

## Part 5 Weapons

### 76-10-500 Uniform law.

- (1) The individual right to keep and bear arms being a constitutionally protected right, the Legislature finds the need to provide uniform laws throughout the state. Except as specifically provided by state law, a citizen of the United States or a lawfully admitted alien shall not be:
- (a) prohibited from owning, possessing, purchasing, selling, transferring, transporting, or keeping any firearm at his place of residence, property, business, or in any vehicle lawfully in his possession or lawfully under his control; or
  - (b) required to have a permit or license to purchase, own, possess, transport, or keep a firearm.
- (2) This part is uniformly applicable throughout this state and in all its political subdivisions and municipalities. All authority to regulate firearms shall be reserved to the state except where the Legislature specifically delegates responsibility to local authorities or state entities. Unless specifically authorized by the Legislature by statute, a local authority or state entity may not enact or enforce any ordinance, regulation, or rule pertaining to firearms.

Enacted by Chapter 5, 1999 General Session

### 76-10-501 Definitions.

As used in this part:

- (1)
- (a) "Antique firearm" means:
    - (i) any firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898; or
    - (ii) a firearm that is a replica of any firearm described in this Subsection (1)(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:
        - (I) no longer manufactured in the United States; and
        - (II) is not readily available in ordinary channels of commercial trade; or
    - (iii)
      - (A) that 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 (1)(b)(iii)(A), (B), or (C).
- (2) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201 within the Department of Public Safety.
- (3)

- (a) "Concealed firearm" means a firearm that is:
  - (i) covered, hidden, or secreted in a manner that the public would not be aware of its presence; and
  - (ii) readily accessible for immediate use.
- (b) A firearm that is unloaded and securely encased is not a concealed firearm for the purposes of this part.
- (4) "Criminal history background check" means a criminal background check conducted by a licensed firearms dealer on every purchaser of a handgun, except a Federal Firearms Licensee, through the bureau or the local law enforcement agency where the firearms dealer conducts business.
- (5) "Curio or relic firearm" means a firearm that:
  - (a) is of special interest to a collector because of a quality that is not associated with firearms intended for:
    - (i) sporting use;
    - (ii) use as an offensive weapon; or
    - (iii) use as a defensive weapon;
  - (b)
    - (i) was manufactured at least 50 years before the current date; and
    - (ii) is not a replica of a firearm described in Subsection (5)(b)(i);
  - (c) is certified by the curator of a municipal, state, or federal museum that exhibits firearms to be a curio or relic of museum interest;
  - (d) derives a substantial part of its monetary value:
    - (i) from the fact that the firearm is:
      - (A) novel;
      - (B) rare; or
      - (C) bizarre; or
    - (ii) because of the firearm's association with an historical:
      - (A) figure;
      - (B) period; or
      - (C) event; and
  - (e) has been designated as a curio or relic firearm by the director of the United States Treasury Department Bureau of Alcohol, Tobacco, and Firearms under 27 C.F.R. Sec. 478.11.
- (6)
  - (a) "Dangerous weapon" means:
    - (i) a firearm; or
    - (ii) an object that in the manner of its use or intended use is capable of causing death or serious bodily injury.
  - (b) The following factors are used in determining whether any object, other than a firearm, is a dangerous weapon:
    - (i) the location and circumstances in which the object was used or possessed;
    - (ii) the primary purpose for which the object was made;
    - (iii) the character of the wound, if any, produced by the object's unlawful use;
    - (iv) the manner in which the object was unlawfully used;
    - (v) whether the manner in which the object is used or possessed constitutes a potential imminent threat to public safety; and
    - (vi) the lawful purposes for which the object may be used.
  - (c) "Dangerous weapon" does not include an explosive, chemical, or incendiary device as defined by Section 76-10-306.

- (7) "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 handgun, whether the person is a retail or wholesale dealer, pawnbroker, or otherwise.
- (8) "Enter" means intrusion of the entire body.
- (9) "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.
- (10)
  - (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) As used in Sections 76-10-526 and 76-10-527, "firearm" does not include an antique firearm.
- (11) "Firearms transaction record form" means a form created by the bureau to be completed by a person purchasing, selling, or transferring a handgun from a dealer in the state.
- (12) "Fully automatic weapon" means a firearm which fires, is designed to fire, or can be readily restored to fire, automatically more than one shot without manual reloading by a single function of the trigger.
- (13)
  - (a) "Handgun" means a pistol, revolver, or other firearm of any description, loaded or unloaded, 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.
  - (b) As used in Sections 76-10-520, 76-10-521, and 76-10-522, "handgun" and "pistol or revolver" do not include an antique firearm.
- (14) "House of worship" means a church, temple, synagogue, mosque, or other building set apart primarily for the purpose of worship in which religious services are held and the main body of which is kept for that use and not put to any other use inconsistent with its primary purpose.
- (15) "Prohibited area" means a place where it is unlawful to discharge a firearm.
- (16) "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 it can be retrieved and used as readily as if carried on the person.
- (17) "Residence" means an improvement to real property used or occupied as a primary or secondary residence.
- (18) "Securely encased" means not readily accessible for immediate use, such as held in a gun rack, or in a closed case or container, whether or not locked, or in a trunk or other storage area of a motor vehicle, not including a glove box or console box.
- (19) "Short barreled shotgun" or "short barreled rifle" means a shotgun having a barrel or barrels of fewer than 18 inches in length, or in the case of a rifle, having a barrel or barrels of fewer than 16 inches in length, or a dangerous weapon made from a rifle or shotgun by alteration, modification, or otherwise, if the weapon as modified has an overall length of fewer than 26 inches.
- (20) "Shotgun" means a smooth bore firearm designed to fire cartridges containing pellets or a single slug.
- (21) "Shoulder arm" means a firearm that is designed to be fired while braced against the shoulder.
- (22) "Slug" means a single projectile discharged from a shotgun shell.
- (23) "State entity" means a department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.

(24) "Violent felony" means the same as that term is defined in Section 76-3-203.5.

Amended by Chapter 212, 2015 General Session

Amended by Chapter 406, 2015 General Session

**76-10-502 When weapon deemed loaded.**

- (1) For the purpose of this chapter, any pistol, revolver, shotgun, rifle, or other weapon described in this part shall be deemed to be loaded when there is an unexpended cartridge, shell, or projectile in the firing position.
- (2) Pistols and revolvers shall also be deemed to be loaded when an unexpended cartridge, shell, or projectile is in a position whereby the manual operation of any mechanism once would cause the unexpended cartridge, shell, or projectile to be fired.
- (3) A muzzle loading firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinders.

