or threats of unlawful violence;
    - (ii) past participation in incidents involving unlawful violence or threats of unlawful violence; or
    - (iii) conviction of an offense in Title 76, Chapter 11, Weapons.
  - (b) The bureau may not deny, suspend, or revoke a concealed firearm permit solely for a single conviction of an infraction violation of an offense in Title 76, Chapter 11, Weapons.
  - (c) In determining whether the applicant or concealed firearm permit holder has been or is a danger to self or others, the bureau may inspect:

- (i) expunged records of arrests and convictions of adults as provided in Section 77-40a-403; and
  - (ii) juvenile court records as provided in Section 78A-6-209.
- (d)
- (i) The bureau shall suspend a concealed firearm permit if the permit holder becomes a temporarily restricted person in accordance with Section 53-5a-504.
  - (ii) Upon removal from the temporary restricted list described in Section 53-5a-504, the concealed firearm permit holder's permit shall be reinstated unless:
    - (A) the concealed firearm permit has been revoked, been suspended for a reason other than the restriction described in Subsection (3)(d)(i), or expired; or
    - (B) the concealed firearm permit holder has become a restricted person under Section 76-11-302 or 76-11-303.
- (4)
- (a) In addition to meeting the other qualifications for the issuance of a concealed firearm permit under this section, a nonresident applicant who resides in a state that recognizes the validity of the Utah permit or has reciprocity with Utah's concealed firearm permit law shall:
    - (i) hold a current concealed firearm or concealed weapon permit issued by the appropriate permitting authority of the nonresident applicant's state of residency; and
    - (ii) submit a photocopy or electronic copy of the nonresident applicant's current concealed firearm or concealed weapon permit referred to in Subsection (4)(a)(i).
  - (b) A nonresident applicant who knowingly and willfully provides false information to the bureau under Subsection (4)(a) is prohibited from holding a Utah concealed firearm permit for a period of 10 years.
  - (c) Subsection (4)(a) applies to:
    - (i) all applications for the issuance of a concealed firearm permit received by the bureau; and
    - (ii) an application for renewal of a concealed firearm permit by a nonresident.
- (5) The bureau shall issue a concealed firearm permit to a former peace officer who departs full-time employment as a peace officer, in an honorable manner, within five years of that departure if the officer meets the requirements of this section.
- (6) Except as provided in Subsection (7), the bureau shall also require the applicant to provide:
- (a) the address of the applicant's permanent residence;
  - (b) one recent dated photograph;
  - (c) one set of fingerprints; and
  - (d) evidence of general familiarity with the types of firearms to be concealed as defined in Subsection (8).
- (7) An applicant who is a law enforcement officer under Section 53-13-103 may provide a letter of good standing from the officer's commanding officer in place of the evidence required by Subsection (6)(d).
- (8)
- (a) General familiarity with the types of firearms to be concealed includes training in:
    - (i) the safe loading, unloading, storage, and carrying of the types of firearms to be concealed; and
    - (ii) current laws defining lawful use of a firearm by a private citizen, including lawful self-defense, use of force by a private citizen, including use of deadly force, transportation, and concealment.
  - (b) An applicant may satisfy the general familiarity requirement of Subsection (8)(a) by one of the following:

- (i) completion of a course of instruction conducted by a national, state, or local firearms training organization approved by the bureau;
  - (ii) certification of general familiarity by an individual who has been certified by the bureau, which may include a law enforcement officer, military or civilian firearms instructor, or hunter safety instructor; or
  - (iii) equivalent experience with a firearm through participation in an organized shooting competition, law enforcement, or military service.
- (c) Instruction taken by a student under this Subsection (8) shall be in person and not through electronic means.
- (d) An individual applying for a renewal permit is not required to retake the firearms training described in this Subsection (8) if the individual:
  - (i) has an unexpired permit; or
  - (ii) has a permit that expired less than one year before the date on which the renewal application was submitted.
- (9)
  - (a) An applicant for certification as a Utah concealed firearms instructor shall:
    - (i) be at least 21 years old;
    - (ii) be currently eligible to possess a firearm under Section 76-11-302 or 76-11-303;
    - (iii) have:
      - (A) completed a firearm instruction training course from the National Rifle Association or another nationally recognized firearm training organization that customarily offers firearm safety and firearm law instructor training or the Department of Public Safety, Division of Peace Officer Safety Standards and Training; or
      - (B) received training equivalent to one of the courses referred to in Subsection (9)(a)(iii)(A) as determined by the bureau;
    - (iv) have taken a course of instruction and passed a certification test as described in Subsection (9)(c); and
    - (v) possess a Utah concealed firearm permit.
  - (b) An instructor's certification is valid for three years from the date of issuance, unless revoked by the bureau.
  - (c)
    - (i) In order to obtain initial certification or renew a certification, an instructor shall attend an instructional course and pass a test under the direction of the bureau.
    - (ii)
      - (A) The bureau shall provide or contract to provide the course referred to in Subsection (9)(c)
        - (i) twice every year.
      - (B) The course shall include instruction on current Utah law related to firearms, including concealed carry statutes and rules, and the use of deadly force by private citizens.
  - (d)
    - (i) Each applicant for certification under this Subsection (9) shall:
      - (A) before July 1, 2026, pay a fee of \$50.00 at the time of application for initial certification; and
      - (B) on or after July 1, 2026, pay a fee determined by the bureau.
    - (ii) The renewal fee for the certificate is:
      - (A) before July 1, 2026, \$25; and
      - (B) on or after July 1, 2026, a fee determined by the bureau.

