

GUN DEALER PENALTY AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis Oda

Senate Sponsor: Mark B. Madsen

LONG TITLE

Committee Note:

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

General Description:

This bill modifies the penalties provision of the Weapons Part of the Utah Criminal Code regarding penalties for firearms' violations.

Highlighted Provisions:

This bill:

- ▶ makes it a class A misdemeanor for a violation of the criminal background check provisions in Section 76-10-526 by a licensed handgun dealer; and
- ▶ makes certain technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-10-527, as last amended by Laws of Utah 1998, Chapter 187

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

Section 1. Section **76-10-527** is amended to read:



28 **76-10-527. Penalties.**

29 [~~(1)~~] ~~This section shall apply only to a handgun until federal law requires the~~
30 ~~background check in Section 76-10-526 to extend to other firearms at which time this section~~
31 ~~shall also apply to those firearms.]~~

32 [~~(2)~~] (1) A dealer is guilty of a class A misdemeanor who willfully and intentionally:

33 (a) requests, obtains, or seeks to obtain criminal history background information under
34 false pretenses; [~~or~~]

35 (b) disseminates criminal history background information[~~;~~ or

36 (c) violates Section 76-10-526.

37 [~~(3)~~] (2) A person who purchases or transfers a firearm is guilty of a felony of the third
38 degree [~~who~~] if the person willfully and intentionally makes a false statement of the
39 information required for a criminal background check in Section 76-10-526.

40 [~~(4)~~ A] (3) Except as otherwise provided in Subsection (1), a dealer is guilty of a
41 felony of the third degree if the dealer willfully and intentionally sells or transfers a firearm in
42 violation of this part.

43 [~~(5)~~] (4) A person is guilty of a felony of the third degree [~~who~~] if the person purchases
44 a firearm with the intent to:

45 (a) resell or otherwise provide a firearm to [~~any~~] a person who is ineligible to purchase
46 or receive a firearm from a dealer [~~a firearm~~]; or

47 (b) transport a firearm out of this state to be resold to an ineligible person.

Legislative Review Note
as of 11-19-08 1:35 PM

Office of Legislative Research and General Counsel

H.B. 25 - Gun Dealer Penalty Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
