

## HB0060S03 compared with HB0060S02

~~text~~ shows text that was in HB0060S02 but was deleted in HB0060S03.

inserted text shows text that was not in HB0060S02 but was inserted into HB0060S03.

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Senator David P. Hinkins proposes the following substitute bill:

### CONCEAL CARRY FIREARMS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Walt Brooks**

Senate Sponsor: David P. Hinkins

Cosponsors:	Marsha Judkins	Travis M. Seegmiller
Nelson T. Abbott	Bradley G. Last	Rex P. Shipp
Cheryl K. Acton	Karianne Lisonbee	Casey Snider
Carl R. Albrecht	Phil Lyman	V. Lowry Snow
Kera Birkeland	A. Cory Maloy	Robert M. Spendlove
Jefferson S. Burton	Jefferson Moss	Jeffrey D. Stenquist
Steve R. Christiansen	Michael J. Petersen	Keven J. Stratton
Kay J. Christofferson	Val L. Peterson	Mark A. Strong
Joel Ferry	Candice B. Pierucci	Jordan D. Teuscher
Francis D. Gibson	Paul Ray	Christine F. Watkins
Matthew H. Gwynn	Adam Robertson	Ryan D. Wilcox
Dan N. Johnson	Mike Schultz	Mike Winder

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### LONG TITLE

#### General Description:

This bill modifies provisions related to carrying a concealed firearm and suicide prevention.

#### Highlighted Provisions:

This bill:

- ▶ provides that an individual who is 21 years old or older, and may lawfully possess a firearm, may carry a concealed firearm in a public area without a permit;~~{ and }~~
- ▶ provides for the transfer of unused funds in the Concealed Weapons Account to the Division of Substance Abuse and Mental Health for suicide prevention efforts~~{ }~~  
and
- ▶ creates the Suicide Prevention and Education Fund within the division for suicide prevention efforts.

#### Money Appropriated in this Bill:

None

#### Other Special Clauses:

None

#### Utah Code Sections Affected:

AMENDS:

**53-5-707**, as last amended by Laws of Utah 2019, Chapter 440

**76-10-504**, as last amended by Laws of Utah 2015, Chapter 406

**76-10-505**, as last amended by Laws of Utah 2009, Chapter 362

**76-10-523**, as last amended by Laws of Utah 2019, Chapters 39, 375, and 458

#### ENACTS:

**62A-15-1104, Utah Code Annotated 1953**

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

Section 1. Section **53-5-707** is amended to read:

**53-5-707. Concealed firearm permit -- Fees -- Concealed Weapons Account.**

(1) (a) An applicant for a concealed firearm permit shall pay a fee of \$25 at the time of filing an application.

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(b) A nonresident applicant shall pay an additional \$10 for the additional cost of processing a nonresident application.

(c) The bureau shall waive the initial fee for an applicant who is a law enforcement officer under Section 53-13-103.

(d) Concealed firearm permit renewal fees for active duty service members and the spouse of an active duty service member shall be waived.

(2) The renewal fee for the permit is \$20. A nonresident shall pay an additional \$5 for the additional cost of processing a nonresidential renewal.

(3) The replacement fee for the permit is \$10.

(4) (a) The late fee for the renewal permit is \$7.50.

(b) As used in this section, "late fee" means the fee charged by the bureau for a renewal submitted on a permit that has been expired for more than 30 days but less than one year.

(5) (a) There is created a restricted account within the General Fund known as the "Concealed Weapons Account."

(b) The account shall be funded from fees collected under this section and Section 53-5-707.5.

(c) Funds in the account may only be used to cover costs relating to:

(i) the issuance of concealed firearm permits under this part; or

(ii) the programs described in Subsections 62A-15-103(3) and 76-10-526(15) and Section 62A-15-1101.

(d) No later than 90 days after the end of the fiscal year 50% of ~~excess funds in the account~~ the fund balance shall be transferred to the ~~Division of Substance Abuse and Mental Health to be used in suicide prevention efforts that include a focus on firearm safety as related to suicide prevention~~ Suicide Prevention and Education Fund, created in Section 62A-15-1104.

(6) (a) The bureau may collect any fees charged by an outside agency for additional services required by statute as a prerequisite for issuance of a permit.

