

Representative Jacob L. Anderegg proposes the following substitute bill:

**PROTECTION OF CONCEALED FIREARM PERMIT
INFORMATION**

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

Senate Sponsor: Margaret Dayton

LONG TITLE

General Description:

This bill modifies a provision relating to concealed firearm permit information.

Highlighted Provisions:

This bill:

▶ prohibits the sharing of concealed firearm permit information with the federal government; ~~and~~ [and] ~~and~~

▶ makes disclosing or sharing concealed firearm permit information a ~~third-degree felony~~ class A misdemeanor []; and

▶ prohibits the state and political subdivisions of the state from compelling or attempting to compel an individual with a concealed firearm permit to divulge whether the individual has a concealed firearm permit or is carrying a concealed firearm. ~~and~~

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-5-708, as last amended by Laws of Utah 2010, Chapter 62

63G-2-801, as last amended by Laws of Utah 2012, Chapter 377



1st Sub. H.B. 317

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

27 Section 1. Section **53-5-708** is amended to read:

28 **53-5-708. Permit -- Names private.**

29 (1) (a) The bureau shall maintain a record in its office of any permit issued under this
30 part.

31 (b) Notwithstanding the requirements of Subsection 63G-2-301(2)(b), the names,
32 addresses, telephone numbers, dates of birth, and Social Security numbers of persons receiving
33 permits are protected records under Subsection 63G-2-305(10).

34 (c) Notwithstanding Section 63G-2-206, a person may not share any of the information
35 listed in Subsection (1)(b) with any office, department, division, or other agency of the federal
36 government unless:

37 (i) the disclosure is necessary to conduct a criminal background check on the
38 individual who is the subject of the information;

39 (ii) the disclosure of information is made pursuant to a court order directly associated
40 with an active investigation or prosecution of the individual who is the subject of the
41 information;

42 (iii) the disclosure is made to a criminal justice agency in a criminal investigation or
43 prosecution;

44 (iv) the disclosure is made by a law enforcement agency within the state to another law
45 enforcement agency in the state or in another state in connection with an investigation,
46 including a preliminary investigation, or a prosecution of the individual who is the subject of
47 the information;

48 (v) the disclosure is made by a law enforcement agency within the state to an employee
49 of a federal law enforcement agency in the course of a combined law enforcement effort
50 involving the law enforcement agency within the state and the federal law enforcement agency;
51 or

52 (vi) the disclosure is made in response to a routine request that a federal law
53 enforcement officer makes to obtain information on an individual whom the federal law
54 enforcement officer detains, including for a traffic stop, or questions because of the individual's
55 suspected violation of state law.

56 (d) A person is guilty of a ~~3rd~~ ~~degree felony~~ **class A misdemeanor** ~~if~~ if the
56a person knowingly:

57 (i) discloses information listed in Subsection (1)(b) in violation of the provisions under
 58 Title 63G, Chapter 2, Government Records Access and Management Act, applicable to
 59 protected records; or

60 (ii) shares information in violation of Subsection (1)(c).

60a **Ĥ→ (e)(i) As used in this Subsection (e), "governmental agency" means:**

60b **(A) the state or any department, division, agency, or other instrumentality**

60c **of the state; or**

60d **(B) a political subdivision of the state, including a county, city, town, school district,**

60e **local district, and special service district.**

60f **(ii) A governmental agency may not compel or attempt to compel an individual who has**
 60g **been issued a concealed firearm permit to divulge whether the individual:**

60h **(A) has been issued a concealed firearm permit; or**

60i **(B) is carrying a concealed firearm.**

60j **(iii) Subsection (1)(e)(ii) does not apply to a law enforcement officer. ←Ĥ**

61 (2) The bureau shall immediately file a copy of each permit it issues under this part.

62 Section 2. Section **63G-2-801** is amended to read:

63 **63G-2-801. Criminal penalties.**

64 (1) (a) A public employee or other person who has lawful access to any private,
 65 controlled, or protected record under this chapter, and who intentionally discloses, provides a
 66 copy of, or improperly uses a private, controlled, or protected record knowing that the
 67 disclosure or use is prohibited under this chapter, is, except as provided in Subsection
 68 53-5-708(1)(c), guilty of a class B misdemeanor.

69 (b) It is a defense to prosecution under Subsection (1)(a) that the actor used or released
 70 private, controlled, or protected information in the reasonable belief that the use or disclosure
 71 of the information was necessary to expose a violation of law involving government
 72 corruption, abuse of office, or misappropriation of public funds or property.

73 (c) It is a defense to prosecution under Subsection (1)(a) that the record could have
 74 lawfully been released to the recipient if it had been properly classified.

75 (d) It is a defense to prosecution under Subsection (1)(a) that the public employee or
 76 other person disclosed, provided, or used the record based on a good faith belief that the
 77 disclosure, provision, or use was in accordance with the law.

78 (2) (a) A person who by false pretenses, bribery, or theft, gains access to or obtains a
 79 copy of any private, controlled, or protected record to which the person is not legally entitled is
 80 guilty of a class B misdemeanor.

81 (b) No person shall be guilty under Subsection (2)(a) who receives the record,
82 information, or copy after the fact and without prior knowledge of or participation in the false
83 pretenses, bribery, or theft.

84 (3) (a) A public employee who intentionally refuses to release a record, the disclosure
85 of which the employee knows is required by law, is guilty of a class B misdemeanor.

86 (b) It is a defense to prosecution under Subsection (3)(a) that the public employee's
87 failure to release the record was based on a good faith belief that the public employee was

88 acting in accordance with the requirements of law.

89 (c) A public employee who intentionally refuses to release a record, the disclosure of
90 which the employee knows is required by a final unappealed order from a government entity,
91 the records committee, or a court is guilty of a class B misdemeanor.