

FIREARMS REGULATIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: _____

LONG TITLE

General Description:

This bill declares that the state will not enforce certain federal firearms laws or regulations.

Highlighted Provisions:

This bill:

- ▶ declares the state's commitment to the Second Amendment to the United States Constitution; and
- ▶ declares that the state and its political subdivisions will not enforce federal laws that purport to restrict or ban certain firearms, ammunition, or firearms accessories.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

53-5a-201, Utah Code Annotated 1953

53-5a-202, Utah Code Annotated 1953

53-5a-203, Utah Code Annotated 1953

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



28 Section 1. Section **53-5a-201** is enacted to read:

29 **Part 2. Federal Firearm Enforcement Limitation Act**

30 **53-5a-201. Findings.**

31 To protect and preserve the individual right to keep and bear arms as guaranteed by the
32 Second Amendment to the United States Constitution and Utah Constitution, Article I, Section
33 6, the Legislature makes the following findings:

34 (1) the Tenth Amendment to the United States Constitution guarantees to the state and
35 the state's people all powers not granted to the federal government elsewhere in the United
36 States Constitution and reserves to the state and people of Utah certain powers as those powers
37 were understood at the time that Utah was admitted to statehood;

38 (2) the guarantee of powers to the state and the state's people under the Tenth
39 Amendment is a matter of contract between the state and people of Utah and the United States
40 as of the time of statehood;

41 (3) the Ninth Amendment to the United States Constitution guarantees to the people
42 rights not granted in the United States Constitution and reserves to the people of Utah certain
43 rights as those rights were understood at the time that Utah was admitted to statehood;

44 (4) the guarantee of rights to the people under the Ninth Amendment is a matter of
45 contract between the state and people of Utah and the United States as of the time of statehood;

46 (5) the Second Amendment to the United States Constitution reserves to the people the
47 right to keep and bear arms as that right was understood at the time that Utah was admitted to
48 statehood, and the guarantee of the right is a matter of contract between the state and people of
49 Utah and the United States as of the time of statehood; and

50 (6) the Utah Constitution clearly secures to Utah citizens, and prohibits
51 unconstitutional government interference with, the right of individual Utah citizens to keep and
52 bear arms.

53 Section 2. Section **53-5a-202** is enacted to read:

54 **53-5a-202. Definitions.**

55 As used in this part:

56 (1) (a) "Federal regulation" means a federal law, statute, executive order, rule, or
57 regulation that infringes upon, prohibits, restricts, or requires individual licensure for, or
58 registration of, the purchase, ownership, possession, transfer, or use of a firearm, ammunition,

59 or firearm accessory.

60 (b) "Federal regulation" does not include federal firearm laws, statutes, executive
61 orders, rules, or regulations that are incorporated into the Utah code by reference.

62 (2) "Firearm" means the same as that term is defined in Section [76-10-501](#).

63 (3) "Law enforcement officer" means the same as that term is defined in Section
64 [53-13-103](#).

65 (4) "Political subdivision" means a city, town, metro township, or county.

66 Section 3. Section **53-5a-203** is enacted to read:

67 **53-5a-203. Prohibition on enforcement.**

68 (1) A law enforcement officer, state employee, or employee of a political subdivision is
69 prohibited from implementing, enforcing, assisting, or cooperating in the enforcement of a
70 federal regulation on firearms, firearm accessories, or ammunition.

71 (2) An employee of the state or a political subdivision may not expend public funds or
72 allocate public resources for the enforcement of a federal regulation on firearms, firearm
73 accessories, or ammunition.

74 (3) Notwithstanding Subsections (1) or (2), this section does not prohibit or otherwise
75 limit a law enforcement officer, state employee, or employee of a political subdivision from
76 cooperating, communicating, or collaborating with a federal agency if the primary purpose of
77 the cooperation is not the investigation or enforcement of a federal regulation on firearms,
78 ammunition, or firearm accessories.

79 Section 4. **Effective date.**

80 If approved by two-thirds of all the members elected to each house, this bill takes effect
81 upon approval by the governor, or the day following the constitutional time limit of Utah
82 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
83 the date of veto override.