

## HB0373S01 compared with HB0373

~~text~~ shows text that was in HB0373 but was deleted in HB0373S01.

text shows text that was not in HB0373 but was inserted into HB0373S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Ryan D. Wilcox proposes the following substitute bill:

### FIREARM TRANSFER CERTIFICATION AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ryan D. Wilcox**

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

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#### LONG TITLE

##### General Description:

This bill provides requirements for law enforcement officials to certify federal firearm transfers within a certain time.

##### Highlighted Provisions:

This bill:

▶ defines terms:

- ▶ requires law enforcement officers or other eligible officials to certify certain federal firearm transfers;
- ▶ provides that the certification is granted only for firearm transfer applicants not prohibited by law; and
- ▶ specifies a time period within which the law enforcement officer shall certify and return the form to the applicant; ~~and~~

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~~if the certification is denied, provide the reasons in writing to the applicant within a specified time period.~~

~~f.~~

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

ENACTS:

**53-5a-104**, Utah Code Annotated 1953

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

Section 1. Section **53-5a-104** is enacted to read:

**53-5a-104. Firearm transfer certification.**

(1) As used in this section:

(a) "Certification" means the participation and assent of the chief law enforcement officer necessary under federal law for the approval of the application to transfer or make a firearm.

(b) "Chief law enforcement officer" means any official the Bureau of Alcohol, Tobacco, Firearms and Explosives, or any successor agency, identifies by regulation or otherwise as eligible to provide any required certification for the making or transfer of a firearm.

(c) "Firearm" has the same meaning as provided in the National Firearms Act, 6 U.S.C. Sec. 5845(a).

(2) A chief law enforcement may not make a certification under this section that the chief law enforcement officer knows to be untrue. The chief law enforcement officer may not refuse to provide certification based on a generalized objection to private persons or entities making, possessing, or receiving firearms or any certain type of firearm, the possession of which is not prohibited by law.

(3) Upon receiving a federal firearm transfer form ~~f.~~ a chief law enforcement officer or ~~f.~~ designee, or other official identified by the Bureau of Alcohol, Tobacco, Firearms, and

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~~Explosives as eligible to sign the transfer form shall sign the form certifying:~~

~~—— (a) a background check was performed that indicates the applicant is not prohibited by law from possessing a firearm or firearm accessory as defined in Section 53-5b-103; and~~

~~—— (b) that the signing officer or official has no information indicating the transferee described on the application will use the firearm or firearm accessory for other than lawful purposes.~~

~~—— (2) The chief law enforcement officer, } the chief law enforcement officer's designee, } or official signing the federal transfer form shall:~~

~~—— (a) return the federal transfer form to the applicant within 15 calendar days; or~~

~~—— (b) } shall provide certification if the applicant:~~

~~(a) is } denied, provide to the applicant the reasons for denial in writing within 15 calendar days.~~

### Legislative Review Note

~~—— as of 2-18-14 4:09 PM~~

~~Office of Legislative Research and General Counsel } not prohibited by law from receiving or possessing the firearm; or~~

~~(b) is not the subject of a proceeding that could result in the applicant being prohibited by law from receiving or possessing the firearm.~~

~~(4) Chief law enforcement officers and their employees who act in good faith when acting within the scope of their duties are immune from liability arising from any act or omission in making a certification as required by this section. Any action taken against a chief law enforcement officer or an employee shall be in accordance with Title 63G, Chapter 7, Governmental Immunity Act of Utah.~~