

**Representative Matt Throckmorton** proposes to substitute the following bill:

**RESTORATION OF RIGHT TO BEAR ARMS**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Matt Throckmorton**

**This act modifies provisions relating to firearms. The act provides a procedure for a person restricted from possessing or purchasing a firearm to apply for relief from restrictions. The act provides that this section is not effective until Congress adopts and funds a similar procedure.**

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

**76-10-503.5**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **76-10-503.5** is enacted to read:

**76-10-503.5. Relief from restrictions -- Petition -- Costs -- Notice.**

(1) A person that is restricted from possessing, purchasing, transferring, or owning a firearm under Subsection 76-10-503(1)(b)(v), (vi), or (vii), may file a petition with the district court in the district in which he resides for relief from the restrictions imposed under Section 76-10-503.

(2) (a) The court shall fix a time and place for hearing the petition.

(b) The court **h** [may] **SHALL** **h** require that 15 days notice of the hearing be given to:

(i) the county or district attorney in the district in which the petition is filed; and

(ii) any person that may be affected by the judgment.

(c) Any person that receives notice under Subsection (2)(b) may appear and testify **h** OR

**PRESENT EVIDENCE **h**** at the proceeding.

(3) In order for the district court to grant relief from restrictions to the petitioner, petitioner



26 must prove by a preponderance of the evidence that:

27 (a) ~~h~~ THE PETITIONER IS NO LONGER RECEIVING TREATMENT OR MEDICATION FOR ANY  
27a MENTAL ILLNESS OR DEFICIENCY;

27b (b) ~~h~~ petitioner is competent to have the right to possess, purchase, transfer, or own a firearm  
28 restored; and

29 ~~h~~ (c) ~~h~~ granting petitioner relief from the restrictions imposed under Section 76-10-503  
29a does

30 not present a danger to public safety.

31 (4) The petitioner shall pay:

32 (a) a filing fee in accordance with Subsection 21-1-5(1)(a); and

33 (b) the cost of any mental examinations.

34 (5) (a) This section is not effective until Congress approves and funds a procedure for  
35 relief from restrictions imposed under 18 U.S.C. Chapter 44, Sec. 922, similar to Subsections (1)  
36 and (3).

37 (b) The commissioner of the Department of Public Safety shall annually monitor and  
38 report to the Speaker of the House of Representatives, the President of the Senate, and the Office  
39 of Legislative Research and General Counsel when the conditions of Subsection (5)(a) have been  
40 met.