Amended by Chapter 328, 1990 General Session

***Superseded 9/1/2021***

**76-10-503 Restrictions on possession, purchase, transfer, and ownership of dangerous weapons by certain persons -- Exceptions.**

- (1) For purposes of this section:
  - (a) A Category I restricted person is a person who:
    - (i) has been convicted of any violent felony as defined in Section 76-3-203.5;
    - (ii) is on probation or parole for any felony;
    - (iii) is on parole from a secure facility as defined in Section 62A-7-101;
    - (iv) within the last 10 years has been adjudicated delinquent for an offense which if committed by an adult would have been a violent felony as defined in Section 76-3-203.5;
    - (v) is an alien who is illegally or unlawfully in the United States; or
    - (vi) is on probation for a conviction of possessing:
      - (A) a substance classified in Section 58-37-4 as a Schedule I or II controlled substance;
      - (B) a controlled substance analog; or
      - (C) a substance listed in Section 58-37-4.2.
  - (b) A Category II restricted person is a person who:
    - (i) has been convicted of any felony;
    - (ii) within the last seven years has been adjudicated delinquent for an offense which if committed by an adult would have been a felony;
    - (iii) is an unlawful user of a controlled substance as defined in Section 58-37-2;
    - (iv) is in possession of a dangerous weapon and is knowingly and intentionally in unlawful possession of a Schedule I or II controlled substance as defined in Section 58-37-2;
    - (v) has been found not guilty by reason of insanity for a felony offense;
    - (vi) has been found mentally incompetent to stand trial for a felony offense;
    - (vii) has been adjudicated as mentally defective as provided in the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993), or has been committed to a mental institution;
    - (viii) has been dishonorably discharged from the armed forces;
    - (ix) has renounced the individual's citizenship after having been a citizen of the United States;
    - (x) is a respondent or defendant subject to a protective order or child protective order that is issued after a hearing for which the respondent or defendant received actual notice and

at which the respondent or defendant has an opportunity to participate, that restrains the respondent or defendant from harassing, stalking, threatening, or engaging in other conduct that would place an intimate partner, as defined in 18 U.S.C. Sec. 921, or a child of the intimate partner, in reasonable fear of bodily injury to the intimate partner or child of the intimate partner, and that:

- (A) includes a finding that the respondent or defendant represents a credible threat to the physical safety of an individual who meets the definition of an intimate partner in 18 U.S.C. Sec. 921 or the child of the individual; or
  - (B) explicitly prohibits the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily harm against an intimate partner or the child of an intimate partner; or
  - (xi) has been convicted of the commission or attempted commission of assault under Section 76-5-102 or aggravated assault under Section 76-5-103 against a current or former spouse, parent, guardian, individual with whom the restricted person shares a child in common, individual who is cohabitating or has cohabitated with the restricted person as a spouse, parent, or guardian, or against an individual similarly situated to a spouse, parent, or guardian of the restricted person.
- (c) As used in this section, a conviction of a felony or adjudication of delinquency for an offense which would be a felony if committed by an adult does not include:
- (i) a conviction or adjudication of delinquency for an offense pertaining to antitrust violations, unfair trade practices, restraint of trade, or other similar offenses relating to the regulation of business practices not involving theft or fraud; or
  - (ii) a conviction or adjudication of delinquency which, according to the law of the jurisdiction in which it occurred, has been expunged, set aside, reduced to a misdemeanor by court order, pardoned or regarding which the person's civil rights have been restored unless the pardon, reduction, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.
- (d) It is the burden of the defendant in a criminal case to provide evidence that a conviction or adjudication of delinquency is subject to an exception provided in Subsection (1)(c), after which it is the burden of the state to prove beyond a reasonable doubt that the conviction or adjudication of delinquency is not subject to that exception.
- (2) A Category I restricted person who intentionally or knowingly agrees, consents, offers, or arranges to purchase, transfer, possess, use, or have under the person's custody or control, or who intentionally or knowingly purchases, transfers, possesses, uses, or has under the person's custody or control:
- (a) any firearm is guilty of a second degree felony; or
  - (b) any dangerous weapon other than a firearm is guilty of a third degree felony.
- (3) A Category II restricted person who intentionally or knowingly purchases, transfers, possesses, uses, or has under the person's custody or control:
- (a) any firearm is guilty of a third degree felony; or
  - (b) any dangerous weapon other than a firearm is guilty of a class A misdemeanor.
- (4) A person may be subject to the restrictions of both categories at the same time.
- (5) If a higher penalty than is prescribed in this section is provided in another section for one who purchases, transfers, possesses, uses, or has under this custody or control any dangerous weapon, the penalties of that section control.
- (6) It is an affirmative defense to a charge based on the definition in Subsection (1)(b)(iv) that the person was:

- (a) in possession of a controlled substance pursuant to a lawful order of a practitioner for use of a member of the person's household or for administration to an animal owned by the person or a member of the person's household; or
  - (b) otherwise authorized by law to possess the substance.
- (7)
- (a) It is an affirmative defense to transferring a firearm or other dangerous weapon by a person restricted under Subsection (2) or (3) that the firearm or dangerous weapon:
    - (i) was possessed by the person or was under the person's custody or control before the person became a restricted person;
    - (ii) was not used in or possessed during the commission of a crime or subject to disposition under Section 24-3-103;
    - (iii) is not being held as evidence by a court or law enforcement agency;
    - (iv) was transferred to a person not legally prohibited from possessing the weapon; and
    - (v) unless a different time is ordered by the court, was transferred within 10 days of the person becoming a restricted person.
  - (b) Subsection (7)(a) is not a defense to the use, purchase, or possession on the person of a firearm or other dangerous weapon by a restricted person.
- (8)
- (a) A person may not sell, transfer, or otherwise dispose of any firearm or dangerous weapon to any person, knowing that the recipient is a person described in Subsection (1)(a) or (b).
  - (b) A person who violates Subsection (8)(a) when the recipient is:
    - (i) a person described in Subsection (1)(a) and the transaction involves a firearm, is guilty of a second degree felony;
    - (ii) a person described in Subsection (1)(a) and the transaction involves any dangerous weapon other than a firearm, and the transferor has knowledge that the recipient intends to use the weapon for any unlawful purpose, is guilty of a third degree felony;
    - (iii) a person described in Subsection (1)(b) and the transaction involves a firearm, is guilty of a third degree felony; or
    - (iv) a person described in Subsection (1)(b) and the transaction involves any dangerous weapon other than a firearm, and the transferor has knowledge that the recipient intends to use the weapon for any unlawful purpose, is guilty of a class A misdemeanor.
- (9)
- (a) A person may not knowingly solicit, persuade, encourage or entice a dealer or other person to sell, transfer or otherwise dispose of a firearm or dangerous weapon under circumstances which the person knows would be a violation of the law.
  - (b) A person may not provide to a dealer or other person any information that the person knows to be materially false information with intent to deceive the dealer or other person about the legality of a sale, transfer or other disposition of a firearm or dangerous weapon.
  - (c) "Materially false information" means information that portrays an illegal transaction as legal or a legal transaction as illegal.
  - (d) A person who violates this Subsection (9) is guilty of:
    - (i) a third degree felony if the transaction involved a firearm; or
    - (ii) a class A misdemeanor if the transaction involved a dangerous weapon other than a firearm.

