

Utah State Law  
UT Code Ann.  
Title 76, Chapter 10: Offenses Against Public Welfare

Part 5. Weapons

**76-10-501. Uniform law - Definitions.**

(1)(a) The individual right to keep and bear arms being a constitutionally protected right, the Legislature finds the need to provide uniform laws throughout the state. Except as specifically provided by state law, a citizen of the United States or a lawfully admitted alien shall not be:

(i) prohibited from owning, possessing, purchasing, transporting, or keeping any firearm at his place of residence, property, business, or in any vehicle under his control; or

(ii) required to have a permit or license to purchase, own, possess, transport, or keep a firearm.

(b) This part is uniformly applicable throughout this state and in all its political subdivisions and municipalities. All authority to regulate firearms shall be reserved to the state except where the Legislature specifically delegates responsibility to local authorities. Unless specifically authorized by the Legislature by statute, local authority may not enact or enforce any ordinance, regulation, or rule pertaining to firearms.

(2) As used in this part:

(a)(i) **"Concealed dangerous weapon"** means a dangerous weapon that is covered, hidden, or secreted in a manner that the public would not be aware of its presence and is readily accessible for immediate use.

(ii) A dangerous weapon shall not be considered a concealed dangerous weapon if it is a firearm which is unloaded and is securely encased.

(b) **"Crime of violence"** means aggravated murder, murder, manslaughter, rape, mayhem, kidnaping, robbery, burglary, housebreaking, extortion, or blackmail accompanied by threats of violence, assault with a dangerous weapon, assault with intent to commit any offense punishable by imprisonment for more than one year, arson punishable by imprisonment for more than one year, or an attempt to commit any of these offenses.

(c) **"Criminal history background check"** means a criminal background check conducted by a licensed firearms dealer on every purchaser of a handgun through the division or the local law enforcement agency where the firearms dealer conducts business.

(d) **"Dangerous weapon"** means any item that in the manner of its use or intended use is capable of causing death or serious bodily injury. The following factors shall be used in determining whether an item, object, or thing not commonly known as a dangerous weapon is a dangerous weapon:

(i) the character of the instrument, object, or thing;

(ii) the character of the wound produced, if any;

(iii) the manner in which the instrument, object, or thing was used; and

(iv) the other lawful purposes for which the instrument, object, or thing may be used.

(e) **"Dealer"** means every person engaged in the business, as described in Crime and Criminal Procedure, 18 U.S.C. 923, and engaged in the business of selling, leasing, or otherwise transferring a handgun whether the person is a

retail or wholesale dealer, pawnbroker, or otherwise.

**(f) "Division"** means the Law Enforcement and Technical Services Division of the Department of Public Safety, created in Section 53-5-103.

**(g) "Firearm"** means a pistol, revolver, shotgun, sawed-off shotgun, rifle or sawed-off rifle, or any device that could be used as a weapon from which is expelled a projectile by action of an explosive.

**(h) "Fully automatic weapon"** means any firearm which fires, is designed to fire, or can be readily restored to fire, automatically more than one shot without manual reloading by a single function of the trigger.

**(i) "Firearms transaction record form"** means a form created by the division to be completed by a person purchasing, selling, or transferring a handgun in the state.

**(j) "Handgun"** means a pistol, revolver, or other firearm of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged the length of which, not including any revolving, detachable, or magazine breech, does not exceed 12 inches.

**(k) "Prohibited area"** means any place where it is unlawful to discharge a firearm.

**(l) "Readily accessible for immediate use"** means that a firearm or other dangerous weapon is carried on the person or within such close proximity and in such a manner that it can be retrieved and used as readily as if carried on the person.

**(m) "Sawed-off shotgun" or "sawed-off rifle"** means a shotgun having a barrel or barrels of fewer than 18 inches in length, or in the case of a rifle, having a barrel or barrels of fewer than 16 inches in length, or any dangerous weapon made from a rifle or shotgun by alteration, modification, or otherwise, if the weapon as modified has an overall length of fewer than 26 inches.

**(n) "Securely encased"** means not readily accessible for immediate use, such as held in a gun rack, or in a closed case or container, whether or not locked, or in a trunk or other storage area of a motor vehicle, not including a glove box or console box.

**76-10-503. Purchase or possession of dangerous weapon/handgun - Persons not permitted to have - Penalties.**

**(1)(a)** Any person who has been convicted of any crime of violence under the laws of the United States, this state, or any other state, government, or country, or who is addicted to the use of any narcotic drug, or who has been declared mentally incompetent may not own or have in his possession or under his custody or control any dangerous weapon as defined in this part.

**(b)** Any person who violates this section is guilty of a Class A misdemeanor, and if the dangerous weapon is a firearm or sawed-off shotgun, he is guilty of a third degree felony.

**(2)(a)** Any person who is on parole for a felony may not have in his possession or under his custody or control any dangerous weapon as defined in this part.

