

Representative Andrew Stoddard proposes the following substitute bill:

PROTECTED PERSONS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- defines terms; and
- requires a restricted person to comply with certain procedures upon becoming a restricted person.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-10-503.2, Utah Code Annotated 1953

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

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



26 76-10-503.2. Surrender of firearm and ammunition by a restricted person.

27 (1) As used in this section:

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

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

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

35 (a) surrender each firearm and all ammunition that the individual owns or possesses
36 within:

37 (i) 10 days after the day on which:

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

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

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

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

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

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

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

50 (i) a licensed firearm dealer;

51 (ii) a law enforcement agency; or

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

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

55 (i) the owner of the firearm or ammunition, if the owner of the firearm or ammunition:

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

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

59 (ii) a law enforcement agency.

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

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

66 (6) No later than one business day after the day on which the restricted person
67 completes surrender of each of the restricted person's firearms and any ammunition, the
68 restricted person shall file an affidavit signed by the restricted person stating that the restricted
69 person:

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

71 (b) acknowledges and understands that the restricted person's ownership or possession
72 of a firearm and ammunition 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 or any ammunition, the restricted
78 person shall sign an affidavit in the presence of the court that states the restricted person:

79 (a) does not own or possess a firearm or any ammunition; and

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