Amended by Chapter 288, 2017 General Session

**Effective 9/1/2021**

**76-10-503 Restrictions on possession, purchase, transfer, and ownership of dangerous weapons by certain persons -- Exceptions.**

(1) For purposes of this section:

(a) A Category I restricted person is a person who:

- (i) has been convicted of any violent felony as defined in Section 76-3-203.5;
- (ii) is on probation or parole for any felony;
- (iii) is on parole from secure care, as defined in Section 80-1-102;
- (iv) within the last 10 years has been adjudicated under Section 80-6-701 for an offense which if committed by an adult would have been a violent felony as defined in Section 76-3-203.5;
- (v) is an alien who is illegally or unlawfully in the United States; or
- (vi) is on probation for a conviction of possessing:
  - (A) a substance classified in Section 58-37-4 as a Schedule I or II controlled substance;
  - (B) a controlled substance analog; or
  - (C) a substance listed in Section 58-37-4.2.

(b) A Category II restricted person is a person who:

- (i) has been convicted of any felony;
- (ii) within the last seven years has been adjudicated delinquent for an offense which if committed by an adult would have been a felony;
- (iii) is an unlawful user of a controlled substance as defined in Section 58-37-2;
- (iv) is in possession of a dangerous weapon and is knowingly and intentionally in unlawful possession of a Schedule I or II controlled substance as defined in Section 58-37-2;
- (v) has been found not guilty by reason of insanity for a felony offense;
- (vi) has been found mentally incompetent to stand trial for a felony offense;
- (vii) has been adjudicated as mentally defective as provided in the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993), or has been committed to a mental institution;
- (viii) has been dishonorably discharged from the armed forces;
- (ix) has renounced the individual's citizenship after having been a citizen of the United States;
- (x) is a respondent or defendant subject to a protective order or child protective order that is issued after a hearing for which the respondent or defendant received actual notice and at which the respondent or defendant has an opportunity to participate, that restrains the respondent or defendant from harassing, stalking, threatening, or engaging in other conduct that would place an intimate partner, as defined in 18 U.S.C. Sec. 921, or a child of the intimate partner, in reasonable fear of bodily injury to the intimate partner or child of the intimate partner, and that:
  - (A) includes a finding that the respondent or defendant represents a credible threat to the physical safety of an individual who meets the definition of an intimate partner in 18 U.S.C. Sec. 921 or the child of the individual; or
  - (B) explicitly prohibits the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily harm against an intimate partner or the child of an intimate partner; or
- (xi) has been convicted of the commission or attempted commission of assault under Section 76-5-102 or aggravated assault under Section 76-5-103 against a current or former spouse, parent, guardian, individual with whom the restricted person shares a child in common, individual who is cohabitating or has cohabitated with the restricted person as a spouse, parent, or guardian, or against an individual similarly situated to a spouse, parent, or guardian of the restricted person.

- (c) As used in this section, a conviction of a felony or adjudication of delinquency for an offense which would be a felony if committed by an adult does not include:
  - (i) a conviction or an adjudication under Section 80-6-701 for an offense pertaining to antitrust violations, unfair trade practices, restraint of trade, or other similar offenses relating to the regulation of business practices not involving theft or fraud; or
  - (ii) a conviction or an adjudication under Section 80-6-701 which, according to the law of the jurisdiction in which it occurred, has been expunged, set aside, reduced to a misdemeanor by court order, pardoned or regarding which the person's civil rights have been restored unless the pardon, reduction, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.
- (d) It is the burden of the defendant in a criminal case to provide evidence that a conviction or an adjudication under Section 80-6-701 is subject to an exception provided in Subsection (1)(c), after which it is the burden of the state to prove beyond a reasonable doubt that the conviction or the adjudication is not subject to that exception.
- (2) A Category I restricted person who intentionally or knowingly agrees, consents, offers, or arranges to purchase, transfer, possess, use, or have under the person's custody or control, or who intentionally or knowingly purchases, transfers, possesses, uses, or has under the person's custody or control:
  - (a) any firearm is guilty of a second degree felony; or
  - (b) any dangerous weapon other than a firearm is guilty of a third degree felony.
- (3) A Category II restricted person who intentionally or knowingly purchases, transfers, possesses, uses, or has under the person's custody or control:
  - (a) any firearm is guilty of a third degree felony; or
  - (b) any dangerous weapon other than a firearm is guilty of a class A misdemeanor.
- (4) A person may be subject to the restrictions of both categories at the same time.
- (5) If a higher penalty than is prescribed in this section is provided in another section for one who purchases, transfers, possesses, uses, or has under this custody or control any dangerous weapon, the penalties of that section control.
- (6) It is an affirmative defense to a charge based on the definition in Subsection (1)(b)(iv) that the person was:
  - (a) in possession of a controlled substance pursuant to a lawful order of a practitioner for use of a member of the person's household or for administration to an animal owned by the person or a member of the person's household; or
  - (b) otherwise authorized by law to possess the substance.
- (7)
  - (a) It is an affirmative defense to transferring a firearm or other dangerous weapon by a person restricted under Subsection (2) or (3) that the firearm or dangerous weapon:
    - (i) was possessed by the person or was under the person's custody or control before the person became a restricted person;
    - (ii) was not used in or possessed during the commission of a crime or subject to disposition under Section 24-3-103;
    - (iii) is not being held as evidence by a court or law enforcement agency;
    - (iv) was transferred to a person not legally prohibited from possessing the weapon; and
    - (v) unless a different time is ordered by the court, was transferred within 10 days of the person becoming a restricted person.
  - (b) Subsection (7)(a) is not a defense to the use, purchase, or possession on the person of a firearm or other dangerous weapon by a restricted person.
- (8)



- (a) A person may not sell, transfer, or otherwise dispose of any firearm or dangerous weapon to any person, knowing that the recipient is a person described in Subsection (1)(a) or (b).
- (b) A person who violates Subsection (8)(a) when the recipient is:
  - (i) a person described in Subsection (1)(a) and the transaction involves a firearm, is guilty of a second degree felony;
  - (ii) a person described in Subsection (1)(a) and the transaction involves any dangerous weapon other than a firearm, and the transferor has knowledge that the recipient intends to use the weapon for any unlawful purpose, is guilty of a third degree felony;
  - (iii) a person described in Subsection (1)(b) and the transaction involves a firearm, is guilty of a third degree felony; or
  - (iv) a person described in Subsection (1)(b) and the transaction involves any dangerous weapon other than a firearm, and the transferor has knowledge that the recipient intends to use the weapon for any unlawful purpose, is guilty of a class A misdemeanor.
- (9)
  - (a) A person may not knowingly solicit, persuade, encourage or entice a dealer or other person to sell, transfer or otherwise dispose of a firearm or dangerous weapon under circumstances which the person knows would be a violation of the law.
  - (b) A person may not provide to a dealer or other person any information that the person knows to be materially false information with intent to deceive the dealer or other person about the legality of a sale, transfer or other disposition of a firearm or dangerous weapon.
  - (c) "Materially false information" means information that portrays an illegal transaction as legal or a legal transaction as illegal.
  - (d) A person who violates this Subsection (9) is guilty of:
    - (i) a third degree felony if the transaction involved a firearm; or
    - (ii) a class A misdemeanor if the transaction involved a dangerous weapon other than a firearm.

