

1 **PROTECTION OF CONCEALED FIREARM PERMIT**
2 **INFORMATION**

3 2013 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Jacob L. Anderegg**

6 Senate Sponsor: Margaret Dayton

8 **LONG TITLE**

9 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

13 ▶ prohibits the sharing of concealed firearm permit information with the federal
14 government;

15 ▶ makes disclosing or sharing concealed firearm permit information a class A
16 misdemeanor; and

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

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **53-5-708**, as last amended by Laws of Utah 2010, Chapter 62

28 **63G-2-801**, as last amended by Laws of Utah 2012, Chapter 377

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

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

32 **53-5-708. Permit -- Names private.**

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

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

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

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

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

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

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

52 (v) the disclosure is made by a law enforcement agency within the state to an employee
53 of a federal law enforcement agency in the course of a combined law enforcement effort
54 involving the law enforcement agency within the state and the federal law enforcement agency;
55 or

56 (vi) the disclosure is made in response to a routine request that a federal law
57 enforcement officer makes to obtain information on an individual whom the federal law

58 enforcement officer detains, including for a traffic stop, or questions because of the individual's
59 suspected violation of state law.

60 (d) A person is guilty of a class A misdemeanor if the person knowingly:

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

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

65 (e) (i) As used in this Subsection (1)(e), "governmental agency" means:

66 (A) the state or any department, division, agency, or other instrumentality of the state;

67 or

68 (B) a political subdivision of the state, including a county, city, town, school district,
69 local district, and special service district.

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

72 (A) has been issued a concealed firearm permit; or

73 (B) is carrying a concealed firearm.

74 (iii) Subsection (1)(e)(ii) does not apply to a law enforcement officer.

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

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

77 **63G-2-801. Criminal penalties.**

78 (1) (a) A public employee or other person who has lawful access to any private,
79 controlled, or protected record under this chapter, and who intentionally discloses, provides a
80 copy of, or improperly uses a private, controlled, or protected record knowing that the
81 disclosure or use is prohibited under this chapter, is, except as provided in Subsection
82 53-5-708(1)(c), guilty of a class B misdemeanor.

83 (b) It is a defense to prosecution under Subsection (1)(a) that the actor used or released
84 private, controlled, or protected information in the reasonable belief that the use or disclosure
85 of the information was necessary to expose a violation of law involving government

86 corruption, abuse of office, or misappropriation of public funds or property.

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

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

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

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

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

100 (b) It is a defense to prosecution under Subsection (3)(a) that the public employee's
101 failure to release the record was based on a good faith belief that the public employee was
102 acting in accordance with the requirements of law.

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