**(3)(a)** A person may not purchase, possess, or transfer any handgun described in this part who:

**(i)** has been convicted of any felony offense under the laws or the United States, this state, or any other state;

**(ii)** is under indictment;

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

(iv) is a drug dependent person as defined in Section 58-37-2;

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

(vi) is an alien who is illegally or unlawfully in the United States;

(vii) has been discharged from the Armed Forces under dishonorable conditions; or

(viii) is a person who, having been a citizen of the United States, has renounced such citizenship.

(b) Any person who violates subsection (3) is guilty of a third degree felony.

**76-10-509. Possession of dangerous weapon by minor.** A minor under 18 years of age may not possess a dangerous weapon unless he:

(a) has the permission of his parent or guardian to have the weapon; or

(b) is accompanied by parent or guardian while he has such weapon in his possession.

(2) Any minor under 14 years of age in possession of a dangerous weapon shall be accompanied by a responsible adult.

(3) Any person who violates this section is guilty of:

(a) a Class B misdemeanor upon the first offense; and

(b) a Class A misdemeanor for each subsequent offense.

**76-10-509.4. Prohibition of possession of certain weapons by minors.**

(1) A minor under 18 years of age may not possess a handgun.

(2) Except as provided by federal law, a minor under 18 years of age may not possess the following:

(a) a sawed-off rifle or sawed-off shotgun; or

(b) a fully automatic weapon.

(3) Any person who violates Subsection (1) is guilty of:

(a) a Class B misdemeanor upon the first offense; and

(b) a Class A misdemeanor for each subsequent offense.

(4) Any person who violates Subsection (2) is guilty of a third degree felony.

**76-10-509.5. Penalties for providing certain weapons to a minor.**

(1) Any person who provides a handgun to a minor when the possession of the handgun by the minor is a violation of Section 76-10-509.4 is guilty of:

(a) a Class B misdemeanor upon the first offense;

(b) a Class A misdemeanor for each subsequent offense.

(2) Any person who transfer in violation of applicable state or federal law a sawed-off rifle, sawed-off shotgun, or fully automatic weapon to a minor is guilty of a third degree felony.

**76-10-509.6. Parent or guardian providing firearm to violent minor.**

(1) A parent or guardian may not intentionally or knowingly provide a firearm to, or permit the possession of a firearm by, any minor who has been convicted of a crime of violence or any minor who has been adjudicated in juvenile court for an offense which would constitute a crime of violence if the

minor were an adult.

(2) Any person who violates this section is guilty of:

- (a) a Class A misdemeanor upon first offense; and
- (b) a third degree felony for each subsequent offense.

**76-10-509.7. Parent or guardian knowing of minor's possession of dangerous weapon.** Any parent or guardian of a minor who knows that the minor is in possession of a dangerous weapon in violation of Section 76-10-509 or a firearm in violation of Section 76-10-509.4 and fails to make reasonable efforts to remove the firearm from the minor's possession is guilty of a Class B misdemeanor.

**76-10-509.9. Sales of firearms to juveniles.**

(1) A person may not sell any firearm to a minor under 18 years of age unless the minor is accompanied by a parent or guardian.

(2) Any person who violates this section is guilty of a third degree felony.

**76-10-510. Possession of weapon authorized - Permit or license not required.**  
Repealed.

**76-10-520. Number or mark assigned to pistol or revolver by Department of Public Safety.** The Department of Public Safety upon request may assign a distinguishing number or mark of identification to any pistol or revolver whenever it is without a manufacturer's number, or other mark of identification or whenever the manufacturer's number or other mark of identification or the distinguishing number or mark assigned by the Department of Public Safety has been destroyed or obliterated.

**76-10-521. Unlawful marking of pistol or revolver.**

(1) Any person who places or stamps on any pistol or revolver any number except one assigned to it by the Department of Public Safety is guilty of a Class A misdemeanor.

(2) This section does not prohibit restoration by the owner of the name of the maker, model, or of the original manufacturer's number or other mark of identification when the restoration is authorized by the Department of Public Safety, nor prevent any manufacturer from placing in the ordinary course of business the name of the make, model, manufacturer's number, or other mark of identification upon a new pistol or revolver.

**76-10-522. Alteration of number or mark on pistol or revolver.** Any person who changes, alters, removes, or obliterates the name of the maker, the model, manufacturer's number, or other mark of identification, including any distinguishing number or mark assigned by the Department of Public Safety, on any pistol or revolver, without first having secured written permission from the Department of Public Safety to make the change, alteration, or removal, shall be guilty of a Class A misdemeanor.

**76-10-523. Persons exempt from weapons laws.**

(1) This part and Title 53, Chapter 5, Part 7, Concealed Weapon Act, do not apply to any of the following:

- (a) United States marshals while engaged in the performance of their official

duties;

(b) federal officials required to carry firearms while engaged in the performance of their official duties;

(c) a peace officer of this or any other jurisdiction while engaged in the performance of their official duties;

(d) a law enforcement official as defined and qualified under Section 53-5-710;

(e) a judge as defined and qualified in Section 53-5-710;

(f) common carriers while engaged in the regular and ordinary transport of firearms as merchandise; or

(g) nonresidents traveling in or through the state, provided that any firearm is

(i) unloaded; and

(ii) securely enclosed as defined in Section 76-10-501.