Amended by Chapter 262, 2021 General Session

**76-10-503.1 Firearm restriction notification requirement.**

- (1) As used in this section:
  - (a) "Restricted person" means an individual who is restricted from possessing, purchasing, transferring, or owning a firearm under Section 76-10-503.
  - (b) "Possess" or "possession" means actual physical possession, actual or purported ownership, or exercising control of an item.
- (2) A defendant intending to plead guilty or no contest to a criminal charge that will, upon conviction, cause the defendant to become a restricted person shall, before entering a plea before a court, sign an acknowledgment that states:
  - (a) the defendant's attorney or the prosecuting attorney has informed the defendant:
    - (i) that conviction of the charge will classify the defendant as a restricted person;
    - (ii) that a restricted person may not possess a firearm; and
    - (iii) of the criminal penalties associated with possession of a firearm by a restricted person of the same category the defendant will become upon entering a plea for the criminal charge; and
  - (b) the defendant acknowledges and understands that, by pleading guilty or no contest to the criminal charge, the defendant:
    - (i) will be a restricted person;
    - (ii) upon conviction, shall forfeit possession of each firearm currently possessed by the defendant; and

- (iii) will be in violation of federal and state law if the defendant possesses a firearm.
- (3) The prosecuting attorney or the defendant's attorney shall provide the acknowledgment described in Subsection (2) to the court before the defendant's entry of a plea, if the defendant pleads guilty or no contest.
- (4) A defendant who is convicted by trial of a criminal charge resulting in the defendant becoming a restricted person shall, at the time of sentencing:
  - (a) be verbally informed by the court, prosecuting attorney, or defendant's attorney:
    - (i) that the defendant is a restricted person;
    - (ii) that, as a restricted person, the defendant may not possess a firearm; and
    - (iii) of the criminal penalties associated with possession of a firearm by a restricted person of the defendant's category; and
  - (b) sign an acknowledgment in the presence of the court attesting that the defendant acknowledges and understands that the defendant:
    - (i) is a restricted person;
    - (ii) shall forfeit possession of each firearm; and
    - (iii) will be in violation of federal and state law if the defendant possesses a firearm.
- (5) The prosecuting attorney and the defendant's attorney shall inform the court at the preliminary hearing if a charge filed against the defendant would qualify the defendant as a restricted person if the defendant is convicted of the charge.
- (6) The failure to inform or obtain a signed acknowledgment from the defendant may not render the plea invalid, form the basis for withdrawal of the plea, or create a basis to challenge a conviction or sentence.

Enacted by Chapter 107, 2021 General Session

**76-10-504 Carrying concealed firearm -- Penalties.**

- (1) Except as provided in Sections 76-10-503 and 76-10-523 and in Subsections (2), (3), and (4), a person who carries a concealed firearm, as defined in Section 76-10-501, including an unloaded firearm on his or her person or one that is readily accessible for immediate use which is not securely encased, as defined in this part, in or on a place other than the person's residence, property, a vehicle in the person's lawful possession, or a vehicle, with the consent of the individual who is lawfully in possession of the vehicle, or business under the person's control is guilty of a class B misdemeanor.
- (2) A person who carries a concealed firearm that is a loaded firearm in violation of Subsection (1) is guilty of a class A misdemeanor.
- (3) A person who carries concealed an unlawfully possessed short barreled shotgun or a short barreled rifle is guilty of a second degree felony.
- (4) If the concealed firearm is used in the commission of a violent felony as defined in Section 76-3-203.5, and the person is a party to the offense, the person is guilty of a second degree felony.
- (5) Nothing in Subsection (1) or (2) prohibits a person engaged in the lawful taking of protected or unprotected wildlife as defined in Title 23, Wildlife Resources Code of Utah, from carrying a concealed firearm as long as the taking of wildlife does not occur:
  - (a) within the limits of a municipality in violation of that municipality's ordinances; or
  - (b) upon the highways of the state as defined in Section 41-6a-102.

Amended by Chapter 12, 2021 General Session

**76-10-505 Carrying loaded firearm in vehicle or on street.**

- (1) Unless otherwise authorized by law, a person may not carry a loaded firearm:
  - (a) in or on a vehicle, unless:
    - (i) the vehicle is in the person's lawful possession; or
    - (ii) the person is carrying the loaded firearm in a vehicle with the consent of the person lawfully in possession of the vehicle;
  - (b) on a public street; or
  - (c) in a posted prohibited area.
- (2) Subsection (1)(a) does not apply to a minor under 18 years of age, since a minor under 18 years of age may not carry a loaded firearm in or on a vehicle.
- (3) Notwithstanding Subsections (1)(a)(i) and (ii), and Subsection 76-10-523(5), a person may not possess a loaded rifle, shotgun, or muzzle-loading rifle in a vehicle.
- (4) A violation of this section is a class B misdemeanor.

Amended by Chapter 12, 2021 General Session

**76-10-505.5 Possession of a dangerous weapon, firearm, or short barreled shotgun on or about school premises -- Penalties.**

- (1) As used in this section, "on or about school premises" means:
  - (a)
    - (i) in a public or private elementary or secondary school; or
    - (ii) on the grounds of any of those schools;
  - (b)
    - (i) in a public or private institution of higher education; or
    - (ii) on the grounds of a public or private institution of higher education; and
  - (iii)
    - (A) inside the building where a preschool or child care is being held, if the entire building is being used for the operation of the preschool or child care; or
    - (B) if only a portion of a building is being used to operate a preschool or child care, in that room or rooms where the preschool or child care operation is being held.
- (2) A person may not possess any dangerous weapon, firearm, or short barreled shotgun, as those terms are defined in Section 76-10-501, at a place that the person knows, or has reasonable cause to believe, is on or about school premises as defined in this section.
- (3)
  - (a) Possession of a dangerous weapon on or about school premises is a class B misdemeanor.
  - (b) Possession of a firearm or short barreled shotgun on or about school premises is a class A misdemeanor.
- (4) This section does not apply if:
  - (a) the person is authorized to possess a firearm as provided under Section 53-5-704, 53-5-705, 76-10-511, or 76-10-523, or as otherwise authorized by law;
  - (b) the person is authorized to possess a firearm as provided under Section 53-5-704.5, unless the person is in a location where the person is prohibited from carrying a firearm under Subsection 53-5-710(2);
  - (c) the possession is approved by the responsible school administrator;
  - (d) the item is present or to be used in connection with a lawful, approved activity and is in the possession or under the control of the person responsible for its possession or use; or
  - (e) the possession is:
    - (i) at the person's place of residence or on the person's property; or

- (ii) in any vehicle lawfully under the person's control, other than a vehicle owned by the school or used by the school to transport students.
- (5) This section does not prohibit prosecution of a more serious weapons offense that may occur on or about school premises.

