

FIREARMS AMENDMENTS

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Ty McCartney

This act modifies provisions related to weapons by expanding the restrictions on the purchase of firearms by Category I restricted persons.

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

AMENDS:

76-10-503, as repealed and reenacted by Chapter 303, Laws of Utah 2000

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

Section 1. Section **76-10-503** is amended to read:

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

(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; or

(iv) within the last ten 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.

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

(i) has been convicted of or is under indictment for 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 controlled substance as defined in Section 58-37-2;



- 28 (v) has been found not guilty by reason of insanity for a felony offense;
- 29 (vi) has been found mentally incompetent to stand trial for a felony offense;
- 30 (vii) has been adjudicated as mentally defective as provided in the Brady Handgun
- 31 Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993), or has been committed
- 32 to a mental institution;
- 33 (viii) is an alien who is illegally or unlawfully in the United States;
- 34 (ix) has been dishonorably discharged from the armed forces; or
- 35 (x) has renounced his citizenship after having been a citizen of the United States.
- 36 (2) A Category I restricted person who **h** INTENTIONALLY OR KNOWINGLY **h** agrees,
- 36a consents, offers, or arranges to purchase,
- 37 transfer, possess, use, or have under his custody or control, or who **h** INTENTIONALLY OR
- 37a KNOWINGLY **h** purchases, transfers,
- 38 possesses, uses, or has under his custody or control:
- 39 (a) any firearm is guilty of a second degree felony; or
- 40 (b) any dangerous weapon other than a firearm is guilty of a third degree felony.
- 41 (3) A Category II restricted person who purchases, transfers, possesses, uses, or has
- 42 under his custody or control:
- 43 (a) any firearm is guilty of a third degree felony; or
- 44 (b) any dangerous weapon other than a firearm is guilty of a class A misdemeanor.
- 45 (4) A person may be subject to the restrictions of both categories at the same time.
- 46 (5) If a higher penalty than is prescribed in this section is provided in another section
- 47 for one who purchases, transfers, possesses, uses, or has under this custody or control any
- 48 dangerous weapon, the penalties of that section control.

Legislative Review Note
as of 12-13-02 11:01 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0178

Firearms Amendments

13-Jan-03

9:43 AM

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst