

HB0243S01 compared with HB0243

~~{deleted text}~~ shows text that was in HB0243 but was deleted in HB0243S01.

Inserted text shows text that was not in HB0243 but was inserted into HB0243S01.

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 Andrew Stoddard proposes the following substitute bill:

DOMESTIC VIOLENCE MODIFICATIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christine F. Watkins

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions ~~{related}~~ relating to ~~{a victim of}~~ domestic violence ~~{or dating violence who carries a}~~ and issuance of a temporary concealed firearm ~~{without a}~~ permit.

Highlighted Provisions:

This bill:

- ▶ ~~{provides that certain criminal penalties for carrying a}~~ requires the Bureau of Criminal Identification to issue an expedited temporary concealed firearm ~~{without a}~~ permit ~~{do not apply to a victim of domestic violence or dating violence, who is not otherwise prohibited from possessing a firearm, for a limited period after the day on which the victim is}~~ to an individual issued a protective order under certain circumstances; and

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- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

~~{76-10-523}~~53-5-705, as last amended by Laws of Utah ~~{2014}~~2010, Chapter ~~{248}~~62

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

Section 1. Section 53-5-705 is amended to read:

53-5-705. Temporary permit to carry concealed firearm -- Denial, suspension, or revocation -- Appeal.

(1) The bureau or ~~[its]~~ the bureau's designated agent:

(a) may issue a temporary permit to carry a concealed firearm to ~~[a person]~~ an individual who:

~~[(a)]~~ (i) has applied for a permit under Section 53-5-704;

~~[(b)]~~ (ii) has applied for a temporary permit under this section; and

~~[(c)]~~ (iii) meets the ~~[criteria required in]~~ requirements of Subsections (2) and (3) ~~[-]; and~~

(b) shall issue a temporary permit to carry a concealed firearm permit on an expedited basis to an individual who:

(i) meets the requirements of Subsection (1)(a); and

(ii) is issued a protective order under Subsection 78B-7-106(1) or 78B-7-404(1).

(2) To receive a temporary permit under this section, the applicant shall:

(a) demonstrate in writing to the satisfaction of the bureau extenuating circumstances that would justify issuing a temporary permit ~~[-]; or~~

(b) provide a copy of a protective order issued under Subsection 78B-7-106(1) or 78B-7-404(1) that identifies the applicant as the protected individual.

(3) A temporary permit may not be issued under this section until preliminary record checks regarding the applicant have been made with the National Crime Information Center and the bureau to determine any criminal history.

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(4) (a) A temporary permit is valid only for a maximum of 90 days or any lesser period specified by the bureau, or until a permit under Section 53-5-704 is issued to the holder of the temporary permit, whichever period is shorter.

(b) The provisions of Subsections 76-10-504(1) and (2) and Section 76-10-505 do not apply to ~~[a person]~~ an individual issued a temporary permit under this section during the time period for which the temporary permit is valid.

(5) The bureau may deny, suspend, or revoke a temporary permit prior to expiration if the commissioner determines:

(a) the circumstances justifying the temporary permit no longer exist; or

(b) the holder of the temporary permit does not meet the requirements for a permit under Section 53-5-704.

(6) (a) The denial, suspension, or revocation of a temporary permit shall be in writing and shall include the reasons for the action.

(b) The bureau's decision to deny, suspend, or revoke a temporary permit may not be appealed to the board.

(c) Denial, suspension, or revocation under this subsection is final action for purposes of judicial review under Section 63G-4-402.

~~{ Section 1. Section 76-10-523 is amended to read:~~

~~76-10-523. Persons exempt from weapons laws:~~

~~(1) Except for Sections 76-10-506, 76-10-508, and 76-10-508.1, this part and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to any of the following:~~

~~(a) a United States marshal;~~

~~(b) a federal official required to carry a firearm;~~

~~(c) a peace officer of this or any other jurisdiction;~~

~~(d) a law enforcement official as defined and qualified under Section 53-5-711;~~

~~(e) a judge as defined and qualified under Section 53-5-711; or~~

~~(f) a common carrier while engaged in the regular and ordinary transport of firearms as merchandise.~~

~~(2) The provisions of Subsections 76-10-504(1) and (2), and Section 76-10-505 do not apply to [any]:~~

~~(a) a person to whom a permit to carry a concealed firearm has been issued:~~

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~~—— (a) (i) pursuant to Section 53-5-704; or~~

~~—— (b) (ii) by another state or county[.]; or~~

~~—— (b) a person who is issued a protective order under Subsection 78B-7-106(1)(b) or 78B-7-404(1)(b), unless the person is a restricted person as described in Subsection 76-10-503(1), for a period of 120 days after the day on which the person is issued the protective order.~~

~~—— (3) Except for Sections 76-10-503, 76-10-506, 76-10-508, and 76-10-508.1, this part and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to a nonresident traveling in or through the state, provided that any firearm is:~~

~~—— (a) unloaded; and~~

~~—— (b) securely encased as defined in Section 76-10-501.~~

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