

HB0101S03 compared with HB0101S02

~~{deleted text}~~ shows text that was in HB0101S02 but was deleted in HB0101S03.

inserted text shows text that was not in HB0101S02 but was inserted into HB0101S03.

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Representative ~~{Karianne Lisonbee}~~ Andrew Stoddard proposes the following substitute bill:

~~{PROTECTED}~~ PROHIBITED PERSONS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor: _____

LONG TITLE

General Description:

This bill provides notification requirements for an individual who may not possess a firearm as a result of a criminal conviction.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ 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.

Money Appropriated in this Bill:

None

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Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-10-503.1, Utah Code Annotated 1953

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

Section 1. Section **76-10-503.1** is enacted to read:

76-10-503.1. Firearm restriction notification requirement.

(1) As used in this section:

(a) "Restricted person" means an individual who is restricted from possessing, purchasing, transferring, or owning a firearm under Section 76-10-503.

(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, cause the defendant to become a restricted person shall, before entering a plea before a court, sign an ~~affidavit attesting~~ acknowledgment that states:

(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;

(ii) that a restricted person may not possess a firearm; and

(iii) of the criminal penalties associated with possession of a firearm by a restricted person of the same category the defendant will become upon entering a plea for the criminal charge; and

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

(i) will be a restricted 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 if the defendant possesses a firearm.

(3) The prosecuting attorney or the defendant's attorney shall provide the ~~affidavit~~ acknowledgment described in Subsection (2) to the court before the defendant's

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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 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 of the defendant's category; and

(b) sign an ~~affidavit~~ acknowledgment in the presence of the court attesting that the defendant acknowledges and understands that the defendant:

(i) is a restricted person;

(ii) shall forfeit possession of each firearm; 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.

(6) The failure to inform or obtain a signed acknowledgment from the defendant may not render the plea invalid, form the basis for withdrawal of the plea, or create a basis to challenge a conviction or sentence.