

CONCEALED CARRY AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill amends provisions of the Public Safety Code relating to concealed carry permits.

Highlighted Provisions:

This bill:

- ▶ provides that a provisional concealed carry permit holder may, before age 21, apply for a concealed carry permit that becomes valid at age 21; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-5-704, as last amended by Laws of Utah 2013, Chapter 280

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

Section 1. Section **53-5-704** is amended to read:

53-5-704. Bureau duties -- Permit to carry concealed firearm -- Certification for concealed firearms instructor -- Requirements for issuance -- Violation -- Denial,



28 **suspension, or revocation -- Appeal procedure.**

29 (1) (a) ~~[The]~~ Except as provided in Subsection (1)(b), the bureau shall issue a permit to
30 carry a concealed firearm for lawful self defense to an applicant who is 21 years of age or older
31 within 60 days after receiving an application, unless the bureau finds proof that the applicant
32 does not meet the qualifications ~~[set forth]~~ described in Subsection (2).

33 (b) (i) Within 90 days before the day on which a provisional permit holder under
34 Section 53-5-704.5 reaches 21 years of age, the provisional permit holder may apply under this
35 section for a permit to carry a concealed firearm for lawful self defense.

36 (ii) The bureau shall issue a permit to an applicant under Subsection (1)(b)(i) within 60
37 days after receiving an application, unless the bureau finds proof that the applicant does not
38 meet the qualifications described in Subsection (2).

39 (iii) A permit issued under this Subsection (1)(b) is not valid until an applicant reaches
40 21 years of age.

41 ~~[(b)]~~ (c) The permit is valid throughout the state for five years, without restriction,
42 except as otherwise provided by Section 53-5-710.

43 ~~[(c)]~~ (d) The provisions of Subsections 76-10-504(1) and (2)[;] and Section 76-10-505
44 do not apply to ~~[a person]~~ an individual issued a permit under Subsection (1)(a) or (b).

45 ~~[(d)]~~ (e) Subsection (4)(a) does not apply to a nonresident:

46 (i) active duty service member, who present to the bureau orders requiring the active
47 duty service member to report for duty in this state; or

48 (ii) an active duty service member's spouse, stationed with the active duty service
49 member, who presents to the bureau the active duty service member's orders requiring the
50 service member to report for duty in this state.

51 (2) (a) The bureau may deny, suspend, or revoke a concealed firearm permit if the
52 applicant or permit holder:

53 (i) has been or is convicted of a felony;

54 (ii) has been or is convicted of a crime of violence;

55 (iii) has been or is convicted of an offense involving the use of alcohol;

56 (iv) has been or is convicted of an offense involving the unlawful use of narcotics or
57 other controlled substances;

58 (v) has been or is convicted of an offense involving moral turpitude;

59 (vi) has been or is convicted of an offense involving domestic violence;
60 (vii) has been or is adjudicated by a state or federal court as mentally incompetent,
61 unless the adjudication has been withdrawn or reversed; and
62 (viii) is not qualified to purchase and possess a firearm pursuant to Section 76-10-503
63 and federal law.

64 (b) In determining whether an applicant or permit holder meets the qualifications [~~set~~
65 ~~forth~~] described in Subsection (2)(a), the bureau shall consider mitigating circumstances.

66 (3) (a) The bureau may deny, suspend, or revoke a concealed firearm permit if it has
67 reasonable cause to believe that the applicant or permit holder has been or is a danger to self or
68 others as demonstrated by evidence, including:

69 (i) past pattern of behavior involving unlawful violence or threats of unlawful violence;

70 (ii) past participation in incidents involving unlawful violence or threats of unlawful
71 violence; or

72 (iii) conviction of an offense in violation of Title 76, Chapter 10, Part 5, Weapons.

73 (b) The bureau may not deny, suspend, or revoke a concealed firearm permit solely for
74 a single conviction of an infraction violation of Title 76, Chapter 10, Part 5, Weapons.

