

Effective 5/7/2025

Part 3
Persons Restricted Regarding Dangerous Weapons

76-11-301 Definitions.

As used in this part:

- (1) "Adjudicated" means a judgment has been entered against a minor for an offense by a juvenile court under Section 80-6-701.
- (2) "Category I restricted person" means an individual described in Section 76-11-302.
- (3) "Category II restricted person" means an individual described in Section 76-11-303.
- (4) "Carry" means for an individual to have an item under the individual's custody or control.
- (5) "Controlled substance" means the same as that term is defined in Section 58-37-101.
- (6)
 - (a) "Dating relationship" means a romantic or intimate relationship between individuals.
 - (b) "Dating relationship" does not include a casual acquaintanceship or ordinary fraternization in a business or social context.
- (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 firearm, whether the person is a retail or wholesale dealer, pawnbroker, or other type of merchant or seller.
- (8) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- (9) "Intimate partner" means the same as that term is defined in 18 U.S.C. Sec. 921.
- (10) "Schedule I controlled substance" means a substance listed as a schedule I controlled substance in Section 58-37-108.
- (11) "Schedule II controlled substance" means a substance listed as a schedule II controlled substance in Section 58-37-108.
- (12) "Secure care" means the same as that term is defined in Section 80-1-102.
- (13) "Single criminal episode" means the same as that term is defined in Section 76-1-401.

Amended by Chapter 362, 2026 General Session

76-11-302 Category I restricted person established.

Except as provided in Section 76-11-304, Exceptions, limitations, and exclusions to restricted person categories, an individual is categorized as a category I restricted person and subject to the restrictions and penalties described in Section 76-11-305:

- (1) if the individual has been convicted of a violent felony;
- (2) if the individual is on probation or parole for a felony;
- (3) if the individual is on parole from secure care;
- (4) for 10 years after the day on which the individual was adjudicated for an offense which if committed by an adult would have been a violent felony;
- (5) if the individual is an alien who is illegally or unlawfully in the United States, including an alien who has:
 - (a) submitted an asylum application in accordance with 8 U.S.C. Sec. 1158 and is waiting for a disposition on the application; or
 - (b) submitted a temporary protected status application in accordance with 8 U.S.C. Sec. 1254a and is waiting for a disposition on the application; or
- (6) if the individual is on probation for a conviction of possessing:

- (a) a substance classified in Section 58-37-108 as a Schedule I or II controlled substance;
- (b) a controlled substance analog; or
- (c) a substance listed in Section 58-37-109.

Amended by Chapter 362, 2026 General Session

76-11-303 Category II restricted person established.

Except as provided in Section 76-11-304, Exceptions, limitations, and exclusions to restricted person categories, an individual is categorized as a category II restricted person and subject to the restrictions and penalties described in Section 76-11-306:

- (1) if the individual has been convicted of:
 - (a) a domestic violence offense that is a felony; or
 - (b) multiple felonies that are not part of a single criminal episode;
- (2) if the individual has:
 - (a) been convicted of:
 - (i) a felony that is not a domestic violence offense or a violent felony; or
 - (ii) multiple felonies that are part of a single criminal episode and are not domestic violence offenses or violent felonies; and
 - (b) within seven years after completing the sentence for the conviction described in Subsection (2)(a), been convicted of, or charged with, another felony or class A misdemeanor;
- (3) for seven years after the day on which the individual completes a sentence for:
 - (a) a conviction for a felony that is not a domestic violence offense or a violent felony; or
 - (b) convictions for multiple felonies that are part of a single criminal episode and are not domestic violence offenses or violent felonies;
- (4) for seven years after the day on which the individual was an adjudicated delinquent for an offense which if committed by an adult would have been a felony;
- (5) if the individual is an unlawful user of a controlled substance;
- (6) if the individual is in possession of a dangerous weapon while knowingly and intentionally being in unlawful possession of a schedule I controlled substance or a schedule II controlled substance;
- (7) if the individual has been found not guilty by reason of insanity for a felony offense;
- (8) if the individual has been found mentally incompetent to stand trial for a felony offense;
- (9) if the individual 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 having been committed to a mental institution;
- (10) if the individual has been dishonorably discharged from the armed forces;
- (11) if the individual has renounced the individual's citizenship after having been a citizen of the United States;
- (12) if the individual is a respondent or defendant subject to a protective order or child protective order that:
 - (a) is issued after a hearing for which the individual received actual notice and at which the individual had an opportunity to participate;
 - (b) restrains the individual from harassing, stalking, threatening, or engaging in other conduct that would place an intimate partner, or a child of the intimate partner, in reasonable fear of bodily injury to the intimate partner or child of the intimate partner; and
 - (c)
 - (i) includes a finding that the individual represents a credible threat to the physical safety of an intimate partner or the child of the intimate partner; or

