

59 Subsection ~~[76-10-503(1)(b)(xi)]~~ ~~Ĥ~~→ ~~[76-10-503(1)(a)(vii)]~~ 76-10-503(1)(a)(vi) ←~~Ĥ~~ ; or
 60 (b) with whom none of the relationships described in Subsection ~~[76-10-503(1)(b)(xi)]~~
 61 ~~Ĥ~~→ ~~[76-10-503(1)(a)(vii)]~~ 76-10-503(1)(a)(vi) ←~~Ĥ~~ apply.

62 (3) The court in the county where a determination or finding was made shall transmit a
 63 record of the determination or finding to the bureau no later than 48 hours after the
 64 determination is made, excluding Saturdays, Sundays, and legal holidays, if an individual is:

65 (a) adjudicated as a mental defective; or
 66 (b) involuntarily committed to a mental institution in accordance with Subsection
 67 26B-5-332(16).

68 (4) The record described in Subsection (3) shall include:

69 (a) an agency record identifier;
 70 (b) the individual's name, sex, race, and date of birth; and
 71 (c) the individual's social security number, government issued driver license or
 72 identification number, alien registration number, government passport number, state
 73 identification number, or FBI number.

74 Section 2. Section **76-10-503** is amended to read:

75 **76-10-503. Restrictions on possession, purchase, transfer, and ownership of**
 76 **dangerous weapons by certain persons -- Exceptions.**

77 (1) For purposes of this section:

78 (a) A Category I restricted person is a person who:

79 (i) has been convicted of;

80 (A) a violent felony; or

81 (B) a domestic violence offense that is a felony;

82 (ii) is on probation or parole for a felony;

83 (iii) is on parole from secure care, as defined in Section 80-1-102;

84 (iv) within the last 10 years has been adjudicated under Section 80-6-701 for an offense
 85 which if committed by an adult would have been a violent felony as defined in Section
 86 76-3-203.5;

87 ~~[(v) is an alien who is illegally or unlawfully in the United States; or]~~

88 ~~[(vi)]~~ (v) is on probation for a conviction of possessing:

89 (A) a substance classified in Section 58-37-4 as a Schedule I or II controlled substance;

90 (B) a controlled substance analog; or

91 (C) a substance listed in Section 58-37-4.2[-]; ~~H~~→ or ←~~H~~

92 ~~H~~→ [(vi) is a respondent or defendant subject to a protective order or child protective order
93 that:

94 ~~_____ (A) is issued after a hearing for which the respondent or defendant received actual~~
95 ~~notice and at which the respondent or defendant has an opportunity to participate;~~

96 ~~_____ (B) restrains the respondent or defendant from harassing, stalking, threatening, or~~
97 ~~engaging in other conduct that would place an intimate partner, as defined in 18 U.S.C. Sec.~~
98 ~~921, or a child of the intimate partner, in reasonable fear of bodily injury to the intimate partner~~
99 ~~or child of the intimate partner; and~~

100 ~~_____ (C) includes a finding that the respondent or defendant represents a credible threat to~~
101 ~~the physical safety of an intimate partner or a child of the intimate partner, or a finding that~~
102 ~~explicitly prohibits the use, attempted use, or threatened use of physical force that would~~
103 ~~reasonably be expected to cause bodily harm against an intimate partner or a child of the~~
104 ~~intimate partner; or~~

105 ~~_____ (vii)] (vi) ←~~H~~ except as provided in Subsection (1)(d), has been convicted of the~~
105a ~~commission or~~
106 ~~attempted commission of misdemeanor assault under Section 76-5-102 or aggravated assault~~
107 ~~under Section 76-5-103 against an individual:~~

108 (A) who is a current or former spouse, parent, or guardian;

109 (B) with whom the restricted person shares a child in common;

110 (C) who is cohabitating or has cohabitated with the restricted person as a spouse,
111 parent, or guardian;

112 (D) involved in a dating relationship with the restricted person within the last five
113 years; or

114 (E) similarly situated to a spouse, parent, or guardian of the restricted person.

115 (b) A Category II restricted person is a person who:

116 (i) has been convicted of:

117 [~~(A) a domestic violence offense that is a felony;~~

118 [~~(B)~~] (A) a felony that is not a domestic violence offense or a violent felony and within
119 seven years after completing the sentence for the conviction, has been convicted of or charged
120 with another felony or class A misdemeanor;

121 [~~(E)~~] (B) multiple felonies that are part of a single criminal episode and are not
122 domestic violence offenses or violent felonies and within seven years after completing the
123 sentence for the convictions, has been convicted of or charged with another felony or class A
124 misdemeanor; or

125 [~~(D)~~] (C) multiple felonies that are not part of a single criminal episode;

126 (ii) (A) within the last seven years has completed a sentence for:

127 (I) a conviction for a felony that is not a domestic violence offense or a violent felony;

128 or

129 (II) convictions for multiple felonies that are part of a single criminal episode and are
130 not domestic violence offenses or violent felonies; and

131 (B) within the last seven years and after the completion of a sentence for a conviction
132 described in Subsection (1)(b)(ii)(A), has not been convicted of or charged with another felony
133 or class A misdemeanor;

134 (iii) within the last seven years has been adjudicated delinquent for an offense which if
135 committed by an adult would have been a felony;

136 (iv) is an unlawful user of a controlled substance as defined in Section 58-37-2;

137 (v) is in possession of a dangerous weapon and is knowingly and intentionally in
138 unlawful possession of a Schedule I or II controlled substance as defined in Section 58-37-2;

139 (vi) has been found not guilty by reason of insanity for a felony offense;