75 (c) In determining whether the applicant or permit holder has been or is a danger to self
76 or others, the bureau may inspect:

77 (i) expunged records of arrests and convictions of adults as provided in Section
78 77-40-109; and

79 (ii) juvenile court records as provided in Section 78A-6-209.

80 (4) (a) In addition to meeting the other qualifications for the issuance of a concealed
81 firearm permit under this section, a nonresident applicant who resides in a state that recognizes
82 the validity of the Utah permit or has reciprocity with Utah's concealed firearm permit law
83 shall:

84 (i) hold a current concealed firearm or concealed weapon permit issued by the
85 appropriate permitting authority of the nonresident applicant's state of residency; and

86 (ii) submit a photocopy or electronic copy of the nonresident applicant's current
87 concealed firearm or concealed weapon permit referred to in Subsection (4)(a)(i).

88 (b) A nonresident applicant who knowingly and willfully provides false information to
89 the bureau under Subsection (4)(a) is prohibited from holding a Utah concealed firearm permit

90 for a period of 10 years.

91 (c) Subsection (4)(a) applies to all applications for the issuance of a concealed firearm
92 permit that are received by the bureau after May 10, 2011.

93 (d) Beginning January 1, 2012, Subsection (4)(a) also applies to an application for
94 renewal of a concealed firearm permit by a nonresident.

95 (5) The bureau shall issue a concealed firearm permit to a former peace officer who
96 departs full-time employment as a peace officer, in an honorable manner, within five years of
97 that departure if the officer meets the requirements of this section.

98 (6) Except as provided in Subsection (7), the bureau shall also require the applicant to
99 provide:

100 (a) the address of the applicant's permanent residence;

101 (b) one recent dated photograph;

102 (c) one set of fingerprints; and

103 (d) evidence of general familiarity with the types of firearms to be concealed as defined
104 in Subsection (8).

105 (7) An applicant who is a law enforcement officer under Section 53-13-103 may
106 provide a letter of good standing from the officer's commanding officer in place of the evidence
107 required by Subsection (6)(d).

108 (8) (a) General familiarity with the types of firearms to be concealed includes training
109 in:

110 (i) the safe loading, unloading, storage, and carrying of the types of firearms to be
111 concealed; and

112 (ii) current laws defining lawful use of a firearm by a private citizen, including lawful
113 self-defense, use of force by a private citizen, including use of deadly force, transportation, and
114 concealment.

115 (b) An applicant may satisfy the general familiarity requirement of Subsection (8)(a) by
116 one of the following:

117 (i) completion of a course of instruction conducted by a national, state, or local
118 firearms training organization approved by the bureau;

119 (ii) certification of general familiarity by ~~[a person]~~ an individual who has been
120 certified by the bureau, which may include a law enforcement officer, military or civilian

121 firearms instructor, or hunter safety instructor; or

122 (iii) equivalent experience with a firearm through participation in an organized
123 shooting competition, law enforcement, or military service.

124 (c) Instruction taken by a student under Subsection (8) shall be in person and not
125 through electronic means.

126 (9) (a) An applicant for certification as a Utah concealed firearms instructor shall:

127 (i) be at least 21 years of age;

128 (ii) be currently eligible to possess a firearm under Section 76-10-503;

129 (iii) have:

130 (A) completed a firearm instruction training course from the National Rifle Association
131 or the Department of Public Safety, Division of Peace Officer Safety Standards and Training;
132 or

133 (B) received training equivalent to one of the courses referred to in Subsection
134 (9)(a)(iii)(A) as determined by the bureau;

135 (iv) have taken a course of instruction and passed a certification test as described in
136 Subsection (9)(c); and

137 (v) possess a Utah concealed firearm permit.

138 (b) An instructor's certification is valid for three years from the date of issuance, unless
139 revoked by the bureau.

140 (c) (i) In order to obtain initial certification or renew a certification, an instructor shall
141 attend an instructional course and pass a test under the direction of the bureau.