- (ii) 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
- (13) except as provided in Subsection 76-11-304(2), if the individual has been convicted of the commission or attempted commission of misdemeanor assault under Section 76-5-102, or aggravated assault under Section 76-5-103, against a victim:
 - (a) who is a current or former spouse, parent, or guardian of the individual;
 - (b) with whom the individual shares a child in common;
 - (c) who is cohabitating or has cohabitated with the individual as a spouse, parent, or guardian;
 - (d) involved in a dating relationship with the individual within the last five years; or
 - (e) similarly situated to a spouse, parent, or guardian of the individual.

Enacted by Chapter 208, 2025 General Session

76-11-304 Exceptions, limitations, and exclusions to restricted person categories -- Burden on defendant to prove exception.

- (1)
 - (a) Subject to Subsection (1)(c), an individual convicted of a felony, or adjudicated for an offense which would be a felony if committed by an adult, is not a category I restricted person, or a category II restricted person, if:
 - (i) the felony or adjudication has, in accordance with the law of the jurisdiction in which the conviction or adjudication occurred, been:
 - (A) expunged;
 - (B) set aside;
 - (C) reduced to a misdemeanor by court order; or
 - (D) pardoned;
 - (ii) the individual has had the individual's civil rights that had been limited by the conviction or adjudication restored in accordance with the law of the jurisdiction in which the conviction or adjudication occurred; or
 - (iii) the felony or adjudication is 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.
 - (b) Subject to Subsection (1)(c), an individual convicted of a misdemeanor assault under Subsection 76-11-303(13) that qualifies to make the individual a category II restricted person is otherwise not a category II restricted person, if, in accordance with the law of the jurisdiction in which the conviction occurred:
 - (i) the misdemeanor has been:
 - (A) expunged;
 - (B) set aside;
 - (C) reduced to an infraction by court order; or
 - (D) pardoned; or
 - (ii) the individual has had the individual's civil rights that had been limited by the conviction restored.
 - (c) An individual who has received a pardon, reduction, expungement, setting aside, or restoration of civil rights as described in Subsection (1)(a) or (b) remains a category I or category II restricted person that corresponds with the individual's conviction if the pardon, reduction, expungement, setting aside, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

- (2) An individual is not a category II restricted person resulting from a conviction for a misdemeanor assault committed against an individual involved in a dating relationship as described in Subsection 76-11-303(13)(d) if:
 - (a) five years have elapsed from the later of:
 - (i) the day on which the conviction is entered;
 - (ii) the day on which the individual is released from incarceration following the conviction; or
 - (iii) the day on which the individual's probation for the conviction is successfully terminated;
 - (b) the individual only has a single conviction for misdemeanor assault as described in Subsection 76-11-303(12)(d); and
 - (c) the individual is not otherwise a category I restricted person or a category II restricted person.
- (3)
 - (a) In a criminal case brought against the defendant in which the question of whether the defendant meets an exception, limitation, or exclusion under this section arises and therefore makes the defendant not a category I or category II restricted person, the defendant has the burden to provide evidence that an exception, limitation, or exclusion described in Subsection (1) or (2) applies.
 - (b) If the defendant satisfies the defendant's burden to provide evidence described in Subsection (3)(a), the burden shifts to the state to prove beyond a reasonable doubt that the defendant's conviction or adjudication is not subject to an exception, limitation, or exclusion described in Subsection (1) or (2).

Enacted by Chapter 208, 2025 General Session

76-11-305 Category I restricted person participating in prohibited dangerous weapon conduct.