(2) The provisions of Subsections 76-10-504(1)(a), (1)(b), and Section 76-10-505 do not apply to any person to whom a permit to carry a concealed firearm has been issued:

(a) pursuant to Section 53-5-704; or

(b) by another state whose requirements for issuance of a concealed firearm permit have been determined annually by the Department of Public Safety to meet or exceed the requirements for issuance of a concealed firearm permit in this state.

**76-10-526. Criminal background check prior to purchase of a handgun.**

(1) To establish personal identification and residence in this state for purposes of this part, a dealer shall require any person receiving a handgun to present:

(a) one photo identification on a form issued by a governmental agency of the state; and

(b) one other documentation of residence which must show an address identical to that shown on the photo identification form.

(2) A criminal history background check is required for the sale of a handgun by a licensed firearms dealer in the state.

(3) Any person purchasing a handgun from a dealer shall consent in writing to a criminal background check, on a form provided by the division. The form shall also contain the following information:

(a) the dealer identification number;

(b) the name and address of the person receiving the handgun;

(c) the date of birth, height, weight, eye color, and hair color of the person receiving the handgun; and

(d) the social security number or any other identification number of the person receiving the handgun.

(4)(a) The dealer shall send the form required by Subsection (3) to the division immediately upon its completion.

(b) No dealer shall sell or transfer any handgun to any person until the dealer has provided the division with the information in Subsection (3) and has received approval from the division under Subsection (5).

(5) The dealer shall make a result for criminal history background information by telephone to the division and shall receive approval or denial of the inquiry by telephone.

(6) When the dealer calls for a criminal history background check, the divi-

sion shall:

- (a) review the criminal history files to determine if the person is prohibited from purchasing, possessing, or transferring a handgun by state or federal law;
  - (b) inform the dealer that:
    - (i) the criminal record indicated the person is so prohibited; or
    - (ii) the person is approved for purchasing, possessing, or transferring a handgun;
  - (c) provide the dealers with a unique transaction number for that inquiry; and
  - (d) provide a response to the requesting dealer during the call for a criminal background, or by return call without delay, except in case of electronic failure or other circumstances beyond the control of the division, the division shall advise the dealer of the reason for such delay and give the dealer an estimate of the length of such delay.
- (7) The division shall not maintain complete records of the criminal history background check longer than 20 days from the date of the dealer's request if the division determines that the person receiving the gun is not prohibited from purchasing, possessing, or transferring the handgun under state or federal law. However, the division shall maintain a log of requests containing the dealer's federal firearms number, the transaction number, and the transaction date for a period of 12 months.
- (8) If the criminal history background check discloses information indicating that the person receiving the handgun is prohibited from purchasing, possessing, or transferring a handgun, the division shall inform the chief law enforcement officer in the jurisdiction where the person resides.
- (9) If a person is denied the right to purchase a handgun under this section, the person may review his criminal history information and may challenge or amend the information as provided in Subsection 53-5-214(8).
- (10) The division shall make rules as provided in Title 63, Chapter 46a, Utah Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of all records provided by the division pursuant to this part and in conformance with the requirements of the Brady handgun Violence Prevention Act, Pub. L. No 103-159, 107 Stat. 1536 (1993).
- (11)(a) All dealers shall collect a fee established by the division in accordance with section 63-38-3.2 for every criminal history background check done pursuant to this part. Until changed by the division through this process, the fee shall be \$7.50.
- (b) The dealer shall forward at one time all fees collected for criminal history background checks performed during the month to the division by the last day of the month following the sale of a handgun. The division may retain the fees as dedicated credits to cover the cost of administering and conducting the criminal history background check program.

#### **76-10-527. Penalties.**

- (1) A dealer is guilty of a Class A misdemeanor who willfully and intentionally:
- (a) request, obtains, or seeks to obtain criminal history background information under false pretenses; or
  - (b) disseminates criminal history background information.
- (2) A person who purchases or transfers a handgun is guilty of a felony of

the third degree who willfully and intentionally makes a false statement of the information required in Subsection 76-10-526(3).

(3) A dealer is guilty of a felony of the third degree if the dealer willfully and intentionally sells or transfers a handgun in violation of this part.

(4) A person is guilty of a felony of the third degree who purchases a handgun with the intent to:

(a) resell or otherwise provide a handgun to any person who is ineligible to purchase or receive from a dealer a handgun; or

(b) transport a handgun out of this state to be resold to an ineligible person.

**Publisher's Note:**

**The following jurisdiction restricts the possession of "any device or attachment of a kind designed, used or intended for use in silencing the report of any firearm."**

Salt Lake County