Amended by Chapter 141, 2021 General Session

**76-10-506 Threatening with or using dangerous weapon in fight or quarrel.**

- (1) As used in this section:
  - (a) "Dangerous weapon" means an item that in the manner of its use or intended use is capable of causing death or serious bodily injury. The following factors shall be used in determining whether an item, object, or thing is a dangerous weapon:
    - (i) the character of the instrument, object, or thing;
    - (ii) the character of the wound produced, if any; and
    - (iii) the manner in which the instrument, object, or thing was exhibited or used.
  - (b) "Threatening manner" does not include:
    - (i) the possession of a dangerous weapon, whether visible or concealed, without additional behavior which is threatening; or
    - (ii) informing another of the actor's possession of a deadly weapon to prevent what the actor reasonably perceives as a possible use of unlawful force by the other and the actor is not engaged in any activity described in Subsection 76-2-402(3)(a).
- (2) Except as otherwise provided in Section 76-2-402 and for an individual described in Section 76-10-503, an individual who, in the presence of two or more individuals, and not amounting to a violation of Section 76-5-103, draws or exhibits a dangerous weapon in an angry and threatening manner or unlawfully uses a dangerous weapon in a fight or quarrel is guilty of a class A misdemeanor.
- (3) This section does not apply to an individual who, reasonably believing the action to be necessary in compliance with Section 76-2-402, with purpose to prevent another's use of unlawful force:
  - (a) threatens the use of a dangerous weapon; or
  - (b) draws or exhibits a dangerous weapon.
- (4) This section does not apply to an individual listed in Subsections 76-10-523(1)(a) through (f) in performance of the individual's duties.

Amended by Chapter 39, 2019 General Session

Amended by Chapter 201, 2019 General Session

**76-10-507 Possession of deadly weapon with criminal intent.**

Every person having upon his person any dangerous weapon with intent to use it to commit a criminal offense is guilty of a class A misdemeanor.

Amended by Chapter 406, 2015 General Session

**76-10-508 Discharge of firearm from a vehicle, near a highway, or in direction of specified items -- Penalties.**

- (1)
  - (a) An individual may not discharge a dangerous weapon or firearm:
    - (i) from an automobile or other vehicle;

- (ii) from, upon, or across a highway;
  - (iii) at a road sign placed upon a highway of the state;
  - (iv) at communications equipment or property of public utilities including facilities, lines, poles, or devices of transmission or distribution;
  - (v) at railroad equipment or facilities including a sign or signal;
  - (vi) within a Utah State Park building, designated camp or picnic sites, overlooks, golf courses, boat ramps, and developed beaches; or
  - (vii) without written permission to discharge the dangerous weapon from the owner or person in charge of the property within 600 feet of:
    - (A) a house, dwelling, or any other building; or
    - (B) any structure in which a domestic animal is kept or fed, including a barn, poultry yard, corral, feeding pen, or stockyard.
  - (b) It is a defense to any charge for violating this section that the individual being accused had actual permission of the owner or person in charge of the property at the time in question.
- (2) A violation of any provision of Subsection (1) is a class B misdemeanor.
- (3) In addition to any other penalties, the court shall:
- (a) notify the Driver License Division of the conviction for purposes of any revocation, denial, suspension, or disqualification of a driver license under Subsection 53-3-220(1)(a)(xi); and
  - (b) specify in court at the time of sentencing the length of the revocation under Subsection 53-3-225(1)(c).
- (4) This section does not apply to an individual who:
- (a) discharges a firearm when that individual is in lawful defense of self or others;
  - (b) is performing official duties as provided in Section 23-20-1.5 and Subsections 76-10-523(1)(a) through (f) and as otherwise provided by law; or
  - (c) discharges a dangerous weapon or firearm from an automobile or other vehicle, if:
    - (i) the discharge occurs at a firing range or training ground;
    - (ii) at no time after the discharge does the projectile that is discharged cross over or stop at a location other than within the boundaries of the firing range or training ground described in Subsection (4)(c)(i);
    - (iii) the discharge is made as practice or training for a lawful purpose;
    - (iv) the discharge and the location, time, and manner of the discharge are approved by the owner or operator of the firing range or training ground before the discharge; and
    - (v) the discharge is not made in violation of Subsection (1).

Amended by Chapter 39, 2019 General Session

**76-10-508.1 Felony discharge of a firearm -- Penalties.**

- (1) Except as provided under Subsection (2) or (3), an individual who discharges a firearm is guilty of a third degree felony punishable by imprisonment for a term of not less than three years nor more than five years if:
- (a) the actor discharges a firearm in the direction of one or more individuals, knowing or having reason to believe that any individual may be endangered by the discharge of the firearm;
  - (b) the actor, with intent to intimidate or harass another or with intent to damage a habitable structure as defined in Section 76-6-101, discharges a firearm in the direction of any individual or habitable structure; or
  - (c) the actor, with intent to intimidate or harass another, discharges a firearm in the direction of any vehicle.

- (2) A violation of Subsection (1) that causes bodily injury to any individual is a second degree felony punishable by imprisonment for a term of not less than three years nor more than 15 years.
- (3) A violation of Subsection (1) that causes serious bodily injury to any individual is a first degree felony.
- (4) In addition to any other penalties for a violation of this section, the court shall:
  - (a) notify the Driver License Division of the conviction for purposes of any revocation, denial, suspension, or disqualification of a driver license under Subsection 53-3-220(1)(a)(xi); and
  - (b) specify in court at the time of sentencing the length of the revocation under Subsection 53-3-225(1)(c).
- (5) This section does not apply to an individual:
  - (a) who discharges a firearm when that individual is in lawful defense of self or others;
  - (b) who is performing official duties as provided in Section 23-20-1.5 or Subsections 76-10-523(1)(a) through (f) or as otherwise authorized by law; or
  - (c) who discharges a dangerous weapon or firearm from an automobile or other vehicle, if:
    - (i) the discharge occurs at a firing range or training ground;
    - (ii) at no time after the discharge does the projectile that is discharged cross over or stop at a location other than within the boundaries of the firing range or training ground described in Subsection (5)(c)(i);
    - (iii) the discharge is made as practice or training for a lawful purpose;
    - (iv) the discharge and the location, time, and manner of the discharge are approved by the owner or operator of the firing range or training ground before the discharge; and
    - (v) the discharge is not made in violation of Subsection (1).