- (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-301 apply to this section.
- (2) An actor commits category I restricted person participating in prohibited dangerous weapon conduct if the actor:
 - (a) is a category I restricted person; and
 - (b) intentionally or knowingly:
 - (i) agrees, consents, offers, or arranges to:
 - (A) purchase a dangerous weapon;
 - (B) transfer a dangerous weapon;
 - (C) use a dangerous weapon; or
 - (D) carry or otherwise possess a dangerous weapon; or
 - (ii) purchases, transfers, uses, carries, or otherwise possesses a dangerous weapon.
- (3)
 - (a) A violation of Subsection (2) is a third degree felony if the dangerous weapon is not a firearm.
 - (b) A violation of Subsection (2) is a second degree felony if the dangerous weapon is a firearm.
- (4) For purposes of this section, using a dangerous weapon includes using an antique firearm for an activity regulated under Title 23A, Wildlife Resources Act.
- (5) It is an affirmative defense to a prosecution for transferring a dangerous weapon by an actor under Subsection (2) that the dangerous weapon:
 - (a) was possessed by the actor or was under the actor's custody or control before the actor became a restricted person;
 - (b) was not used in or possessed during the commission of a crime or subject to disposition under Title 77, Chapter 11a, Part 4, Disposal of Seized Property and Contraband;
 - (c) is not being held as evidence by a court or law enforcement agency;

- (d) was transferred to an individual not legally prohibited from possessing the weapon; and
 - (e) unless a different time is ordered by the court, was transferred within 10 days after the day on which the actor became a restricted person.
- (6)
- (a) It is not a violation of this section for an actor who is a category I restricted person to own, carry, or otherwise possess, archery equipment, including crossbows, for the purpose of lawful hunting and lawful target shooting.
 - (b) Notwithstanding Subsection (6)(a), this section applies if the owning, carrying, or otherwise possessing archery equipment, including crossbows, is prohibited by:
 - (i) a court, as a condition of pre-trial release or probation; or
 - (ii) the Board of Pardons and Parole, as a condition of parole.

Enacted by Chapter 208, 2025 General Session

76-11-306 Category II restricted person participating in prohibited dangerous weapon conduct.

- (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-301 apply to this section.
- (2) An actor commits category II restricted person participating in prohibited dangerous weapon conduct if the actor:
 - (a) is a category II restricted person; and
 - (b) intentionally or knowingly:
 - (i) purchases a dangerous weapon;
 - (ii) transfers a dangerous weapon;
 - (iii) uses a dangerous weapon; or
 - (iv) carries or otherwise possesses a dangerous weapon.
- (3)
 - (a) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon is not a firearm.
 - (b) A violation of Subsection (2) is a third degree felony if the dangerous weapon is a firearm.
- (4) For purposes of this section using a dangerous weapon includes using an antique firearm for an activity regulated under Title 23A, Wildlife Resources Act.
- (5) It is an affirmative defense to:
 - (a) a prosecution under this section that is based on proving that an actor is a category II restricted person as a result of being in possession of a dangerous weapon while knowingly and intentionally being in unlawful possession of a schedule I controlled substance or a schedule II controlled substance as described in Subsection 76-11-303(6) that the actor was:
 - (i) in possession of the 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
 - (ii) otherwise authorized by law to possess the controlled substance; and
 - (b) a prosecution for transferring a dangerous weapon by an actor under Subsection (2) that the dangerous weapon:
 - (i) was possessed by the actor or was under the actor's custody or control before the actor became a restricted person;
 - (ii) was not used in or possessed during the commission of a crime or subject to disposition under Title 77, Chapter 11a, Part 4, Disposal of Seized Property and Contraband;
 - (iii) is not being held as evidence by a court or law enforcement agency;
 - (iv) was transferred to an individual not legally prohibited from possessing the weapon; and

(v) unless a different time is ordered by the court, was transferred within 10 days after the day on which the actor became a restricted person.

(6)

- (a) It is not a violation of this section for an actor who is a category II restricted person to own, carry, or otherwise possess, archery equipment, including crossbows, for the purpose of lawful hunting and lawful target shooting.
- (b) Notwithstanding Subsection (6)(a), this section applies if the owning, carrying, or otherwise possessing of archery equipment, including crossbows, is prohibited by:
 - (i) a court, as a condition of pre-trial release or probation; or
 - (ii) the Board of Pardons and Parole, as a condition of parole.

Enacted by Chapter 208, 2025 General Session

76-11-307 Selling a dangerous weapon to a category I restricted person.