- (iii) The bureau may use a fee paid under Subsections (9)(d)(i) and (ii) as a dedicated credit to cover the cost incurred in maintaining and improving the instruction program required for concealed firearm instructors under this Subsection (9).
- (10) A certified concealed firearms instructor shall provide each of the instructor's students with the required course of instruction outline approved by the bureau.
- (11)
  - (a)
    - (i) A concealed firearms instructor shall provide a signed certificate to an individual successfully completing the offered course of instruction.
    - (ii) The instructor shall sign the certificate with the exact name indicated on the instructor's certification issued by the bureau under Subsection (9).
  - (iii)
    - (A) The certificate shall also have affixed to it the instructor's official seal, which is the exclusive property of the instructor and may not be used by any other individual.
    - (B) The instructor shall destroy the seal upon revocation or expiration of the instructor's certification under Subsection (9).
    - (C) The bureau shall determine the design and content of the seal to include at least the following:
      - (I) the instructor's name as it appears on the instructor's certification;
      - (II) the words "Utah Certified Concealed Firearms Instructor," "state of Utah," and "my certification expires on (the instructor's certification expiration date)"; and
      - (III) the instructor's business or residence address.
    - (D) The seal shall be affixed to each student certificate issued by the instructor in a manner that does not obscure or render illegible any information or signatures contained in the document.
- (b) The applicant shall provide the certificate to the bureau in compliance with Subsection (6)(d).
- (12) The bureau may deny, suspend, or revoke the certification of an applicant or a concealed firearms instructor if it has reason to believe the applicant or the instructor has:
  - (a) become ineligible to possess a firearm under Section 76-11-302 or 76-11-303, or federal law; or
  - (b) knowingly and willfully provided false information to the bureau.
- (13) An applicant for certification or a concealed firearms instructor has the same appeal rights as described in Subsection (16).
- (14) In providing instruction and issuing a permit under this part, the concealed firearms instructor and the bureau are not vicariously liable for damages caused by the permit holder.
- (15) An individual who knowingly and willfully provides false information on an application filed under this part is guilty of a class B misdemeanor, and the application may be denied, or the permit may be suspended or revoked.
- (16)
  - (a) In the event of a denial, suspension, or revocation of a permit, the applicant or permit holder may file a petition for review with the board within 60 days from the date the denial, suspension, or revocation is received by the applicant or permit holder by certified mail, return receipt requested.
  - (b) The bureau's denial of a permit shall be in writing and shall include the general reasons for the action.
  - (c) If an applicant or permit holder appeals the denial to the review board, the applicant or permit holder may have access to the evidence upon which the denial is based in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

- (d) On appeal to the board, the bureau has the burden of proof by a preponderance of the evidence.
- (e)
  - (i) Upon a ruling by the board on the appeal of a denial, the board shall issue a final order within 30 days stating the board's decision.
  - (ii) The final order shall be in the form prescribed by Subsection 63G-4-203(1)(i).
  - (iii) The final order is final bureau action for purposes of judicial review under Section 63G-4-402.
- (17)
  - (a) The bureau shall, beginning July 1, 2026, establish fees authorized in this part in accordance with the procedures specified in Section 63J-1-504.
  - (b) When submitting the information required to the Legislature under Subsection 63J-1-504(6)
    - (a), the bureau shall also provide, for the previous five years categorized by year:
      - (i) the number of permit holders;
      - (ii) the amount of revenue deposited into the Concealed Weapons Account created in Section 53-5-707 that is collected from fees for:
        - (A) nonresidents; and
        - (B) residents; and
      - (iii) the amount of expenditures from the Concealed Weapons Account created in Section 53-5-707.
- (18) The commissioner may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to administer this chapter.

Renumbered and Amended by Chapter 173, 2025 General Session

Renumbered and Amended by Chapter 208, 2025 General Session

### **53-5a-304 Provisional permit to carry concealed firearm.**

- (1)
  - (a) The bureau shall issue a provisional permit to carry a concealed firearm for lawful self-defense to an applicant who is 18 years old but younger than 21 years old, within 60 days after receiving an application, unless the bureau finds proof that the applicant does not meet the qualifications set forth in Subsection 53-5a-303(2).
  - (b) Except as provided in Subsection (2), a provisional concealed carry permit is valid throughout the state until the applicant reaches the age of 21, without restriction, except as otherwise provided by Section 53-5a-102.2.
- (2) The bureau may deny, suspend, or revoke a provisional concealed carry permit issued under this section as described in Subsections 53-5a-303(2) and (3).
- (3)
  - (a) In addition to meeting the other qualifications for the issuance of a provisional concealed carry permit under this section, a nonresident applicant who resides in a state that recognizes the validity of the Utah provisional concealed carry permit or has reciprocity with Utah's provisional concealed firearm permit law shall:
    - (i) hold a current applicable concealed firearm or concealed weapon permit issued by the appropriate permitting authority of the nonresident applicant's state of residency; and
    - (ii) submit a photocopy or electronic copy of the nonresident applicant's current concealed firearm or concealed weapon permit referred to in Subsection (3)(a)(i).



- (b) A nonresident applicant who knowingly and willfully provides false information to the bureau under Subsection (3)(a) is prohibited from holding a Utah concealed firearm permit of any kind for a period of 10 years.
- (4) The bureau shall also require the applicant to provide:
  - (a) the address of the applicant's permanent residence;
  - (b) one recent dated photograph;
  - (c) one set of fingerprints; and
  - (d) evidence of general familiarity with the types of firearms to be concealed as defined in Section 53-5-303.
- (5) In the event of a decision to deny, suspend, or revoke a provisional concealed firearm permit, the applicant or permit holder under this section may appeal the decision through the same process set forth in Subsection 53-5a-303(16).
- (6) The applicant or permit holder of the provisional concealed firearm permit under this section must meet the eligibility requirements of another state, including age requirements, to carry a concealed firearm in that state.

Renumbered and Amended by Chapter 173, 2025 General Session

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-305 Temporary permit to carry concealed firearm -- Denial, suspension, or revocation -- Appeal.**

- (1) The bureau or the bureau's designated agent may issue a temporary permit to carry a concealed firearm to an individual who:
  - (a) has applied for a permit under Section 53-5a-303;
  - (b) has applied for a temporary permit under this section; and
  - (c) meets the criteria required in Subsections (2) and (3).
- (2) To receive a temporary permit under this section, the applicant shall demonstrate in writing to the satisfaction of the bureau extenuating circumstances that would justify issuing a temporary permit.
- (3) A temporary permit may not be issued under this section until preliminary record checks regarding the applicant have been made with the National Crime Information Center and the bureau to determine any criminal history.
- (4) A temporary permit is valid only for a maximum of 90 days or any lesser period specified by the bureau, or until a permit under Section 53-5-704 is issued to the holder of the temporary permit, whichever period is shorter.
- (5) The bureau may deny, suspend, or revoke a temporary permit prior to expiration if the commissioner determines:
  - (a) the circumstances justifying the temporary permit no longer exist; or
  - (b) the holder of the temporary permit does not meet the requirements for a permit under Section 53-5a-303.
- (6)
  - (a) The denial, suspension, or revocation of a temporary permit shall be in writing and shall include the reasons for the action.
  - (b) The bureau's decision to deny, suspend, or revoke a temporary permit may not be appealed to the board.
  - (c) Denial, suspension, or revocation under this subsection is final action for purposes of judicial review under Section 63G-4-402.

