

## HB0101S02 compared with HB0101S01

~~{deleted text}~~ shows text that was in HB0101S01 but was deleted in HB0101S02.

inserted text shows text that was not in HB0101S01 but was inserted into HB0101S02.

**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}~~Karianne Lisonbee proposes the following substitute bill:

### PROTECTED PERSONS AMENDMENTS

2021 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 and ammunition after}~~notification requirements for an individual ~~{becomes}~~who may not possess a firearm as a ~~{restricted person}~~result of a criminal conviction.~~{}~~

##### Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ ~~{requires a restricted person to comply with certain procedures upon becoming a restricted person}~~provides notification requirements to an individual accused or convicted of a criminal charge that would prevent the individual from lawfully owning or possessing a firearm.

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### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

ENACTS:

76-10-503.~~{2}~~1, 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}~~1 is enacted to read:

**76-10-503.~~{2}~~1.~~f~~ Surrender of firearm and ammunition by a restricted person~~}~~ Firearm restriction notification requirement.**

(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 who is restricted from possessing, purchasing, transferring, or owning a firearm ~~{or ammunition as a result of a conviction, in accordance with}~~ under Section 76-10-503~~.~~~~

~~——~~ (2) ~~If~~.

(b) "Possess" or "possession" means actual physical possession, actual or purported ownership, or exercising control of an item.

(2) A defendant intending to plead guilty or no contest to a criminal charge that will, 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 and all ammunition that the individual owns or possesses within:~~

~~——~~ (i) ~~10 days after the day on which:~~

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

~~——~~ (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~~

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~~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 and any ammunition the restricted person owns or possesses as provided in Subsection (3); and~~

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

~~—— (3) In accordance with Subsection (2)(b), the}~~, cause the defendant to become a restricted person shall~~};~~

~~—— (a) sell or transfer each firearm and any ammunition 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}~~, before entering a plea before a court, sign an affidavit attesting that:

(a) the defendant's attorney or the prosecuting attorney has informed the defendant:

(i) that conviction of the charge will classify the defendant as a restricted person;~~}; and~~

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

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

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

~~—— (B) cohabitates with the restricted person and maintains the firearm and ammunition 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}~~

(ii) that a restricted person ~~{from receiving compensation in exchange for the lawful sale of a firearm or ammunition 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 and ammunition from}~~ may not possess a firearm; and

(iii) of the criminal penalties associated with possession of a firearm by a restricted person ~~{under this section may dispose of the firearm and ammunition in any manner described in Section 24-3-103.5.~~

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~~\_\_\_\_\_ (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 and any ammunition, the restricted person shall file an affidavit signed by the restricted person stating that the restricted person:~~

~~\_\_\_\_\_ (a) has relinquished ownership and possession of all firearms and all ammunition;~~

~~\_\_\_\_\_ (b) of the same category the defendant will become upon entering a plea for the criminal charge; and~~

~~\_\_\_\_\_ (b) the defendant acknowledges and understands that ~~the~~, by pleading guilty or no contest to the criminal charge, the defendant:~~

~~\_\_\_\_\_ (i) will be a restricted ~~person's ownership or possession of a firearm and ammunition is a~~ person;~~

~~\_\_\_\_\_ (ii) upon conviction, shall forfeit possession of each firearm currently possessed by the defendant; and~~

~~\_\_\_\_\_ (iii) will be in violation of federal and state law ~~and~~~~

~~\_\_\_\_\_ (c) has fully complied with the court's order described in Subsection (2);~~

~~\_\_\_\_\_ (7) A restricted person's failure to timely comply with an order ~~if the defendant possesses a firearm.~~~~

~~\_\_\_\_\_ (3) The prosecuting attorney or the defendant's attorney shall provide the affidavit described in Subsection (2) ~~may serve as probable cause to support prosecution under Section 76-10-503.~~~~

~~\_\_\_\_\_ (8) If, upon ~~to the court before the defendant's entry of a plea, if the defendant pleads guilty or no contest.~~~~

~~\_\_\_\_\_ (4) A defendant who is convicted by trial of a criminal charge resulting in the defendant becoming a restricted person ~~the~~ shall, at the time of sentencing:~~

~~\_\_\_\_\_ (a) be verbally informed by the court, prosecuting attorney, or defendant's attorney:~~

~~\_\_\_\_\_ (i) that the defendant is a restricted person;~~

~~\_\_\_\_\_ (ii) that, as a restricted person, the defendant may not possess a firearm; and~~

~~\_\_\_\_\_ (iii) of the criminal penalties associated with possession of a firearm by a restricted person ~~represents to the court that the restricted person does not own or possess a firearm or any ammunition, the restricted person shall~~ of the defendant's category; and~~

~~\_\_\_\_\_ (b) sign an affidavit in the presence of the court attesting that ~~states~~ the ~~restricted~~~~

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person:

~~— (a) does not own or possess a firearm or any ammunition, and~~

~~— (b) } defendant acknowledges and understands that the defendant:~~

~~(i) is a restricted person;~~

~~(ii) shall forfeit possession of ~~{a}~~ each firearm ~~{ and ammunition is a violation of state and federal law.~~~~

~~}; and~~

~~(iii) will be in violation of federal and state law if the defendant possesses a firearm.~~

~~(5) The prosecuting attorney and the defendant's attorney shall inform the court at the preliminary hearing if a charge filed against the defendant would qualify the defendant as a restricted person if the defendant is convicted of the charge.~~