

## Part 1 General Provisions

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

This chapter is known as the "Utah State-Made Firearms Protection Act."

Enacted by Chapter 5, 2010 General Session

### **53-5b-102 Legal considerations.**

In reviewing any matter covered by this chapter, 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.

Enacted by Chapter 5, 2010 General Session

**53-5b-103 Definitions.**

As used in this chapter:

- (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.

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