Renumbered and Amended by Chapter 173, 2025 General Session  
Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-306 Permit -- Fingerprints transmitted to bureau -- Report from bureau.**

- (1)
  - (a) Except as provided in Subsection (2), the fingerprints of each applicant for a permit under Section 53-5a-307 or 53-5a-308 shall be taken on a form prescribed by the bureau.
  - (b) Upon receipt of the fingerprints, the applicant fingerprint card fee prescribed in Section 53-10-108, and the fee prescribed in Section 53-5a-307 or 53-5a-308, the bureau shall conduct a search of the bureau's files for criminal history information pertaining to the applicant, and shall request the Federal Bureau of Investigation to conduct a similar search through the Federal Bureau of Investigation's files.
  - (c) If the fingerprints are insufficient for the Federal Bureau of Investigation to conduct a search of the Federal Bureau of Investigation's files for criminal history information, the application or concealed firearm permit may be denied, suspended, or revoked until sufficient fingerprints are submitted by the applicant.
- (2)
  - (a) If the permit applicant has previously applied to the bureau for a permit to carry concealed firearms, the bureau shall note the previous identification numbers and other data that would provide positive identification in the files of the bureau on the copy of any subsequent permit submitted to the bureau in accordance with this section.
  - (b) No additional application form, fingerprints, or fee are required under this Subsection (2).

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-307 Concealed firearm permit -- Fees -- Concealed Weapons Account.**

- (1)
  - (a) An applicant for a concealed firearm permit shall pay:
    - (i) before July 1, 2026, a fee of \$25 at the time of filing an application; and
    - (ii) on or after July 1, 2026, a fee set by the bureau at the time of filing an application.
  - (b) A nonresident applicant shall pay:
    - (i) before July 1, 2026, an additional \$35 fee; and
    - (ii) on or after July 1, 2026, an additional fee set by the bureau.
  - (c) The bureau shall waive the initial fee for an applicant who is:
    - (i) a law enforcement officer under Section 53-13-103;
    - (ii) an active duty service member;
    - (iii) the spouse of an active duty service member; or
    - (iv) a school employee.
- (2)
  - (a) A holder of a concealed firearm permit shall pay:
    - (i) before July 1, 2026, \$20 for a renewal fee for the permit; and
    - (ii) on or after July 1, 2026, a renewal fee set by the bureau.
  - (b) A nonresident holder of a concealed firearm permit shall pay:
    - (i) before July 1, 2026, an additional \$30 fee; and
    - (ii) on or after July 1, 2026, an additional fee set by the bureau.
- (3) If a holder of a concealed firearm permit needs a replacement concealed firearm permit, the holder shall pay:
  - (a) before July 1, 2026, a \$10 replacement fee for the permit; and

- (b) on or after July 1, 2026, a replacement fee set by the bureau.
- (4)
  - (a) The late fee for the renewal permit is:
    - (i) before July 1, 2026, \$7.50; and
    - (ii) on or after July 1, 2026, a late fee set by the bureau.
  - (b) As used in this section, "late fee" means the fee charged by the bureau for a renewal submitted on a permit that has been expired for more than 30 days but less than one year.
- (5)
  - (a) There is created a restricted account within the General Fund known as the "Concealed Weapons Account."
  - (b) The account shall be funded from fees collected under this section and Section 53-5a-308.
  - (c) Funds in the account may only be used to cover costs relating to:
    - (i) the issuance of concealed firearm permits under this part; or
    - (ii) the programs described in Subsection 26B-5-102(3) and Section 26B-5-611.
  - (d) No later than 90 days after the end of the fiscal year, 50% of the excess of revenues over expenditures for the fiscal year shall be transferred to the Suicide Prevention and Education Fund, created in Section 26B-1-326.
- (6)
  - (a) The bureau may collect any fees charged by an outside agency for additional services required by statute as a prerequisite for issuance of a permit.
  - (b) The bureau shall promptly forward any fees collected under Subsection (6)(a) to the appropriate agency.
- (7) The bureau shall make an annual report in writing to the Legislature's Law Enforcement and Criminal Justice Interim Committee on the amount and use of the fees collected under this section and Section 53-5-707.5.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-308 Provisional concealed firearm permit -- Fees -- Disposition of fees.**

- (1)
  - (a) An applicant for a provisional concealed firearm permit, as described in Section 53-5a-304, shall pay:
    - (i) before July 1, 2026, a fee of \$25 at the time of filing an application; and
    - (ii) on or after July 1, 2026, a fee set by the bureau at the time of filing an application.
  - (b) A nonresident applicant shall pay:
    - (i) before July 1, 2026, an additional \$10 fee; and
    - (ii) on or after July 1, 2026, an additional fee set by the bureau.
- (2) The replacement fee for the permit is:
  - (a) before July 1, 2026, \$10; and
  - (b) on or after July 1, 2026, a replacement fee set by the bureau.
- (3) Fees collected under this section shall be remitted to the Concealed Weapons Account, as described in Section 53-5a-307.
- (4)
  - (a) The bureau may collect any fees charged by an outside agency for additional services required by statute as a prerequisite for issuance of a permit.
  - (b) The bureau shall promptly forward any fees collected under Subsection (4)(a) to the appropriate agency.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-309 Concealed firearm permit renewal -- Firearm safety and suicide prevention video.**

- (1) The bureau, in conjunction with the Division of Integrated Healthcare created in Section 26B-1-204, shall create a firearm safety and suicide prevention video that:
  - (a) is Internet-accessible;
  - (b) is no longer than 10 minutes in length; and
  - (c) includes information about:
    - (i) safe handling, storage, and use of firearms in a home environment;
    - (ii) at-risk individuals and individuals who are legally prohibited from possessing firearms; and
    - (iii) suicide prevention awareness.
- (2) Before renewing a firearm permit, an individual shall view the firearm safety and suicide prevention video and submit proof in the form required by the bureau.
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the bureau shall make rules that establish procedures for:
  - (a) producing and distributing the firearm safety and suicide prevention video; and
  - (b) providing access to the video to an applicant seeking renewal of a firearm permit.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-310 Permit -- Names private.**