140 (vii) has been found mentally incompetent to stand trial for a felony offense;

141 (viii) has been adjudicated as mentally defective as provided in the Brady Handgun
142 Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993), or has been committed
143 to a mental institution;

144 (ix) has been dishonorably discharged from the armed forces;

145 (x) has renounced the individual's citizenship after having been a citizen of the United
146 States; ~~H→~~ [or

147 ~~—————]~~ ~~←H~~ (xi) is a respondent or defendant subject to a protective order or child protective
147a order

148 that is issued after a hearing for which the respondent or defendant received actual notice and
148a at

149 which the respondent or defendant has an opportunity to participate, that restrains the
150 respondent or defendant from harassing, stalking, threatening, or engaging in other conduct

150a that

151 would place an intimate partner, as defined in 18 U.S.C. Sec. 921, or a child of the intimate

152 partner, in reasonable fear of bodily injury to the intimate partner or child of the intimate
153 partner, and that:]

154 [(A) includes a finding that the respondent or defendant represents a credible threat to
155 the physical safety of an individual who meets the definition of an intimate partner in 18
155a U.S.C.

156 Sec. 921 or the child of the individual; or]

157 [(B) explicitly prohibits the use, attempted use, or threatened use of physical force that
158 would reasonably be expected to cause bodily harm against an intimate partner or the child of
159 an intimate partner; or ~~H→~~ [}] ~~←H~~

160 [~~(xii) except as provided in Subsection (1)(d), has been convicted of the commission or
161 attempted commission of misdemeanor assault under Section 76-5-102 or aggravated assault
162 under Section 76-5-103 against an individual:]~~

163 [~~(A) who is a current or former spouse, parent, or guardian;]~~

164 [~~(B) with whom the restricted person shares a child in common;]~~

165 [~~(C) who is cohabitating or has cohabitated with the restricted person as a spouse,
166 parent, or guardian;]~~

167 [~~(D) involved in a dating relationship with the restricted person within the last five
168 years; or]~~

169 [~~(E) similarly situated to a spouse, parent, or guardian of the restricted person:]~~

170 ~~H→~~ [(xi)] (xii) ~~←H~~ is an alien who is illegally or unlawfully in the United States.

171 (c) (i) [~~As used in this section, a~~] A conviction of a felony or adjudication of
172 delinquency for an offense which would be a felony if committed by an adult does not include:

173 (A) a conviction or an adjudication under Section 80-6-701 for an offense pertaining to
174 antitrust violations, unfair trade practices, restraint of trade, or other similar offenses relating to
175 the regulation of business practices not involving theft or fraud; or

176 (B) a conviction or an adjudication under Section 80-6-701 which, in accordance with
177 the law of the jurisdiction in which the conviction or adjudication occurred, has been
178 expunged, set aside, reduced to a misdemeanor by court order, pardoned or regarding which the
179 person's civil rights have been restored unless the pardon, reduction, expungement, or
180 restoration of civil rights expressly provides that the person may not ship, transport, possess, or
181 receive firearms.

182 (ii) [~~As used in this section, a~~] A conviction for misdemeanor assault under Subsection

183 ~~[(1)(b)(xii)]~~ ~~H~~→ ~~[(1)(a)(vii)]~~ (1)(a)(vi) ~~←H~~ , does not include a conviction which, in accordance
 183a with the law of the
 184 jurisdiction in which the conviction occurred, has been expunged, set aside, reduced to an
 185 infraction by court order, pardoned, or regarding which the person's civil rights have been
 186 restored, unless the pardon, reduction, expungement, or restoration of civil rights expressly
 187 provides that the person may not ship, transport, possess, or receive firearms.

188 (iii) It is the burden of the defendant in a criminal case to provide evidence that a
 189 conviction or an adjudication under Section 80-6-701 is subject to an exception provided in
 190 this Subsection (1)(c), after which it is the burden of the state to prove beyond a reasonable
 191 doubt that the conviction or the adjudication is not subject to that exception.

192 (d) A person is not a restricted person for a conviction under Subsection

193 ~~[(1)(b)(xii)(D)]~~ ~~H~~→ ~~[(1)(a)(vii)(D)]~~ (1)(a)(vi)(D) ~~←H~~ if:

194 (i) five years have elapsed from the later of:

195 (A) the day on which the conviction is entered;

196 (B) the day on which the person is released from incarceration following the
 197 conviction; or

198 (C) the day on which the person's probation for the conviction is successfully
 199 terminated;

200 (ii) the person only has a single conviction for misdemeanor assault as described in
 201 Subsection ~~[(1)(b)(xii)(D)]~~ ~~H~~→ ~~[(1)(a)(vii)(D)]~~ (1)(a)(vi)(D) ~~←H~~ ; and

202 (iii) the person is not otherwise a restricted person under Subsection (1)(a) or (b).

203 (2) A Category I restricted person who intentionally or knowingly agrees, consents,
 204 offers, or arranges to purchase, transfer, possess, use, or have under the person's custody or
 205 control, or who intentionally or knowingly purchases, transfers, possesses, uses, or has under
 206 the person's custody or control:

207 (a) a firearm is guilty of a second degree felony; or

208 (b) a dangerous weapon other than a firearm is guilty of a third degree felony.

209 (3) A Category II restricted person who intentionally or knowingly purchases, transfers,
 210 possesses, uses, or has under the person's custody or control:

211 (a) a firearm is guilty of a third degree felony; or

212 (b) a dangerous weapon other than a firearm is guilty of a class A misdemeanor.

213 (4) A person may be subject to the restrictions of both categories at the same time.