- (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-301 apply to this section.
- (2) An actor commits selling a dangerous weapon to a category I restricted person if the actor:
 - (a) sells, transfers, or otherwise provides a dangerous weapon to an individual who is a category I restricted person; and
 - (b) knows the individual that the actor has sold, transferred, or provided the dangerous weapon to is a category I restricted person.
- (3)
 - (a) A violation of Subsection (2) is a second degree felony if the dangerous weapon sold, transferred, or provided is a firearm.
 - (b) A violation of Subsection (2) is a third degree felony if the dangerous weapon sold, transferred, or provided is not a firearm and the actor knew that the recipient intended to use the dangerous weapon for an unlawful purpose.

Enacted by Chapter 208, 2025 General Session

76-11-308 Selling a dangerous weapon to a category II restricted person.

- (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-301 apply to this section.
- (2) An actor commits selling a dangerous weapon to a category II restricted person if the actor:
 - (a) sells, transfers, or otherwise provides a dangerous weapon to an individual who is a category II restricted person; and
 - (b) knows the individual that the actor has sold, transferred, or provided the dangerous weapon to is a category II restricted person.
- (3)
 - (a) A violation of Subsection (2) is a third degree felony if the dangerous weapon sold, transferred, or provided is a firearm.
 - (b) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon sold, transferred, or provided is not a firearm and the actor knew that the recipient intended to use the dangerous weapon for an unlawful purpose.

Enacted by Chapter 208, 2025 General Session

76-11-309 Firearm restriction notification requirement for restricted persons.

- (1) As used in this section:
 - (a) "Peace officer" means an officer described Section 53-13-102.

- (b) "Restricted person" means an individual who is restricted from purchasing, transferring, using, or otherwise possessing a firearm under Section 76-11-302 or 76-11-303 or federal law.
- (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 purchase, transfer, use, or otherwise possess a firearm; and
 - (iii) of the criminal penalties associated with purchasing, transferring, using, or otherwise possessing 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 in the defendant's possession; and
 - (iii) will be in violation of federal and state law if the defendant purchases, transfers, uses, or otherwise 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 purchase, transfer, use, or otherwise possess a firearm; and
 - (iii) of the criminal penalties associated with purchasing, transferring, using, or otherwise possessing 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 purchases, transfers, uses, or otherwise 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.
- (7) An individual who becomes a restricted person as a result of being served with a pretrial protective order in accordance with Section 78B-7-803, a sentencing protective order in accordance with Section 77-36-5, or a continuous protective order in accordance with Section 77-36-5, shall, at the time of service of the protective order:
 - (a) be verbally informed by the court, prosecuting attorney, defendant's attorney, or, if a peace officer is serving the protective order, the peace officer:

- (i) that the individual is a restricted person;
 - (ii) that, as a restricted person, the individual may not purchase, transfer, use, or otherwise possess a firearm; and
 - (iii) of the criminal penalties associated with purchasing, transferring, using, or otherwise possessing a firearm by a restricted person of the individual's category; and
- (b) sign, in the presence of the court or, if a peace officer serves the protective order, in the presence of the peace officer, an acknowledgment contained within the protective order document attesting that the individual acknowledges and understands that the individual:
- (i) is a restricted person;
 - (ii) is required to relinquish possession of each firearm in the individual's possession;
 - (iii) will be in violation of federal and state law if the individual purchases, transfers, uses, or otherwise possesses a firearm; and
 - (iv) may be eligible for an affirmative defense to a state-law prosecution for transferring a firearm under Section 76-11-305 or 76-11-306 if the individual lawfully transfers the individual's firearms within 10 days after the day on which the individual became a restricted person.

Renumbered and Amended by Chapter 173, 2025 General Session

Renumbered and Amended by Chapter 208, 2025 General Session

76-11-310 Removal from National Instant Check System database for certain category II restricted persons.

- (1) An individual who is subject to the restrictions in Subsection 76-11-303(7), (8), or (9), 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 and 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)
 - (a) The court shall schedule a hearing as soon as practicable in which the petitioner may present evidence and subpoena witnesses to appear at the hearing.
 - (b) 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 petitioner's mental health and criminal history records; and
 - (c) the petitioner'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 petitioner is not a danger to the petitioner or to another individual;
 - (b) the petitioner 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)
 - (a) The bureau, upon receipt of a court order removing a petitioner's disability under Subsection 76-11-303(9), shall send a copy of the court order to the National Instant Check System requesting removal of the petitioner's name from the database.
 - (b) In addition to the action described in Subsection (8)(a), if the petitioner 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 under Title 53, Chapter 5a, Part 3, Concealed Firearm Permits, 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 and the review on appeal shall be de novo.

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