

Chapter 5c Firearms Safe Harbor

Part 1 General Provisions

53-5c-102 Definitions.

As used in this chapter:

- (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.

Amended by Chapter 138, 2023 General Session

Amended by Chapter 405, 2023 General Session

Part 2 Voluntary Commitment of Firearm

53-5c-201 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 76-10-503; 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 53-5c-202, 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 53-5c-202.
- (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 53-5c-202(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 53-5c-202.
- (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 chapter.
- (8) A law enforcement agency shall adopt a policy for the safekeeping of a firearm held in accordance with this chapter.
- (9) The department shall 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.

Amended by Chapter 138, 2023 General Session

Amended by Chapter 448, 2023 General Session

53-5c-202 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 53-5c-201, 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 53-5c-201.
- (3)
 - (a) If a person other than an owner cohabitant claims ownership of the firearm, the person 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 53-5c-201, the law enforcement agency shall return a firearm to a person other than an owner cohabitant who claims ownership of the firearm if:
 - (i) the 60-day period described in Section 53-5c-201 has expired;
 - (ii) the person provides identification; and
 - (iii) the person signs a document attesting that the person 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.

Amended by Chapter 448, 2023 General Session

Part 3 Voluntary Firearm Restrictions

53-5c-301 Voluntary restrictions on firearm purchase and possession.

- (1) An individual who is not a restricted person under Section 76-10-503 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 53-5c-302 to electronically deliver the individual's completed form 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 53-5c-302 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 76-10-503.
- (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.

Amended by Chapter 405, 2023 General Session

53-5c-302 Assistance from a health care provider -- Restricted list.

- (1) An individual who is not a restricted person under Section 76-10-503 and is seeking inclusion on a restricted list under Section 53-5c-301 may direct the individual's health care provider to electronically deliver the individual's inclusion form described in Section 53-5c-301 to the bureau.
- (2) In addition to the inclusion form described in Section 53-5c-301, 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 form 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 forms 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 inclusion form shall, in the presence of the health care provider, complete the forms described in Section 53-5c-301 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 individual's and health care provider's forms electronically to the bureau.
- (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.

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