

PROHIBITED PERSONS AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill provides a process for surrendering a firearm after an individual becomes a restricted person.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires an individual to surrender ownership and possession of all firearms within 72 hours of becoming a restricted person;
- ▶ provides procedures and requirements for a restricted person to comply with upon surrendering a firearm; and
- ▶ authorizes law enforcement to search and seize the firearms of a restricted person under specified circumstances.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-10-503.2, Utah Code Annotated 1953



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

29 Section 1. Section **76-10-503.2** is enacted to read:

30 **76-10-503.2. Surrender of firearm by a restricted person.**

31 (1) As used in this section:

32 (a) "Federally licensed firearms dealer" means the same as that term is defined in
33 Section [27-3-103.5](#).

34 (b) "Restricted person" means an individual restricted from possessing, purchasing,
35 transferring, or owning a firearm under Section [76-10-503](#).

36 (2) If, upon conviction or plea in a criminal proceeding, an individual becomes a
37 restricted person, the court presiding over the criminal proceeding shall order the individual to:

38 (a) surrender each firearm that the individual owns or possesses no later than 72 hours
39 after:

40 (i) the court issues the order described in this subsection; or

41 (ii) the restricted person is released from law enforcement custody, if the restricted
42 person is held in law enforcement custody upon conviction or plea;

43 (b) transfer ownership or possession of each firearm the restricted person owns or
44 possesses as provided in Subsection (3); and

45 (c) submit the documentation described in Subsection (6) to the court.

46 (3) In accordance with Subsection (2)(b), the restricted person shall:

47 (a) sell or transfer each firearm owned by the restricted person to one or more of the
48 following:

49 (i) a licensed firearm dealer;

50 (ii) a law enforcement agency; or

51 (iii) an individual not cohabitating with the restricted person; and

52 (b) transfer each firearm not owned, but in the possession of the restricted person to
53 one or more of the following:

54 (i) the owner of the firearm, if the owner of the firearm:

55 (A) does not cohabit with the restricted person; or

56 (B) cohabitates with the restricted person and maintains the firearm at a secure location
57 that is not known or accessible to the restricted person; or

58 (ii) a law enforcement agency.

59 (4) This section does not prevent a restricted person from receiving compensation in
60 exchange for the lawful sale of a firearm owned by the restricted person, unless otherwise
61 ordered by the court.

62 (5) Unless otherwise ordered by the court, a law enforcement agency that receives a
63 firearm from a restricted person under this section may dispose of the firearms in any manner
64 described in Section [24-3-103.5](#).

65 (6) No later than one business day after the day on which the restricted person
66 completes surrender of each of the restricted person's firearms, the restricted person shall
67 submit the following documentation to the court presiding over the restricted person's criminal
68 proceedings:

69 (a) an affidavit signed by the restricted person stating that the restricted person:

70 (i) has relinquished ownership and possession of all firearms;

71 (ii) acknowledges and understands that the restricted person's ownership or possession
72 of a firearm is a violation of federal and state law; and

73 (iii) has fully complied with the court's order described in Subsection (2); and

74 (b) a document signed by each person to whom the restricted person transferred
75 ownership or possession of a firearm that:

76 (i) confirms receipt of the restricted person's firearm; and

77 (ii) provides a brief description of each firearm the person received from the restricted
78 person.

79 (7) If there is probable cause to believe that a restricted person possesses a firearm after
80 the 72-hour period described in Subsection (2)(a), the court may issue a search warrant
81 authorizing a law enforcement agency to search for and seize any firearm that the restricted
82 person possesses.

83 (8) A restricted person's failure to timely comply with an order described in Subsection
84 (2) may serve as probable cause to support prosecution under Section [76-10-503](#).

85 (9) If, upon becoming a restricted person, the restricted person represents to the court
86 that the restricted person does not own or possess a firearm, the restricted person shall sign an
87 affidavit in the presence of the court that states the restricted person:

88 (a) does not own or possess a firearm; and

89 (b) acknowledges and understands that the possession of a firearm is a violation of

90 state and federal law.