142 (ii) (A) The bureau shall provide or contract to provide the course referred to in
143 Subsection (9)(c)(i) twice every year.

144 (B) The course shall include instruction on current Utah law related to firearms,
145 including concealed carry statutes and rules, and the use of deadly force by private citizens.

146 (d) (i) Each applicant for certification under this Subsection (9) shall pay a fee of
147 \$50.00 at the time of application for initial certification.

148 (ii) The renewal fee for the certificate is \$25.

149 (iii) The bureau may use a fee paid under Subsections (9)(d)(i) and (ii) as a dedicated
150 credit to cover the cost incurred in maintaining and improving the instruction program required
151 for concealed firearm instructors under this Subsection (9).

152 (10) A certified concealed firearms instructor shall provide each of the instructor's
153 students with the required course of instruction outline approved by the bureau.

154 (11) (a) (i) A concealed firearms instructor shall provide a signed certificate to [a
155 ~~person~~] an individual successfully completing the offered course of instruction.

156 (ii) The instructor shall sign the certificate with the exact name indicated on the
157 instructor's certification issued by the bureau under Subsection (9).

158 (iii) (A) The certificate shall also have affixed to it the instructor's official seal, which
159 is the exclusive property of the instructor and may not be used by any other person.

160 (B) The instructor shall destroy the seal upon revocation or expiration of the
161 instructor's certification under Subsection (9).

162 (C) The bureau shall determine the design and content of the seal to include at least the
163 following:

164 (I) the instructor's name as it appears on the instructor's certification;

165 (II) the words "Utah Certified Concealed Firearms Instructor," "state of Utah," and "my
166 certification expires on (the instructor's certification expiration date)"; and

167 (III) the instructor's business or residence address.

168 (D) The seal shall be affixed to each student certificate issued by the instructor in a
169 manner that does not obscure or render illegible any information or signatures contained in the
170 document.

171 (b) The applicant shall provide the certificate to the bureau in compliance with
172 Subsection (6)(d).

173 (12) The bureau may deny, suspend, or revoke the certification of an applicant or a
174 concealed firearms instructor if it has reason to believe the applicant or the instructor has:

175 (a) become ineligible to possess a firearm under Section 76-10-503 or federal law; or

176 (b) knowingly and willfully provided false information to the bureau.

177 (13) An applicant for certification or a concealed firearms instructor has the same
178 appeal rights as ~~set forth~~ described in Subsection (16).

179 (14) In providing instruction and issuing a permit under this part, the concealed
180 firearms instructor and the bureau are not vicariously liable for damages caused by the permit
181 holder.

182 (15) An individual who knowingly and willfully provides false information on an

183 application filed under this part is guilty of a class B misdemeanor, and the application may be
184 denied, or the permit may be suspended or revoked.

185 (16) (a) In the event of a denial, suspension, or revocation of a permit, the applicant or
186 permit holder may file a petition for review with the board within 60 days from the date the
187 denial, suspension, or revocation is received by the applicant or permit holder by certified mail,
188 return receipt requested.

189 (b) The bureau's denial of a permit shall be in writing and shall include the general
190 reasons for the action.

191 (c) If an applicant or permit holder appeals the denial to the review board, the applicant
192 or permit holder may have access to the evidence upon which the denial is based in accordance
193 with Title 63G, Chapter 2, Government Records Access and Management Act.

194 (d) On appeal to the board, the bureau has the burden of proof by a preponderance of
195 the evidence.

196 (e) (i) Upon a ruling by the board on the appeal of a denial, the board shall issue a final
197 order within 30 days stating the board's decision.

198 (ii) The final order shall be in the form prescribed by Subsection [63G-4-203\(1\)\(i\)](#).

199 (iii) The final order is final bureau action for purposes of judicial review under Section
200 [63G-4-402](#).

201 (17) The commissioner may make rules in accordance with Title 63G, Chapter 3, Utah
202 Administrative Rulemaking Act, necessary to administer this chapter.