

Senator Daniel W. Thatcher proposes the following substitute bill:

FIREARM COMMITMENT AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions regarding the commitment of firearms.

Highlighted Provisions:

This bill:

- ▶ provides for circumstances where a cohabitant may commit the firearm of an owner cohabitant without the permission of the owner cohabitant;
- ▶ sets procedures for law enforcement to follow when accepting a firearm committed by a cohabitant without the owner cohabitant's permission; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-5c-201, as last amended by Laws of Utah 2019, Chapters 136 and 369

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



26 Section 1. Section 53-5c-201 is amended to read:

27 **53-5c-201. Voluntary commitment of a firearm by owner cohabitant -- Law**
28 **enforcement to hold firearm -- Commitment of a firearm by cohabitant.**

29 (1) As used in this section, "cohabitant" means any individual 18 years of age or older
30 residing in the home who:

- 31 (a) is living as if a spouse of the owner cohabitant;
- 32 (b) is related by blood or marriage to the owner cohabitant;
- 33 (c) has one or more children in common with the owner cohabitant; or
- 34 (d) has an interest in the safety and wellbeing of the owner cohabitant.

35 (2) (a) A cohabitant may voluntarily commit a firearm to a law enforcement agency for
36 safekeeping if the cohabitant believes that the owner cohabitant or another cohabitant with
37 access to the firearm is an immediate threat to:

- 38 (i) himself or herself;
- 39 (ii) the owner cohabitant; or
- 40 (iii) any other person.

41 ~~[(b) A law enforcement agency may not hold a firearm under this section if the law~~
42 ~~enforcement agency obtains the firearm in a manner other than the owner cohabitant~~
43 ~~voluntarily presenting, of the owner cohabitant's own free will, the firearm to the law~~
44 ~~enforcement agency at the agency's office.]~~

45 (b) A law enforcement agency may not hold a firearm received in accordance with this
46 section unless:

- 47 (i) the owner cohabitant voluntarily commits the firearm to the law enforcement
48 agency; or
- 49 (ii) a cohabitant of the owner cohabitant voluntarily commits the firearm to the law
50 enforcement agency.

51 (3) (a) Unless a firearm is an illegal firearm subject to Section 53-5c-202, a law
52 enforcement agency that receives a firearm in accordance with this ~~chapter~~ section shall:

- 53 ~~[(a)]~~ (i) record:
- 54 ~~[(i)]~~ (A) the owner cohabitant's name, address, and phone number;
- 55 ~~[(ii)]~~ (B) the firearm serial number and the make and model of each firearm
56 committed; and

57 ~~[(iii)]~~ (C) the date and time that the firearm was voluntarily committed;

58 ~~[(b)]~~ (ii) require the cohabitant to sign a document attesting that the cohabitant resides
59 in the home of the owner cohabitant; and

60 ~~[(c)]~~ (iii) hold the firearm in safe custody for 60 days after the day on which the firearm
61 is voluntarily committed~~;~~ or for a longer period of time if properly requested under this
62 section.

63 (b) Except as provided in Subsection (3)(a), a law enforcement agency may not require
64 an individual committing a firearm under this section to disclose any information relating to the
65 circumstances under which the individual is committing the firearm.

66 ~~[(d)]~~ (4) (a) ~~[upon proof of identification,]~~ A law enforcement agency that receives a
67 firearm in accordance with this section shall return the firearm to:

68 ~~[(i) the owner cohabitant after the expiration of the 60-day period or, if the owner~~
69 ~~cohabitant requests return of the firearm before the expiration of the 60-day period, at the time~~
70 ~~of the request; or]~~

71 (i) the owner cohabitant:

72 (A) after the expiration of the 60-day period described in Subsection (3)(a)(iii); or

73 (B) at the owner cohabitant's request, if the owner cohabitant makes the request 12 or
74 more business hours after the firearm is voluntarily committed to the law enforcement agency;
75 or

76 (ii) an owner other than the owner cohabitant in accordance with Section [53-5c-202](#).

77 (b) Notwithstanding Subsection (4)(a), a law enforcement agency may not return a
78 firearm to an individual who is a restricted person under Section [76-10-503](#).

79 ~~[(4)]~~ (5) The law enforcement agency shall hold the firearm for an additional 60 days
80 if:

81 (a) ~~[(f)]~~ the initial 60-day period expires; and

82 (b) the cohabitant or owner cohabitant requests that the law enforcement agency hold
83 the firearm for an additional 60 days.

84 ~~[(5)]~~ (6) A law enforcement agency may not ~~[request or require that the owner~~
85 ~~cohabitant provide the name or other information of the cohabitant who poses an immediate~~
86 ~~threat or any other cohabitant]~~ charge a fee to an individual who commits or retrieves a firearm
87 under this section.

88 [~~(6)~~] (7) Notwithstanding an ordinance or policy to the contrary adopted in accordance
89 with Section 63G-2-701, a law enforcement agency shall destroy a record created under
90 Subsection (3), Subsection 53-5c-202(3)(b)(iii), or any other record created in the application
91 of this chapter immediately, if practicable, but no later than five days after immediately upon
92 the:

93 (a) return of a firearm in accordance with Subsection [~~(3)(d)~~] (4); or

94 (b) disposal of the firearm in accordance with Section 53-5c-202.

95 [~~(7)~~] (8) Unless otherwise provided, the provisions of Title 77, Chapter 24a, Lost or
96 Mislaid Personal Property, do not apply to a firearm received by a law enforcement agency in
97 accordance with this chapter.

98 [~~(8)~~] (9) A law enforcement agency shall adopt a policy for the safekeeping of a
99 firearm held in accordance with this chapter.