

**GUN DEALER PENALTY AMENDMENTS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis Oda**

Senate Sponsor: Mark B. Madsen

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**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

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*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.

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

**Office of Legislative Research and General Counsel**

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**H.B. 25 - Gun Dealer Penalty Amendments**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**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.

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