- (1)
  - (a) The bureau shall maintain a record in the bureau's office of any permit issued under this part.
  - (b) Notwithstanding the requirements of Subsection 63G-2-301(2)(b), the names, addresses, telephone numbers, dates of birth, and social security numbers of individuals receiving permits are protected records under Subsection 63G-2-305(11).
  - (c) Notwithstanding Section 63G-2-206, an individual may not share any of the information listed in Subsection (1)(b) with any office, department, division, or other agency of the federal government unless:
    - (i) the disclosure is necessary to conduct a criminal background check on the individual who is the subject of the information;
    - (ii) the disclosure of information is made pursuant to a court order directly associated with an active investigation or prosecution of the individual who is the subject of the information;
    - (iii) the disclosure is made to a criminal justice agency in a criminal investigation or prosecution;
    - (iv) the disclosure is made by a law enforcement agency within the state to another law enforcement agency in the state or in another state in connection with an investigation, including a preliminary investigation, or a prosecution of the individual who is the subject of the information;
    - (v) the disclosure is made by a law enforcement agency within the state to an employee of a federal law enforcement agency in the course of a combined law enforcement effort involving the law enforcement agency within the state and the federal law enforcement agency; or
    - (vi) the disclosure is made in response to a routine request that a federal law enforcement officer makes to obtain information on an individual whom the federal law enforcement officer detains, including for a traffic stop, or questions because of the individual's suspected violation of state law.
  - (d) An individual is guilty of a class A misdemeanor if the individual knowingly:

- (i) discloses information listed in Subsection (1)(b) in violation of the provisions under Title 63G, Chapter 2, Government Records Access and Management Act, applicable to protected records; or
  - (ii) shares information in violation of Subsection (1)(c).
- (e)
- (i) As used in this Subsection (1)(e), "governmental agency" means:
    - (A) the state or any department, division, agency, or other instrumentality of the state; or
    - (B) a political subdivision of the state, including a county, city, town, school district, special district, and special service district.
  - (ii) A governmental agency may not compel or attempt to compel an individual who has been issued a concealed firearm permit to divulge whether the individual:
    - (A) has been issued a concealed firearm permit; or
    - (B) is carrying a concealed firearm.
  - (iii) Subsection (1)(e)(ii) does not apply to a law enforcement officer.
- (2) The bureau shall immediately file a copy of each permit the bureau issues under this part.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-311 Law enforcement officials, judges, and court commissioners exempt -- Training requirements -- Qualification -- Revocation.**

- (1) As used in this section:
- (a) "Court commissioner" means an individual appointed under Section 78A-5-107.
  - (b)
    - (i) "Judge" means a judge or justice of a court of record or a court not of record.
    - (ii) "Judge" does not include a judge pro tem or senior judge.
  - (c) "Law enforcement official" means:
    - (i) a member of the Board of Pardons and Parole;
    - (ii) a district attorney, deputy district attorney, county attorney or deputy county attorney of a county not in a prosecution district;
    - (iii) the attorney general;
    - (iv) an assistant attorney general designated as a criminal prosecutor; or
    - (v) a city attorney or a deputy city attorney designated as a criminal prosecutor.
- (2) To qualify for an exemption in Section 53-5a-108, a law enforcement official, judge, or court commissioner shall complete the following training requirements:
- (a) meet the requirements of Sections 53-5a-303, 53-5a-306, and 53-5a-307; and
  - (b) successfully complete an additional course of training as established by the commissioner designed to assist with carrying out official law enforcement, judicial, or court commissioner duties as agents for the state or the state's political subdivisions.
- (3) Annual requalification requirements for law enforcement officials, judges, or court commissioners shall be established by the commissioner and may be established by the:
- (a) Board of Pardons and Parole by rule for the Board of Pardons and Parole's members;
  - (b) Judicial Council by rule for judges and court commissioners; and
  - (c) the district attorney, county attorney in a county not in a prosecution district, the attorney general, or city attorney by policy for prosecutors under their jurisdiction.
- (4) The bureau may:
- (a) issue a certificate of qualification to a judge, law enforcement official, or court commissioner who has completed the requirements of Subsection (2), which certificate of qualification is valid until revoked;

- (b) revoke the certificate of qualification of a judge, law enforcement official, or court commissioner who:
  - (i) fails to meet the annual requalification criteria established pursuant to Subsection (3);
  - (ii) would be subject to revocation of a concealed firearm permit under Subsection 53-5a-303(2)(a); or
  - (iii) is no longer employed as a judge, law enforcement official, or court commissioner as defined in Subsection (1); and
- (c) certify instructors for the training requirements of this section.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-312 Armed Forces -- Permit requirements -- Exemptions.**

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

Renumbered and Amended by Chapter 208, 2025 General Session

## **Part 4**

### **Utah State-Made Firearms Protections**

**53-5a-401 Definitions.**

As used in this part:

- (1) "Firearm" means a device from which is expelled a projectile by action of an explosive.
- (2) "Firearm accessory" means an item that is used in conjunction with or mounted upon a firearm, firearm action, or firearm receiver but is not essential to the basic function of a firearm, including:
  - (a) a telescopic or laser sight;
  - (b) a magazine;
  - (c) a flash or sound suppressor;
  - (d) a folding or aftermarket stock or grip;
  - (e) a speed-loader;
  - (f) an ammunition carrier; and
  - (g) a light for target illumination.
- (3) "Generic and insignificant parts:"
  - (a) means parts that have other manufacturing or consumer product applications; and
  - (b) includes:
    - (i) springs;
    - (ii) screws;
    - (iii) nuts; and
    - (iv) pins.
- (4) "Manufactured" means creating a firearm, a firearm action or receiver, a firearm accessory, or ammunition from basic materials for functional usefulness, including:
  - (a) forging;
  - (b) casting;
  - (c) machining; and

(d) another process for working materials.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-402 Legal considerations.**

In reviewing any matter covered by this part, a court shall consider the following:

- (1) The Tenth Amendment to the United States Constitution guarantees to the state and its people all powers not granted to the federal government elsewhere in the Constitution and reserves to the state and people of Utah certain powers as they were understood at the time that Utah was admitted to statehood.
- (2) The guarantee of powers to the state and its people under the Tenth Amendment is a matter of contract between the state and people of Utah and the United States as of the time of statehood.
- (3) The Ninth Amendment to the United States Constitution guarantees to the people rights not granted in the Constitution and reserves to the people of Utah certain rights as they were understood at the time that Utah was admitted to statehood.
- (4) The guarantee of rights to the people under the Ninth Amendment is a matter of contract between the state and people of Utah and the United States as of the time of statehood.
- (5) The regulation of intrastate commerce is vested in the state under the Ninth and Tenth Amendments to the United States Constitution.
- (6) The Second Amendment to the United States Constitution reserves to the people the right to keep and bear arms as that right was understood at the time that Utah was admitted to statehood, and the guarantee of the right is a matter of contract between the state and people of Utah and the United States as of the time of statehood.
- (7) The Utah Constitution clearly secures to Utah citizens, and prohibits government interference with, the right of individual Utah citizens to keep and bear arms.
- (8) A personal firearm, a firearm action or receiver, a firearm accessory, or ammunition that is manufactured commercially or privately in the state to be used or sold within the state is not subject to federal law or federal regulation, including registration, under the authority of congress to regulate interstate commerce.
- (9) The Legislature declares that a firearm, a firearm action or receiver, a firearm accessory, and ammunition described in Subsection (8) does not travel in interstate commerce.
- (10) The importation into the state of generic and insignificant parts and those parts' incorporation into a firearm, a firearm action or receiver, a firearm accessory, or ammunition manufactured in the state does not subject the firearm, firearm accessory, firearm action or receiver, or ammunition to federal law or regulation.
- (11) Basic materials, including unmachined steel and unshaped wood, are not firearms, firearm actions or receivers, firearms accessories, or ammunition.
- (12) Trade in basic materials is not subject to congressional authority to regulate firearms, firearm actions or receivers, firearms accessories, and ammunition as if the basic materials were actually firearms, firearm actions or receivers, firearms accessories, or ammunition.
- (13) Congress's authority to regulate interstate commerce in basic materials does not include authority to regulate firearms, firearm actions or receivers, firearms accessories, and ammunition made in the state from basic materials.
- (14) The attachment or use of firearms accessories in conjunction with a firearm manufactured in the state does not subject the firearm to federal regulation under Congress's power to regulate interstate commerce, without regard to whether the firearms accessories are themselves subject to federal regulation.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-403 Intrastate firearm manufacturing.**

- (1) This chapter applies to a firearm, a firearm action or receiver, a firearm accessory, or ammunition that is manufactured in the state to remain in the state from basic materials that can be manufactured without the inclusion of any significant parts imported into the state.
- (2) This chapter does not apply to:
  - (a) a firearm that cannot be carried and used by one individual;
  - (b) a firearm that has a bore diameter greater than 1-1/2 inches and that uses smokeless powder, not black powder, as a propellant;
  - (c) a firearm that discharges two or more projectiles with one activation of the trigger or other firing device, other than a shotgun; or
  - (d) ammunition with a projectile that explodes using an explosion of chemical energy after the projectile leaves the firearm.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-404 Required markings.**

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

Renumbered and Amended by Chapter 208, 2025 General Session

## **Part 5 Firearms Safe Harbor**

**53-5a-501 Definitions.**

As used in this part:

- (1) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201.
- (2) "Cohabitant" means an individual who:
  - (a) is 18 years old or older;
  - (b) resides in the same home with another individual; and
  - (c)
    - (i) is living as if a spouse of the individual;
    - (ii) is related by blood or marriage to the individual;
    - (iii) has one or more children in common with the individual; or
    - (iv) has an interest in the safety and well-being of the individual.
- (3) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- (4) "Firearm" means a pistol, revolver, shotgun, short barrel shotgun, rifle or short barrel rifle, or a device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive.
- (5) "Health care provider" means a person:
  - (a) who provides health care or professional services related to health care; and
  - (b) is acting within the scope of the person's license, certification, practice, education, or training.



- (6) "Illegal firearm" means a firearm the ownership or possession of which is prohibited under state or federal law.
- (7) "Jail release agreement" means the same as that term is defined in Section 78B-7-801.
- (8) "Jail release court order" means the same as that term is defined in Section 78B-7-801.
- (9) "Law enforcement agency" means a municipal or county police agency or an officer of that agency.
- (10) "Owner cohabitant" means a cohabitant who:
  - (a) is 18 years old or older; and
  - (b) owns a firearm.

Renumbered and Amended by Chapter 208, 2025 General Session

**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.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-503 Illegal firearms confiscated -- Disposition of unclaimed firearm.**

- (1) If a law enforcement agency receives a firearm in accordance with Section 53-5c-201, and the firearm is an illegal firearm, the law enforcement agency shall:
  - (a) notify the owner cohabitant attempting to voluntarily commit the firearm that the firearm is an illegal firearm; and
  - (b) confiscate the firearm and dispose of the firearm in accordance with Section 77-11a-403.
- (2)

- (a) If a law enforcement agency cannot, after a reasonable attempt, locate an owner cohabitant to return a firearm in accordance with Section 53-5a-502, the law enforcement agency shall dispose of the firearm in accordance with Section 77-11a-403.
- (b) A law enforcement agency may not dispose of a firearm under Subsection (2)(a) before one year after the day on which the cohabitant initially voluntarily committed the firearm in accordance with Section 53-5a-502.
- (3)
  - (a) If an individual other than an owner cohabitant claims ownership of the firearm, the individual may:
    - (i) request that the law enforcement agency return the firearm in accordance with Subsection (3)(b); or
    - (ii) petition the court for the firearm's return in accordance with Subsection (3)(c).
  - (b) Except as provided in Section 53-5a-502, the law enforcement agency shall return a firearm to an individual other than an owner cohabitant who claims ownership of the firearm if:
    - (i) the 60-day period described in Section 53-5a-502 has expired;
    - (ii) the individual provides identification; and
    - (iii) the individual signs a document attesting that the individual has an ownership interest in the firearm.
  - (c) After sufficient notice is given to the prosecutor, the court may order that the firearm be:
    - (i) returned to the rightful owner as determined by the court; or
    - (ii) disposed of in accordance with Section 77-11a-403.
  - (d) A law enforcement agency shall return a firearm ordered returned to the rightful owner as expeditiously as possible after a court determination.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-504 Voluntary restrictions on firearm purchase and possession.**

- (1) An individual who is not a restricted person under Section 76-11-302 or 76-11-303 may voluntarily request to be restricted from the purchase or possession of firearms.
- (2) An individual requesting to be restricted under Subsection (1) may request placement on one of the following restricted lists:
  - (a) a restricted list that:
    - (i) restricts the individual from purchasing or possessing a firearm for 180 days with automatic removal of the individual from the restricted list at the end of the 180 days; and
    - (ii) allows the individual to request removal 30 days after the day on which the individual is added to the restricted list; or
  - (b) a restricted list that:
    - (i) restricts the individual from purchasing or possessing a firearm indefinitely; and
    - (ii) allows the individual to request removal 90 days after the day on which the individual is added to the restricted list.
- (3)
  - (a) Subject to Subsections (8) and (9), the bureau shall develop a process and forms for inclusion on, and removal from, a restricted list as described in Subsection (2) to be maintained by the bureau.
  - (b) The bureau shall make the forms for inclusion and removal available by download through the bureau's website and require, at a minimum, the following information for the individual described in Subsection (1):
    - (i) name;

- (ii) address;
  - (iii) date of birth;
  - (iv) contact information;
  - (v) signature; and
  - (vi)
    - (A) if the individual is entered on the restricted list as described in Subsection (2)(a), an acknowledgment of the statement in Subsection (8)(a); or
    - (B) if the individual is entered on the restricted list as described in Subsection (2)(b), an acknowledgment of the statement in Subsection (8)(b).
- (4)
- (a) An individual requesting inclusion on a restricted list under Subsection (2) shall:
    - (i) deliver the completed form in person to a law enforcement agency; or
    - (ii) direct the individual's health care provider under Section 53-5a-505 to electronically deliver the individual's request to the bureau.
  - (b) The law enforcement agency described in Subsection (4)(a)(i):
    - (i) shall verify the individual's identity before accepting the form;
    - (ii) may not accept a form from someone other than the individual named on the form; and
    - (iii) shall transmit the form electronically to the bureau through the Utah Criminal Justice Information System.
- (5) Upon receipt of a verified form provided under this section or Section 53-5a-505 requesting inclusion on a restricted list, the bureau shall, within 24 hours, add the individual's name to the restricted list.
- (6)
- (a) For an individual added to the restricted list described in Subsection (2)(a):
    - (i) the individual may not request removal from the restricted list unless the individual has been on the restricted list for at least 30 days;
    - (ii) the bureau shall remove the individual from the restricted list 180 days after the day on which the individual was added to the restricted list, unless the individual:
      - (A) requests to be removed from the restricted list after 30 days;
      - (B) requests to remain on the restricted list; or
      - (C) directs the individual's health care provider to request that the individual remain on the restricted list;
    - (iii) a request for an extension shall be made in the same manner as the original request; and
    - (iv) the individual may continue to request, or direct the individual's health care provider to continue to request, extensions every 180 days.
  - (b) For an individual added to a restricted list under Subsection (2)(b), the individual:
    - (i) may not request removal from the restricted list unless the individual has been on the restricted list for at least 90 days; and
    - (ii) shall remain on the restricted list, unless the bureau receives a request from the individual to have the individual's name removed from the restricted list.
- (7) If an individual restricted under this section is a concealed firearm permit holder, the individual's permit shall be:
- (a) suspended upon entry on the restricted list; and
  - (b) reinstated upon removal from the restricted list, unless:
    - (i) the permit has been revoked, been suspended for a reason other than under this section, or has expired; or
    - (ii) the individual has become a restricted person under Section 76-11-302 or 76-11-303.
- (8)

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

"ACKNOWLEDGMENT

By presenting this completed form to a law enforcement agency, I understand that I am requesting that my name be placed on a restricted list that restricts my ability to purchase or possess firearms for a minimum of 30 days, and up to 6 months. I understand that by voluntarily making myself a temporarily restricted person, I may not have a firearm in my possession and any attempt to purchase a firearm while I am on the restricted list will be declined. I also understand that any time after 30 days, I may request removal from the restricted list and all previous rights will be restored. In addition, if I am in possession of a valid concealed firearm permit, my permit will be suspended during the time I am on the restricted list, but will be reinstated upon my removal, unless the permit has expired, been revoked, been suspended for another reason, or I become ineligible to possess a firearm. Additionally, I acknowledge that if I possess a firearm or attempt to purchase a firearm while outside Utah, I will be subject to the law of that location regarding restricted persons."

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

"ACKNOWLEDGMENT

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

- (9)
- (a) An individual requesting removal from a restricted list shall deliver a completed removal form in person to:
- (i) the law enforcement agency that processed the inclusion form if the individual was placed on the restricted list under Subsection (4)(a)(i); or
  - (ii) the individual's local law enforcement agency if the individual was placed on the restricted list under Subsection (4)(a)(ii).
- (b) The law enforcement agency described in Subsection (9)(a):
- (i) shall verify the individual's identity before accepting the form;
  - (ii) may not accept a removal form from someone other than the individual named on the form; and
  - (iii) shall transmit the removal form electronically to the bureau through the Utah Criminal Justice Information System.
- (10) Upon receipt of a verified removal form, the bureau shall, after three business days, remove the individual from the restricted list and remove the information from the National Instant Criminal Background Check System.

- (11) For an individual added to the restricted list under Subsection (2)(a), within 30 days before the 180-day removal deadline, the bureau shall notify the individual at the address listed on the inclusion form described in Subsection (4) and, if applicable, the law enforcement agency that processed the inclusion form, that the individual is due to be removed from the restricted list, and the date on which the removal will occur, unless the individual requests an extension of up to 180 days.
- (12)
- (a) A law enforcement agency that receives a request for inclusion under Subsection (4)(a)(i) shall:
    - (i) maintain the completed form and all subsequent completed forms in a separate file; and
    - (ii) for an individual added to the restricted list under Subsection (2)(a), destroy the entire file within five days after the date indicated in the notification if the individual does not request an extension after notification in accordance with Subsection (11).
  - (b) A law enforcement agency that receives a removal request under Subsection (9) shall destroy the entire file associated with the individual within five days after the day on which the information is transmitted to the bureau.
  - (c) Upon removal of an individual from a restricted list, the bureau shall destroy all records related to the inclusion and removal of the individual within five days after the day on which the individual was removed.
  - (d) All forms and records created in accordance with this section are classified as private records in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.
- (13) The bureau may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to develop the process and forms to implement this section.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-505 Assistance from a health care provider -- Restricted list.**

