

Effective 5/5/2021

Superseded 5/3/2023

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 be restricted from the purchase and possession of firearms through a voluntary process.
- (2)
 - (a) The bureau shall develop a process and forms for inclusion on, and removal from, a temporary restricted list 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) the signature of the individual; and
 - (vi) an acknowledgment of the statement in Subsection (8).
- (3)
 - (a) An individual requesting inclusion on the temporary restricted list shall deliver the completed form in person to a law enforcement agency.
 - (b) The law enforcement agency described in Subsection (3)(a):
 - (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.
- (4) Upon receipt of a verified form requesting inclusion on the temporary restricted list, the bureau shall, within 24 hours:
 - (a) add the individual's name to the list; and
 - (b) enter the information in the National Instant Criminal Background Check System Indices, including:
 - (i) the date of the entry; and
 - (ii) that the restriction ends 180 days after the date of the entry.
- (5) If the bureau does not receive a request for extension before the removal date, the bureau shall remove the individual from the temporary restricted list.
- (6)
 - (a) An individual who is added to the temporary restricted list may not request removal from the list unless the individual has been on the list for at least 30 days.
 - (b) The bureau shall remove an individual from the list 180 days after the individual was added to the list, unless the individual requests to remain on the list.
 - (c) Requests for extensions shall be made in the same manner as the original request.
 - (d) An individual may continue to request extensions every 180 days.
- (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 temporary list; and
 - (b) reinstated upon removal from the 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) The form 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 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 list will be declined. I also understand that any time after 30 days, I may request removal from the temporary 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 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 the temporary restricted list shall deliver a completed removal form in person to the law enforcement agency that processed the inclusion form under Subsection (3).
 - (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 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.
- (10) Upon receipt of a verified removal form, the bureau shall, within 24 hours, remove the individual from the temporary restricted list and remove the information from the National Instant Criminal Background Check System.
- (11) Within 30 days before the 180-day removal deadline, the bureau shall notify the individual at the address listed on the form and the law enforcement agency that processed the inclusion form that the individual is due to be removed from the temporary 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 shall maintain the form and all subsequent forms in a separate file.
 - (b) If the individual requests removal before the end of the 180 days, the law enforcement agency shall destroy the entire file within five days after transmission of the information to the bureau.
 - (c) If the individual does not request an extension after notification in accordance with Subsection (11), the law enforcement agency shall destroy the entire file within five days after the date indicated in the notification.
 - (d) Upon removal of an individual from the voluntary restricted list, the bureau shall destroy all records related to the inclusion and removal of the individual.
 - (e) 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.