

- 59 (a) the facts and circumstances that resulted in the commitment, finding, or
- 60 adjudication; [~~and~~]
- 61 (b) the person's mental health and criminal history records[-]; and
- 62 (c) ~~§→ [any evidence concerning]~~ ←§ the person's reputation, including the testimony of
- 63 character witnesses.
- 64 (6) The court shall grant the relief if the court finds by clear and convincing evidence
- 65 that:
- 66 (a) the person is not a danger to the person or to others;
- 67 (b) the person is not likely to act in a manner dangerous to public safety; and
- 68 (c) the requested relief would not be contrary to the public interest.
- 69 (7) The court shall issue an order with its findings and send a copy to the bureau.
- 70 (8) The bureau, upon receipt of a court order removing a person's disability under
- 71 Subsection 76-10-503(1)(b)(vii), shall send a copy of the court order to the National Instant
- 72 Check System requesting removal of the person's name from the database. In addition, if the
- 73 person is listed in a state database utilized by the bureau to determine eligibility for the
- 74 purchase or possession of a firearm or to obtain a concealed firearm permit, the bureau shall
- 75 remove the petitioner's name or send a copy of the court's order to the agency responsible for
- 76 the database for removal of the petitioner's name.
- 77 (9) If the court denies the petition, the petitioner may not petition again for relief until
- 78 at least two years after the date of the court's final order.
- 79 (10) The petitioner may appeal a denial of the requested relief. The review on appeal
- 80 shall be de novo.

Legislative Review Note
as of 12-18-14 12:52 PM

Office of Legislative Research and General Counsel