- (1) An individual who is not a restricted person under Section 76-11-302 or 76-11-303 and is seeking inclusion on a restricted list under Section 53-5a-504 may direct the individual's health care provider to electronically deliver the individual's inclusion request described in Section 53-5a-504 to the bureau.
- (2) In addition to the inclusion form described in Section 53-5a-504, the bureau shall create a form, available by download through the bureau's website, for:
  - (a) an individual who is directing a health care provider to electronically deliver the individual's inclusion request and require, at a minimum, the following information:
    - (i) the individual's signature;
    - (ii) the name of the individual's health care provider; and
    - (iii) the individual's acknowledgment of the statement in Subsection (4)(a); and
  - (b) a health care provider who is delivering an individual's inclusion request and require, at a minimum, the following information for the health care provider:
    - (i) the health care provider's name;
    - (ii) the name of the health care provider's organization;
    - (iii) the health care provider's license or certification, including the license or certification number;
    - (iv) the health care provider's signature; and
    - (v) the health care provider's acknowledgment of the statement in Subsection (4)(b).
- (3)

- (a) An individual who is directing a health care provider to electronically deliver the individual's request to be included on a restricted list shall, in the presence of the health care provider, complete the forms described in Section 53-5a-504 and Subsection (2)(a).
- (b) The health care provider:
  - (i) shall verify the individual's identity before accepting the forms;
  - (ii) may not accept forms from someone other than the individual named on the forms;
  - (iii) shall complete the form described in Subsection (2)(b); and
  - (iv) shall deliver the request to the bureau electronically and maintain a copy of the completed request in the individual's health record.
- (4)
  - (a) The form described in Subsection (2)(a) shall have the following language prominently displayed before the signature:

**"ACKNOWLEDGMENT**

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

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

**"ACKNOWLEDGMENT**

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

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

Renumbered and Amended by Chapter 208, 2025 General Session

**Part 6**  
**Sale and Purchase of a Firearm**

**53-5a-601 Definitions.**

As used in this part:

- (1) "Antique firearm" means the same as that term is defined in Section 53-5a-101.5.
- (2) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201 within the department.
- (3) "Criminal history background check" means a criminal background check conducted through the bureau or a local law enforcement agency.
- (4) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
- (5) "Dealer" means a person who is:

- (a) licensed under 18 U.S.C. Sec. 923; and
- (b) engaged in the business of selling, leasing, or otherwise transferring a firearm or handgun, whether the person is a retail or wholesale dealer, pawnbroker, or other type of merchant or seller.
- (6) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- (7) "Federal firearms licensee" means a person who:
  - (a) holds a valid federal firearms license issued under 18 U.S.C. Sec. 923; and
  - (b) is engaged in the activities authorized by the specific category of license held by the person.
- (8)
  - (a) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle, or short barreled rifle, or a device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive.
  - (b) "Firearm" does not include an antique firearm.
- (9)
  - (a) "Short barreled rifle" means a rifle having a barrel or barrels of fewer than 16 inches in length.
  - (b) "Short barreled rifle" includes a dangerous weapon made from a rifle by alteration, modification, or otherwise, if the weapon as modified has an overall length of fewer than 26 inches.
- (10)
  - (a) "Short barreled shotgun" means a shotgun having a barrel or barrels of fewer than 18 inches in length.
  - (b) "Short barreled shotgun" includes a dangerous weapon made from a shotgun by alteration, modification, or otherwise, if the weapon as modified has an overall length of fewer than 26 inches.
- (11) "Shotgun" means a smooth bore firearm designed to fire cartridges containing pellets or a single slug.
- (12) "Slug" means a single projectile discharged from a shotgun shell.

Enacted by Chapter 173, 2025 General Session

Enacted by Chapter 208, 2025 General Session

**53-5a-602 Criminal background check prior to purchase of a firearm -- Fee -- Exemption for concealed firearm permit holders and law enforcement officers.**

- (1)
  - (a) To establish personal identification and residence in this state for purposes of this part, a dealer shall require an individual receiving a firearm to present one photo identification on a form issued by a governmental agency of the state.
  - (b) A dealer may not accept a driving privilege card issued under Section 53-3-207 as proof of identification for the purpose of establishing personal identification and residence in this state as required under this Subsection (1).
- (2)
  - (a) A criminal history background check is required for the sale of a firearm by a licensed firearm dealer in the state.
  - (b) Subsection (2)(a) does not apply to the sale of a firearm to a Federal Firearms Licensee.
- (3)
  - (a) An individual purchasing a firearm from a dealer shall consent in writing to a criminal background check, on a form provided by the bureau.
  - (b) The form shall contain the following information:



- (i) the dealer identification number;
  - (ii) the name and address of the individual receiving the firearm;
  - (iii) the date of birth, height, weight, eye color, and hair color of the individual receiving the firearm; and
  - (iv) the social security number or any other identification number of the individual receiving the firearm.
- (4)
  - (a) The dealer shall send the information required by Subsection (3) to the bureau immediately upon its receipt by the dealer.
  - (b) A dealer may not sell or transfer a firearm to an individual until the dealer has provided the bureau with the information in Subsection (3) and has received approval from the bureau under Subsection (6).
- (5) The dealer shall make a request for criminal history background information by telephone or other electronic means to the bureau and shall receive approval or denial of the inquiry by telephone or other electronic means.
- (6) When the dealer calls for or requests a criminal history background check, the bureau shall:
  - (a) review the criminal history files, including juvenile court records, and the temporary restricted file created under Section 53-5a-504, to determine if the individual is prohibited from purchasing, possessing, or transferring a firearm by state or federal law;
  - (b) inform the dealer that:
    - (i) the records indicate the individual is prohibited; or
    - (ii) the individual is approved for purchasing, possessing, or transferring a firearm;
  - (c) provide the dealer with a unique transaction number for that inquiry; and
  - (d) provide a response to the requesting dealer during the call for a criminal background check, or by return call, or other electronic means, without delay, except in case of electronic failure or other circumstances beyond the control of the bureau, the bureau shall advise the dealer of the reason for the delay and give the dealer an estimate of the length of the delay.
- (7)
  - (a) The bureau may not maintain any records of the criminal history background check longer than 20 days from the date of the dealer's request, if the bureau determines that the individual receiving the firearm is not prohibited from purchasing, possessing, or transferring the firearm under state or federal law.
  - (b) However, the bureau shall maintain a log of requests containing the dealer's federal firearms number, the transaction number, and the transaction date for a period of 12 months.
- (8)
  - (a) If the criminal history background check discloses information indicating that the individual attempting to purchase the firearm is prohibited from purchasing, possessing, or transferring a firearm, the bureau shall:
    - (i) within 24 hours after determining that the purchaser is prohibited from purchasing, possessing, or transferring a firearm, notify the law enforcement agency in the jurisdiction where the dealer is located; and
    - (ii) inform the law enforcement agency in the jurisdiction where the individual resides.
  - (b) Subsection (8)(a) does not apply to an individual prohibited from purchasing a firearm solely due to placement on the temporary restricted list under Section 53-5a-504.
  - (c) A law enforcement agency that receives information from the bureau under Subsection (8)(a) shall provide a report before August 1 of each year to the bureau that includes:
    - (i) based on the information the bureau provides to the law enforcement agency under Subsection (8)(a), the number of cases that involve an individual who is prohibited from

