

**PROTECTION OF CONCEALED FIREARM PERMIT  
INFORMATION**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jacob L. Anderegg**

Senate Sponsor: \_\_\_\_\_

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**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
- ▶ makes disclosing or sharing concealed firearm permit information a third degree felony.

**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

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

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.

37 (d) A person is guilty of a third degree felony if the person knowingly:

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

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

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

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

44 **63G-2-801. Criminal penalties.**

45 (1) (a) A public employee or other person who has lawful access to any private,  
46 controlled, or protected record under this chapter, and who intentionally discloses, provides a  
47 copy of, or improperly uses a private, controlled, or protected record knowing that the  
48 disclosure or use is prohibited under this chapter, is, except as provided in Subsection  
49 53-5-708(1)(c), guilty of a class B misdemeanor.

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

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

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

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

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

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

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

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

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**Legislative Review Note**

**as of 2-13-13 2:59 PM**

**Office of Legislative Research and General Counsel**