

Representative Andrew Stoddard proposes the following substitute bill:

PROHIBITED PERSONS AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor: _____

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 a restricted person to comply with certain procedures upon becoming a restricted person; 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

1st Sub. H.B. 267



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

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

28 **76-10-503.2. Surrender of firearm by a restricted person.**

29 (1) As used in this section:

30 (a) "Federally licensed firearms dealer" means the same as that term is defined in

31 Section [27-3-103.5](#).

32 (b) "Restricted person" means an individual restricted from possessing, purchasing,
33 transferring, or owning a firearm as a result of a conviction, in accordance with Section

34 [76-10-503](#).

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

37 (a) surrender each firearm that the individual owns or possesses within:

38 (i) ten days after the day on which:

39 (A) the court issues the order described in this subsection; or

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

42 (ii) a time period designated by the court that is less than the 10-day time period
43 described in Subsection (2)(a)(i), if the court finds the 10-day time period is insufficient to
44 reasonably ensure the safety of the public;

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

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

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

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

51 (i) a licensed firearm dealer;

52 (ii) a law enforcement agency; or

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

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

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

- 57 (A) does not cohabit with the restricted person; or
58 (B) cohabitates with the restricted person and maintains the firearm at a secure location
59 that is not known or accessible to the restricted person; or
60 (ii) a law enforcement agency.
61 (4) This section does not prevent a restricted person from receiving compensation in
62 exchange for the lawful sale of a firearm owned by the restricted person, unless otherwise
63 ordered by the court.
64 (5) Unless otherwise ordered by the court, a law enforcement agency that receives a
65 firearm from a restricted person under this section may dispose of the firearms in any manner
66 described in Section [24-3-103.5](#).
67 (6) No later than one business day after the day on which the restricted person
68 completes surrender of each of the restricted person's firearms, the restricted person shall file
69 an affidavit signed by the restricted person stating that the restricted person:
70 (a) has relinquished ownership and possession of all firearms;
71 (b) 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 (c) has fully complied with the court's order described in Subsection (2).
74 (7) A restricted person's failure to timely comply with an order described in Subsection
75 (2) may serve as probable cause to support prosecution under Section [76-10-503](#).
76 (8) If, upon becoming a restricted person, the restricted person represents to the court
77 that the restricted person does not own or possess a firearm, the restricted person shall sign an
78 affidavit in the presence of the court that states the restricted person:
79 (a) does not own or possess a firearm; and
80 (b) acknowledges and understands that the possession of a firearm is a violation of
81 state and federal law.