

GUN DEALER PENALTY AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis Oda

Senate Sponsor: Mark B. Madsen

LONG TITLE

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:

76-10-527. Penalties.

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

30 ~~[(2)]~~ (1) A dealer is guilty of a class A misdemeanor who willfully and intentionally:
31 (a) requests, obtains, or seeks to obtain criminal history background information under
32 false pretenses; ~~[or]~~

33 (b) disseminates criminal history background information~~[-]; or~~

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

35 ~~[(3)]~~ (2) A person who purchases or transfers a firearm is guilty of a felony of the third
36 degree ~~[who]~~ if the person willfully and intentionally makes a false statement of the
37 information required for a criminal background check in Section 76-10-526.

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

41 ~~[(5)]~~ (4) A person is guilty of a felony of the third degree ~~[who]~~ if the person
42 purchases a firearm with the intent to:

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

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