

## HB0267S01 compared with HB0267

~~{deleted text}~~ shows text that was in HB0267 but was deleted in HB0267S01.

inserted text shows text that was not in HB0267 but was inserted into HB0267S01.

**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:

### PROHIBITED PERSONS AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Andrew Stoddard**

Senate Sponsor: \_\_\_\_\_

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#### 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 certain procedures upon ~~{surrendering}~~ becoming a ~~{firearm}~~ restricted person; and
- ▶ authorizes law enforcement to search and seize the firearms of a restricted person under specified circumstances.

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### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

ENACTS:

**76-10-503.2**, Utah Code Annotated 1953

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

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

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

(1) As used in this section:

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

(b) "Restricted person" means an individual restricted from possessing, purchasing, transferring, or owning a firearm ~~under~~ as a result of a conviction, in accordance with Section 76-10-503.

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

(a) surrender each firearm that the individual owns or possesses ~~no later than 72 hours~~ within:

(i) ten days after the day on which:

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

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

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

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

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

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

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

(i) a licensed firearm dealer;

(ii) a law enforcement agency; or

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

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

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

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

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

(ii) a law enforcement agency.

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

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

(6) No later than one business day after the day on which the restricted person completes surrender of each of the restricted person's firearms, the restricted person shall ~~submit the following documentation to the court presiding over~~ file an affidavit signed by the restricted ~~person's criminal proceedings:~~

~~\_\_\_\_\_ (a) an affidavit signed by the restricted } person stating that the restricted person:~~

~~(~~fi~~)a) has relinquished ownership and possession of all firearms;~~

~~(~~fi~~)b) acknowledges and understands that the restricted person's ownership or possession of a firearm is a violation of federal and state law; and~~

~~(~~fi~~)c) has fully complied with the court's order described in Subsection (2)~~}; and~~~~

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

~~\_\_\_\_\_ (i) confirms receipt of the restricted person's firearm; and~~

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

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

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

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

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

~~(b) acknowledges and understands that the possession of a firearm is a violation of state and federal law.~~