(b) The bureau shall promptly forward any fees collected under Subsection (6)(a) to the appropriate agency.

(7) The bureau shall make an annual report in writing to the Legislature's Law Enforcement and Criminal Justice Interim Committee on the amount and use of the fees

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collected under this section and Section 53-5-707.5.

Section 2. Section ~~{76-10-5}~~62A-15-1104 is ~~{amended}~~enacted to read:

### 62A-15-1103. Suicide Prevention and Education Fund.

(1) There is created an expendable special revenue fund known as the Suicide Prevention and Education Fund.

(2) The fund shall consist of funds transferred from the Concealed Weapons Account in accordance with Subsection 53-5-707(5)(d).

(3) Money in the fund shall be used for suicide prevention efforts that include a focus on firearm safety as related to suicide prevention.

(4) The division shall establish a process by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the expenditure of money from the fund.

(5) The division shall make an annual report to the Legislature regarding the status of the fund, including a report detailing amounts received, expenditures made, and programs and services funded.

Section 3. Section 76-10-504 is amended to read:

### **76-10-504. Carrying concealed firearm -- Penalties.**

(1) Except as provided in [Section] Sections 76-10-503 and 76-10-523 and in Subsections (2), (3), and (4), a person who carries a concealed firearm, as defined in Section 76-10-501, including an unloaded firearm on his or her person or one that is readily accessible for immediate use which is not securely encased, as defined in this part, in or on a place other than the person's residence, property, a vehicle in the person's lawful possession, or a vehicle, with the consent of the individual who is lawfully in possession of the vehicle, or business under the person's control is guilty of a class B misdemeanor.

(2) A person who carries a concealed firearm that is a loaded firearm in violation of Subsection (1) is guilty of a class A misdemeanor.

(3) A person who carries concealed an unlawfully possessed short barreled shotgun or a short barreled rifle is guilty of a second degree felony.

(4) If the concealed firearm is used in the commission of a violent felony as defined in Section 76-3-203.5, and the person is a party to the offense, the person is guilty of a second degree felony.

(5) Nothing in Subsection (1) or (2) prohibits a person engaged in the lawful taking of

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protected or unprotected wildlife as defined in Title 23, Wildlife Resources Code of Utah, from carrying a concealed firearm as long as the taking of wildlife does not occur:

- (a) within the limits of a municipality in violation of that municipality's ordinances; or
- (b) upon the highways of the state as defined in Section 41-6a-102.

Section ~~33~~4. Section **76-10-505** is amended to read:

### **76-10-505. Carrying loaded firearm in vehicle or on street.**

(1) Unless otherwise authorized by law, a person may not carry a loaded firearm:

- (a) in or on a vehicle, unless:
  - (i) the vehicle is in the person's lawful possession; or
  - (ii) the person is carrying the loaded firearm in a vehicle with the consent of the person

lawfully in possession of the vehicle;

- (b) on a public street; or
- (c) in a posted prohibited area.

(2) Subsection (1)(a) does not apply to a minor under 18 years of age, since a minor under 18 years of age may not carry a loaded firearm in or on a vehicle.

(3) Notwithstanding [~~Subsection~~] Subsections (1)(a)(i) and (ii), and Subsection 73-10-523(5), a person may not possess a loaded rifle, shotgun, or muzzle-loading rifle in a vehicle.

(4) A violation of this section is a class B misdemeanor.

Section ~~44~~5. 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;
- (f) a court commissioner as defined and qualified under Section 53-5-711; or
- (g) a common carrier while engaged in the regular and ordinary transport of firearms as merchandise.

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(2) Notwithstanding Subsection (1), the provisions of Section 76-10-528 apply to any individual listed in Subsection (1) who is not employed by a state or federal agency or political subdivision that has adopted a policy or rule regarding the use of dangerous weapons.

(3) Subsections 76-10-504(1) and (2), and Section 76-10-505 do not apply to:

(a) an individual to whom a permit to carry a concealed firearm has been issued:

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

(ii) by another state or county; or

(b) a person who is issued a protective order under Subsection 78B-7-603(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.

(4) 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.

(5) Subsections 76-10-504(1) and (2), and 76-10-505(1)(b) do not apply to a person 21 years old or older who may otherwise lawfully possess a firearm.