

HB0219S02 compared with HB0219

~~text~~ shows text that was in HB0219 but was deleted in HB0219S02.

text shows text that was not in HB0219 but was inserted into HB0219S02.

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Representative Karianne Lisonbee proposes the following substitute bill:

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~~ regulations that purport to restrict or ban certain firearms, ammunition, or firearms accessories.

Money Appropriated in this Bill:

None

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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:

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

Part 2. Federal Firearm Enforcement Limitation Act

53-5a-201. Findings.

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

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

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

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

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

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

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

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

53-5a-202. Definitions.

As used in this part:

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

(b) "Federal regulation" does not include:

(i) a federal firearm ~~laws, statutes,~~ statute; or

(ii) a federal executive ~~orders~~ order, ~~rules~~ rule, or ~~regulations~~ regulation that ~~are~~ is incorporated into the Utah ~~code~~ Code by reference.

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

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

(4) "Political subdivision" means a city, town, metro township, ~~or~~ county, local district, or water conservancy district.

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

53-5a-203. Prohibition on enforcement.

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

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

(3) Notwithstanding ~~Subsections~~ Subsection (1) or (2), this section does not prohibit or otherwise limit a law enforcement officer, state employee, or employee of a political subdivision from:

(a) cooperating, communicating, or collaborating with a federal agency if the primary

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purpose of the cooperation is not the investigation or enforcement of a federal regulation on firearms, ammunition, or firearm accessories;

(b) serving on or participating in:

(i) a federal law enforcement task force or program if:

(A) investigation and prosecution of state or federal firearms regulations are part of the duties of the task force or program; or

(B) the law enforcement officer, state employee, or employee of the political subdivision is compensated by federal funds; or

(ii) a state law enforcement task force or program that:

(A) receives federal funding; or

(B) has participation from federal law enforcement officials; or

(c) referring an investigation to a federal law enforcement agency if the law enforcement officer, state employee, or political subdivision employee reasonably believes that a federal law regarding firearms, ammunition, or firearm accessories has been violated.

(4) This section does not apply to:

(a) a law enforcement officer or state employee employed by or assisting:

(i) the Bureau of Criminal Identification of the Department of Public Safety established in Section 53-10-201;

(ii) the Peace Officer Standards and Training Division created in Section 53-6-103; or

(iii) the Utah National Guard or the Utah State Defense Force created in Title 39A, National Guard and Militia Act; or

(b) an individual who:

(i) is appointed as a Special Assistant U. S. Attorney under 18 U.S.C. Sec. 925D; or

(ii) is assisting another individual that is appointed as a Special Assistant U. S. Attorney under 18 U.S.C. Sec. 925D.

Section 4. Effective date.

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