Amended by Chapter 39, 2019 General Session

**76-10-509 Possession of dangerous weapon by minor.**

- (1) A minor under 18 years of age may not possess a dangerous weapon unless he:
  - (a) has the permission of his parent or guardian to have the weapon; or
  - (b) is accompanied by a parent or guardian while he has the weapon in his possession.
- (2) Any minor under 14 years of age in possession of a dangerous weapon shall be accompanied by a responsible adult.
- (3) Any person who violates this section is guilty of:
  - (a) a class B misdemeanor upon the first offense; and
  - (b) a class A misdemeanor for each subsequent offense.

Amended by Chapter 10, 1993 Special Session 2

Amended by Chapter 10, 1993 Special Session 2

**76-10-509.4 Prohibition of possession of certain weapons by minors.**

- (1) A minor under 18 years of age may not possess a handgun.
- (2) Except as provided by federal law, a minor under 18 years of age may not possess the following:
  - (a) a short barreled rifle or short barreled shotgun; or
  - (b) a fully automatic weapon.
- (3) Any person who violates Subsection (1) is guilty of:
  - (a) a class B misdemeanor upon the first offense; and
  - (b) a class A misdemeanor for each subsequent offense.

(4) Any person who violates Subsection (2) is guilty of a third degree felony.

Amended by Chapter 301, 2013 General Session

**76-10-509.5 Penalties for providing certain weapons to a minor.**

- (1) Any person who provides a handgun to a minor when the possession of the handgun by the minor is a violation of Section 76-10-509.4 is guilty of:
- (a) a class B misdemeanor upon the first offense; and
  - (b) a class A misdemeanor for each subsequent offense.
- (2) Any person who transfers in violation of applicable state or federal law a short barreled rifle, short barreled shotgun, or fully automatic weapon to a minor is guilty of a third degree felony.

Amended by Chapter 301, 2013 General Session

**76-10-509.6 Parent or guardian providing firearm to violent minor.**

- (1) A parent or guardian may not intentionally or knowingly provide a firearm to, or permit the possession of a firearm by, any minor who has been convicted of a violent felony as defined in Section 76-3-203.5 or any minor who has been adjudicated in juvenile court for an offense which would constitute a violent felony if the minor were an adult.
- (2) Any person who violates this section is guilty of:
- (a) a class A misdemeanor upon the first offense; and
  - (b) a third degree felony for each subsequent offense.

Amended by Chapter 303, 2000 General Session

**76-10-509.7 Parent or guardian knowing of minor's possession of dangerous weapon.**

Any parent or guardian of a minor who knows that the minor is in possession of a dangerous weapon in violation of Section 76-10-509 or a firearm in violation of Section 76-10-509.4 and fails to make reasonable efforts to remove the dangerous weapon or firearm from the minor's possession is guilty of a class B misdemeanor.

Amended by Chapter 428, 2014 General Session

**76-10-509.9 Sales of firearms to juveniles.**

- (1) A person may not sell any firearm to a minor under 18 years of age unless the minor is accompanied by a parent or guardian.
- (2) Any person who violates this section is guilty of a third degree felony.

Enacted by Chapter 13, 1993 Special Session 2

Enacted by Chapter 13, 1993 Special Session 2

**76-10-511 Possession of loaded firearm at residence or on real property authorized.**

Except for persons described in Section 76-10-503 and 18 U.S.C. Sec. 922(g) and as otherwise prescribed in this part, a person may have a loaded firearm:

- (1) at the person's place of residence, including any temporary residence or camp; or
- (2) on the person's real property.

Amended by Chapter 362, 2009 General Session

**76-10-512 Target concessions, shooting ranges, competitions, and hunting excepted from prohibitions.**

- (1) The provisions of Section 76-10-509 and Subsection 76-10-509.4(1) regarding possession of handguns by minors do not apply to any of the following:
  - (a) patrons firing at lawfully operated target concessions at amusement parks, piers, and similar locations provided that the firearms to be used are firmly chained or affixed to the counters;
  - (b) any person in attendance at a hunter's safety course or a firearms safety course;
  - (c) any person engaging in practice or any other lawful use of a firearm at an established range or any other area where the discharge of a firearm is not prohibited by state or local law;
  - (d) any person engaging in an organized competition involving the use of a firearm, or participating in or practicing for such competition;
  - (e) any minor under 18 years of age who is on real property with the permission of the owner, licensee, or lessee of the property and who has the permission of a parent or legal guardian or the owner, licensee, or lessee to possess a firearm not otherwise in violation of law;
  - (f) any resident or nonresident hunters with a valid hunting license or other persons who are lawfully engaged in hunting; or
  - (g) any person traveling to or from any activity described in Subsection (1)(b), (c), (d), (e), or (f) with an unloaded firearm in the person's possession.
- (2) It is not a violation of Subsection 76-10-503(2) or (3) for a restricted person defined in Subsection 76-10-503(1) to own, possess, or have under the person's custody or control, archery equipment, including crossbows, for the purpose of lawful hunting and lawful target shooting.
- (3) Notwithstanding Subsection (2), the possession of archery equipment, including crossbows, by a restricted person defined in Subsection 76-10-503(1) may be prohibited by:
  - (a) a court, as a condition of pre-trial release or probation; or
  - (b) the Board of Pardons and Parole, as a condition of parole.

Amended by Chapter 428, 2014 General Session

**76-10-520 Number or mark assigned to pistol or revolver by Department of Public Safety.**

The Department of Public Safety upon request may assign a distinguishing number or mark of identification to any pistol or revolver 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 of Public Safety has been destroyed or obliterated.

Amended by Chapter 234, 1993 General Session

**76-10-521 Unlawful marking of pistol or revolver.**

- (1) Any person who places or stamps on any pistol or revolver any number except one assigned to it by the Department of Public Safety is guilty of a class A misdemeanor.
- (2) This section does not 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 of Public Safety, nor prevent any 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 pistol or revolver.



Amended by Chapter 234, 1993 General Session

**76-10-522 Alteration of number or mark on pistol or revolver.**

Any person who changes, alters, removes, or obliterates 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 of Public Safety, on any pistol or revolver, without first having secured written permission from the Department of Public Safety to make the change, alteration, or removal, is guilty of a class A misdemeanor.