- purchasing, possessing, or transferring a firearm as a result of a conviction for an offense involving domestic violence; and
  - (ii) of the cases described in Subsection (8)(c)(i):
    - (A) the number of cases the law enforcement agency investigates; and
    - (B) the number of cases the law enforcement agency investigates that result in a criminal charge.
  - (d) The bureau shall:
    - (i) compile the information from the reports described in Subsection (8)(c);
    - (ii) omit or redact any identifying information in the compilation; and
    - (iii) submit the compilation to the Law Enforcement and Criminal Justice Interim Committee before November 1 of each year.
- (9) If an individual is denied the right to purchase a firearm under this section, the individual may review the individual's criminal history information and may challenge or amend the information as provided in Section 53-10-108.
- (10) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of all records provided by the bureau under this part are in conformance with the requirements of the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993).
- (11)
  - (a) A dealer shall collect a criminal history background check fee for the sale of a firearm under this section.
  - (b) The fee described under Subsection (11)(a) remains in effect until changed by the bureau through the process described in Section 63J-1-504.
  - (c)
    - (i) The dealer shall forward at one time all fees collected for criminal history background checks performed during the month to the bureau by the last day of the month following the sale of a firearm.
    - (ii) The bureau shall deposit the fees in the General Fund as dedicated credits to cover the cost of administering and conducting the criminal history background check program.
- (12)
  - (a) An individual with a concealed firearm permit issued under Section 53-5a-303 or a provisional concealed firearm permit issued under Section 53-5a-304 is exempt from the background check and corresponding fee required in this section for the purchase of a firearm if:
    - (i) the individual presents the individual's concealed firearm permit to the dealer prior to purchase of the firearm; and
    - (ii) the dealer verifies with the bureau that the individual's concealed firearm permit is valid.
  - (b) An individual with a temporary permit to carry a concealed firearm issued under Section 53-5a-305 is not exempt from a background check and the corresponding fee required in this section for the purchase of a firearm.
- (13)
  - (a) A law enforcement officer, as defined in Section 53-13-103, is exempt from the background check fee required in this section for the purchase of a personal firearm to be carried while off-duty if the law enforcement officer verifies current employment by providing a letter of good standing from the officer's commanding officer and current law enforcement photo identification.
  - (b) Subsection (13)(a) may only be used by a law enforcement officer to purchase a personal firearm once in a 24-month period.
- (14) A dealer engaged in the business of selling, leasing, or otherwise transferring a firearm shall:

- (a) make the firearm safety brochure described in Subsection 26B-5-211(3) available to a customer free of charge; and
- (b) at the time of purchase, distribute a cable-style gun lock provided to the dealer under Subsection 26B-5-211(3) to a customer purchasing a shotgun, short barreled shotgun, short barreled rifle, rifle, or another firearm that federal law does not require be accompanied by a gun lock at the time of purchase.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-603 Information check before private sale of firearm.**

- (1) As used in this section:
  - (a) "Governmental entity" means the state and the state's political subdivisions.
  - (b) "Law enforcement agency" means the same as that term is defined in Section 53-1-102.
  - (c) "Personally identifiable information" means the same as that term is defined in Section 63D-2-102.
- (2) Subject to Subsections (3) and (4), the bureau shall create an online process that allows an individual who is selling or purchasing a firearm to voluntarily determine:
  - (a) if the other individual involved in the sale of the firearm has a valid concealed carry permit issued under Section 53-5a-303, a provisional concealed carry permit issued under Section 53-5a-304, or a temporary concealed carry permit issued under Section 53-5a-305; or
  - (b) based on the serial number of the firearm, if the firearm is reported as stolen.
- (3) Subsection (2) does not apply to a federal firearms licensee or dealer.
- (4) The bureau may not:
  - (a) provide information related to a request under Subsection (2) to a law enforcement agency; or
  - (b) collect a user's personally identifiable information under Subsection (2).
- (5) A governmental entity may not require an individual who is selling or purchasing a firearm to use the process under Subsection (2).
- (6) If an individual uses the process under Subsection (2), the individual is not required, based on the information the individual receives from the bureau, to make a report to a law enforcement agency.
- (7) After responding to a request under Subsection (2), the bureau shall immediately dispose of all information related to the request.
- (8)
  - (a) This section does not create a civil cause of action arising from the sale or purchase of a firearm under this section.
  - (b) An individual's failure to use the process under Subsection (2) is not evidence of the individual's negligence in a civil cause of action.

Renumbered and Amended by Chapter 208, 2025 General Session  
Sunset by Section 63I-1-253

**53-5a-604 Penalties.**

- (1) A dealer is guilty of a class A misdemeanor if the dealer willfully and intentionally:
  - (a) requests, obtains, or seeks to obtain criminal history background information under false pretenses;
  - (b) disseminates criminal history background information; or
  - (c) violates Section 53-5a-602.

- (2) An individual who purchases or transfers a firearm is guilty of a third degree felony if the individual willfully and intentionally makes a false statement of the information required for a criminal background check in Section 53-5a-602.
- (3) Except as otherwise provided in Subsection (1), a dealer is guilty of a third degree felony if the dealer willfully and intentionally sells or transfers a firearm in violation of this part or Title 76, Chapter 11, Weapons.
- (4) An individual is guilty of a third degree felony if the individual purchases a firearm with the intent to:
  - (a) resell or otherwise provide a firearm to an individual who is ineligible to purchase or receive a firearm from a dealer; or
  - (b) transport a firearm out of this state to be resold to an ineligible individual.

Renumbered and Amended by Chapter 208, 2025 General Session

**53-5a-605 Purchase of firearms pursuant to federal law.**

This part allows the purchase of firearms and ammunition pursuant to U.S.C. Title 18 Chapter 44 Sec. 922b(3).

Renumbered and Amended by Chapter 208, 2025 General Session