Amended by Chapter 234, 1993 General Session

**76-10-523 Persons exempt from weapons laws.**

- (1) Except for Sections 76-10-506, 76-10-508, and 76-10-508.1, this part and Title 53, Chapter 5, Part 7, Concealed Firearm Act, 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 this or any other jurisdiction;
  - (d) a law enforcement official as defined and qualified under Section 53-5-711;
  - (e) a judge as defined and qualified under Section 53-5-711;
  - (f) a court commissioner as defined and qualified under Section 53-5-711; or
  - (g) a common carrier while engaged in the regular and ordinary transport of firearms as merchandise.
- (2) Notwithstanding Subsection (1), the provisions of Section 76-10-528 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.
- (3) Subsections 76-10-504(1) and (2), and Section 76-10-505 do not apply to:
  - (a) an individual to whom a permit to carry a concealed firearm has been issued:
    - (i) pursuant to Section 53-5-704; or
    - (ii) by another state or county; or
  - (b) a person who is issued a protective order under Subsection 78B-7-603(1)(b) or 78B-7-404(1)(b), unless the person is a restricted person as described in Subsection 76-10-503(1), for a period of 120 days after the day on which the person is issued the protective order.
- (4) Except for Sections 76-10-503, 76-10-506, 76-10-508, and 76-10-508.1, this part and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to a nonresident traveling in or through the state, provided that any firearm is:
  - (a) unloaded; and
  - (b) securely encased as defined in Section 76-10-501.
- (5) Subsections 76-10-504(1) and (2), and 76-10-505(1)(b) do not apply to a person 21 years old or older who may otherwise lawfully possess a firearm.

Amended by Chapter 12, 2021 General Session

**76-10-523.5 Compliance with rules for secure facilities.**

Any person, including a person licensed to carry a concealed firearm under Title 53, Chapter 5, Part 7, Concealed Firearm Act, shall comply with any rule established for secure facilities pursuant to Sections 53B-3-103, 76-8-311.1, 76-8-311.3, and 78A-2-203 and shall be subject to any penalty provided in those sections.

Amended by Chapter 3, 2008 General Session

**76-10-524 Purchase of firearms pursuant to federal law.**

This part will allow purchases of firearms and ammunition pursuant to U.S.C. Title 18 Chapter 44 Sec. 922b(3).

Amended by Chapter 360, 2004 General Session

**76-10-526 Criminal background check prior to purchase of a firearm -- Fee -- Exemption for concealed firearm permit holders and law enforcement officers.**

- (1) For purposes of this section, "valid permit to carry a concealed firearm" does not include a temporary permit issued under Section 53-5-705.
- (2)
  - (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 (2).
- (3)
  - (a) A criminal history background check is required for the sale of a firearm by a licensed firearm dealer in the state.
  - (b) Subsection (3)(a) does not apply to the sale of a firearm to a Federal Firearms Licensee.
- (4)
  - (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.
- (5)
  - (a) The dealer shall send the information required by Subsection (4) 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 (4) and has received approval from the bureau under Subsection (7).
- (6) 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.
- (7) 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 53-5c-301, 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.
- (8)
- (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.
- (9)
- (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 inform the law enforcement agency in the jurisdiction where the individual resides.
  - (b) Subsection (9)(a) does not apply to an individual prohibited from purchasing a firearm solely due to placement on the temporary restricted list under Section 53-5c-301.
  - (c) A law enforcement agency that receives information from the bureau under Subsection (9)(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 (9)(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 (9)(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 (9)(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.
- (10) 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.
- (11) 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).
- (12)
- (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 (12)(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.
- (13) An individual with a concealed firearm permit issued under Title 53, Chapter 5, Part 7, Concealed Firearm Act, is exempt from the background check and corresponding fee required in this section for the purchase of a firearm if:
- (a) the individual presents the individual's concealed firearm permit to the dealer prior to purchase of the firearm; and
  - (b) the dealer verifies with the bureau that the individual's concealed firearm permit is valid.
- (14)
- (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 (14)(a) may only be used by a law enforcement officer to purchase a personal firearm once in a 24-month period.
- (15) A dealer engaged in the business of selling, leasing, or otherwise transferring any firearm shall:
- (a) make the firearm safety brochure described in Subsection 62A-15-103(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 62A-15-103(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.

Amended by Chapter 166, 2021 General Session  
Amended by Chapter 277, 2021 General Session

**76-10-527 Penalties.**

- (1) A dealer is guilty of a class A misdemeanor who 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 76-10-526.
- (2) A person who purchases or transfers a firearm is guilty of a felony of the third degree if the person willfully and intentionally makes a false statement of the information required for a criminal background check in Section 76-10-526.
- (3) Except as otherwise provided in Subsection (1), a dealer is guilty of a felony of the third degree if the dealer willfully and intentionally sells or transfers a firearm in violation of this part.
- (4) A person is guilty of a felony of the third degree if the person purchases a firearm with the intent to:
  - (a) resell or otherwise provide a firearm to a person 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 person.

Amended by Chapter 20, 2009 General Session

**76-10-528 Carrying a dangerous weapon while under influence of alcohol or drugs unlawful.**

- (1) It is a class B misdemeanor for any person to carry a dangerous weapon while under the influence of:
  - (a) alcohol as determined by the person's blood or breath alcohol concentration in accordance with Subsections 41-6a-502(1)(a) through (c); or
  - (b) a controlled substance as defined in Section 58-37-2.
- (2) This section does not apply to:
  - (a) a person carrying a dangerous weapon that is either securely encased, as defined in this part, or not within such close proximity and in such a manner that it can be retrieved and used as readily as if carried on the person;
  - (b) any person who uses or threatens to use force in compliance with Section 76-2-402;
  - (c) any person carrying a dangerous weapon in the person's residence or the residence of another with the consent of the individual who is lawfully in possession; or
  - (d) a person under the influence of cannabis or a cannabis product, as those terms are defined in Section 26-61a-102, if the person's use of the cannabis or cannabis product complies with Title 26, Chapter 61a, Utah Medical Cannabis Act.
- (3) It is not a defense to prosecution under this section that the person:
  - (a) is licensed in the pursuit of wildlife of any kind; or
  - (b) has a valid permit to carry a concealed firearm.

Amended by Chapter 12, 2020 General Session

**76-10-529 Possession of dangerous weapons, firearms, or explosives in airport secure areas prohibited -- Penalty.**

- (1) As used in this section:
  - (a) "Airport authority" has the same meaning as defined in Section 72-10-102.
  - (b) "Dangerous weapon" is the same as defined in Section 76-10-501.
  - (c) "Explosive" is the same as defined for "explosive, chemical, or incendiary device" in Section 76-10-306.
  - (d) "Firearm" is the same as defined in Section 76-10-501.
- (2)
  - (a) Within a secure area of an airport established pursuant to this section, a person, including a person licensed to carry a concealed firearm under Title 53, Chapter 5, Part 7, Concealed Firearm Act, is guilty of:
    - (i) a class A misdemeanor if the person knowingly or intentionally possesses any dangerous weapon or firearm;
    - (ii) an infraction if the person recklessly or with criminal negligence possesses any dangerous weapon or firearm; or
    - (iii) a violation of Section 76-10-306 if the person transports, possesses, distributes, or sells any explosive, chemical, or incendiary device.
  - (b) Subsection (2)(a) does not apply to:
    - (i) persons exempted under Section 76-10-523; and
    - (ii) members of the state or federal military forces while engaged in the performance of their official duties.
- (3) An airport authority, county, or municipality regulating the airport may:

- (a) establish any secure area located beyond the main area where the public generally buys tickets, checks and retrieves luggage; and
  - (b) use reasonable means, including mechanical, electronic, x-ray, or any other device, to detect dangerous weapons, firearms, or explosives concealed in baggage or upon the person of any individual attempting to enter the secure area.
- (4) At least one notice shall be prominently displayed at each entrance to a secure area in which a dangerous weapon, firearm, or explosive is restricted.
- (5) Upon the discovery of any dangerous weapon, firearm, or explosive, the airport authority, county, or municipality, the employees, or other personnel administering the secure area may:
- (a) require the individual to deliver the item to the air freight office or airline ticket counter;
  - (b) require the individual to exit the secure area; or
  - (c) obtain possession or retain custody of the item until it is transferred to law enforcement officers.

Amended by Chapter 169, 2004 General Session

**76-10-530 Trespass with a firearm in a house of worship or private residence -- Notice -- Penalty.**

- (1) A person, including a person licensed to carry a concealed firearm pursuant to Title 53, Chapter 5, Part 7, Concealed Firearm Act, after notice has been given as provided in Subsection (2) that firearms are prohibited, may not knowingly and intentionally:
- (a) transport a firearm into:
    - (i) a house of worship; or
    - (ii) a private residence; or
  - (b) while in possession of a firearm, enter or remain in:
    - (i) a house of worship; or
    - (ii) a private residence.
- (2) Notice that firearms are prohibited may be given by:
- (a) personal communication to the actor by:
    - (i) the church or organization operating the house of worship;
    - (ii) the owner, lessee, or person with lawful right of possession of the private residence; or
    - (iii) a person with authority to act for the person or entity in Subsections (2)(a)(i) and (ii);
  - (b) posting of signs reasonably likely to come to the attention of persons entering the house of worship or private residence;
  - (c) announcement, by a person with authority to act for the church or organization operating the house of worship, in a regular congregational meeting in the house of worship;
  - (d) publication in a bulletin, newsletter, worship program, or similar document generally circulated or available to the members of the congregation regularly meeting in the house of worship; or
  - (e) publication:
    - (i) in a newspaper of general circulation in the county in which the house of worship is located or the church or organization operating the house of worship has its principal office in this state; and
    - (ii) as required in Section 45-1-101.
- (3) A church or organization operating a house of worship and giving notice that firearms are prohibited may:
- (a) revoke the notice, with or without supersedure, by giving further notice in any manner provided in Subsection (2); and

- (b) provide or allow exceptions to the prohibition as the church or organization considers advisable.
- (4)
  - (a)
    - (i) Within 30 days of giving or revoking any notice pursuant to Subsection (2)(c), (d), or (e), a church or organization operating a house of worship shall notify the division on a form and in a manner as the division shall prescribe.
    - (ii) The division shall post on its website a list of the churches and organizations operating houses of worship who have given notice under Subsection (4)(a)(i).
  - (b) Any notice given pursuant to Subsection (2)(c), (d), or (e) shall remain in effect until revoked or for a period of one year from the date the notice was originally given, whichever occurs first.
- (5) Nothing in this section permits an owner who has granted the lawful right of possession to a renter or lessee to restrict the renter or lessee from lawfully possessing a firearm in the residence.
- (6) A violation of this section is an infraction.

Amended by Chapter 388, 2009 General Session

**76-10-532 Removal from National Instant Check System database.**

- (1) A person who is subject to the restrictions in Subsection 76-10-503(1)(b)(v), (vi), or (vii), or 18 U.S.C. 922(d)(4) and (g)(4) based on a commitment, finding, or adjudication that occurred in this state may petition the district court in the county in which the commitment, finding, or adjudication occurred to remove the disability imposed.
- (2) The petition shall be filed in the district court in the county where the commitment, finding, or adjudication occurred. The petition shall include:
  - (a) a listing of facilities, with their addresses, where the petitioner has ever received mental health treatment;
  - (b) a release signed by the petitioner to allow the prosecutor or county attorney to obtain the petitioner's mental health records;
  - (c) a verified report of a mental health evaluation conducted by a licensed psychiatrist occurring within 30 days prior to the filing of the petition, which shall include a statement regarding:
    - (i) the nature of the commitment, finding, or adjudication that resulted in the restriction on the petitioner's ability to purchase or possess a dangerous weapon;
    - (ii) the petitioner's previous and current mental health treatment;
    - (iii) the petitioner's previous violent behavior, if any;
    - (iv) the petitioner's current mental health medications and medication management;
    - (v) the length of time the petitioner has been stable;
    - (vi) external factors that may influence the petitioner's stability;
    - (vii) the ability of the petitioner to maintain stability with or without medication; and
    - (viii) whether the petitioner is dangerous to public safety; and
  - (d) a copy of the petitioner's state and federal criminal history record.
- (3) The petitioner shall serve the petition on the prosecuting entity that prosecuted the case or, if the disability is not based on a criminal case, on the county or district attorney's office having jurisdiction where the petition was filed and the individual who filed the original action which resulted in the disability.
- (4) The court shall schedule a hearing as soon as practicable. The petitioner may present evidence and subpoena witnesses to appear at the hearing. The prosecuting, county attorney,

or the individual who filed the original action which resulted in the disability may object to the petition and present evidence in support of the objection.

- (5) The court shall consider the following evidence:
  - (a) the facts and circumstances that resulted in the commitment, finding, or adjudication;
  - (b) the person's mental health and criminal history records; and
  - (c) the person's reputation, including the testimony of character witnesses.
- (6) The court shall grant the relief if the court finds by clear and convincing evidence that:
  - (a) the person is not a danger to the person or to others;
  - (b) the person is not likely to act in a manner dangerous to public safety; and
  - (c) the requested relief would not be contrary to the public interest.
- (7) The court shall issue an order with its findings and send a copy to the bureau.
- (8) The bureau, upon receipt of a court order removing a person's disability under Subsection 76-10-503(1)(b)(vii), shall send a copy of the court order to the National Instant Check System requesting removal of the person's name from the database. In addition, if the person is listed in a state database utilized by the bureau to determine eligibility for the purchase or possession of a firearm or to obtain a concealed firearm permit, the bureau shall remove the petitioner's name or send a copy of the court's order to the agency responsible for the database for removal of the petitioner's name.
- (9) If the court denies the petition, the petitioner may not petition again for relief until at least two years after the date of the court's final order.
- (10) The petitioner may appeal a denial of the requested relief. The review on appeal shall be de novo.

Amended by Chapter 37, 2015 General Session