

Utah Code Annotated

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**TITLE 53 Public Safety Code
Chapter 5 Regulation of Firearms
Part 7 Concealed Firearm Act**

53-5-701. Title. This part is known as the "Concealed Firearm Act."

53-5-702. Definitions. In addition to the definitions in § 76-10-501, as used in this part:

- (1) **"Active duty service member"** means a person on active military duty with the United States military and includes full time military active duty, military reserve active duty, and national guard military active duty service members stationed in Utah.
- (2) **"Active duty service member spouse"** means a person recognized by the military as the spouse of an active duty service member and who resides with the active duty service member in Utah.
- (3) **"Board"** means the Concealed Firearm Review Board created in § 53-5-703.
- (4) **"Bureau"** means the Bureau of Criminal Identification created in § 53-10-201 within the Department of Public Safety.
- (5) **"Commissioner"** means the commissioner of the Department of Public Safety.
- (6) **"Conviction"** means criminal conduct where the filing of a criminal charge has resulted in:
 - (a) a finding of guilt based on evidence presented to a judge or jury;
 - (b) a guilty plea;
 - (c) a plea of nolo contendere;
 - (d) a plea of guilty or nolo contendere which is held in abeyance pending the successful completion of probation;
 - (e) a pending diversion agreement; or
 - (f) a conviction which has been reduced pursuant to § 76-3-402.

53-5-703. Board – Membership – Compensation – Terms – Duties.

- (1) There is created within the bureau the Concealed Firearm Review Board.
- (7) The board, upon receiving a timely filed petition for review, shall review within a reasonable time the denial, suspension, or revocation of a permit or a temporary permit to carry a concealed firearm.

53-5-704. Bureau duties – Permit to carry concealed firearm – Certification for concealed firearms instructor – Requirements for issuance – Violation – Denial, suspension, or revocation – Appeal procedure.

- (1)(a) The bureau shall issue a permit to carry a concealed firearm for lawful self defense to an applicant who is 21 years of age or older within 60 days after receiving an application, unless the bureau finds proof that the applicant does not meet the qualifications set forth in Subsection (2).
- (b) The permit is valid throughout the state for 5 years, without restriction, except as otherwise provided by § 53-5-710.
- (c) The provisions of Subsections 76-10-504(1) and (2), and § 76-10-505 do not apply to a person issued a permit under Subsection (1)(a).
- (d) Subsection (4)(a) does not apply to a nonresident:
 - (i) active duty service member, who present to the bureau orders requiring the active duty service member to report for duty in this state; or
 - (ii) an active duty service member's spouse, stationed with the active duty service member, who presents to the bureau the active duty service member's orders requiring the service member to report for duty in this state.
- (2)(a) The bureau may deny, suspend, or revoke a concealed firearm permit if the applicant or permit holder:
 - (i) has been or is convicted of a felony;
 - (ii) has been or is convicted of a crime of violence;
 - (iii) has been or is convicted of an offense involving the use of alcohol;
 - (iv) has been or is convicted of an offense involving the unlawful use of narcotics or other controlled substances;
 - (v) has been or is convicted of an offense involving moral turpitude;
 - (vi) has been or is convicted of an offense involving domestic violence;

(vii) has been or is adjudicated by a state or federal court as mentally incompetent, unless the adjudication has been withdrawn or reversed; and

(viii) is not qualified to purchase and possess a firearm pursuant to § 76-10-503 and federal law.

(b) In determining whether an applicant or permit holder meets the qualifications set forth in Subsection (2)(a), the bureau shall consider mitigating circumstances.

(3)(a) The bureau may deny, suspend, or revoke a concealed firearm permit if it has reasonable cause to believe that the applicant or permit holder has been or is a danger to self or others as demonstrated by evidence, including:

(i) past pattern of behavior involving unlawful violence or threats of unlawful violence;

(ii) past participation in incidents involving unlawful violence or threats of unlawful violence; or

(iii) conviction of an offense in violation of Title 76, Chapter 10, Part 5, Weapons.

(b) The bureau may not deny, suspend, or revoke a concealed firearm permit solely for a single conviction of an infraction violation of Title 76, Chapter 10, Part 5, Weapons.

(c) In determining whether the applicant or permit holder has been or is a danger to self or others, the bureau may inspect:

(i) expunged records of arrests and convictions of adults as provided in § 77-40-109; and

(ii) juvenile court records as provided in § 78A-6-209.

(4)(a) In addition to meeting the other qualifications for the issuance of a concealed firearm permit under this section, a nonresident applicant who resides in a state that recognizes the validity of the Utah permit or has reciprocity with Utah's concealed firearm permit law shall:

(i) hold a current concealed firearm or concealed weapon permit issued by the appropriate permitting authority of the nonresident applicant's state of residency; and

(ii) submit a photocopy or electronic copy of the nonresident applicant's current concealed firearm or concealed weapon permit referred to in Subsection (4)(a)(i).

(b) A nonresident applicant who knowingly and willfully provides false information to the bureau under Subsection (4)(a) is prohibited from holding a Utah concealed firearm permit for a period of 10 years.

(c) Subsection (4)(a) applies to all applications for the issuance of a concealed firearm permit that are received by the bureau after May 10, 2011.

(d) Beginning January 1, 2012, Subsection (4)(a) also applies to an application for renewal of a concealed firearm permit by a nonresident.

(5) The bureau shall issue a concealed firearm permit to a former peace officer who departs full-time employment as a peace officer, in an honorable manner, within 5 years of that departure if the officer meets the requirements of this section.

(6) Except as provided in Subsection (7), the bureau shall also require the applicant to provide:

(a) the address of the applicant's permanent residence;

(b) one recent dated photograph;

(c) one set of fingerprints; and

(d) evidence of general familiarity with the types of firearms to be concealed as defined in Subsection (8).

(7) An applicant who is a law enforcement officer under § 53-13-103 may provide a letter of good standing from the officer's commanding officer in place of the evidence required by Subsection (6)(d).

(8)(a) General familiarity with the types of firearms to be concealed includes training in:

(i) the safe loading, unloading, storage, and carrying of the types of firearms to be concealed; and

(ii) current laws defining lawful use of a firearm by a private citizen, including lawful self-defense, use of force by a private citizen, including use of deadly force, transportation, and concealment.

(b) An applicant may satisfy the general familiarity requirement of Subsection (8)(a) by one of the following:

(i) completion of a course of instruction conducted by a national, state, or local firearms training organization approved by the bureau;

(ii) certification of general familiarity by a person who has been certified by the bureau, which may include a law enforcement officer, military or civilian firearms instructor, or hunter safety instructor; or

(iii) equivalent experience with a firearm through participation in an organized shooting competition, law enforcement, or military service.

(c) Instruction taken by a student under Subsection (8) shall be in person and not through electronic means.

(9)(a) An applicant for certification as a Utah concealed firearms instructor shall:

(i) be at least 21 years of age;

(ii) be currently eligible to possess a firearm under § 76-10-503;

(iii) have:

(A) completed a firearm instruction training course from the National Rifle Association or the Department of Public Safety, Division of Peace Officer Safety Standards and Training; or

(B) received training equivalent to one of the courses referred to in Subsection (9)(a)(iii)(A) as determined by the bureau;

(iv) have taken a course of instruction and passed a certification test as described in Subsection (9)(c); and

(v) possess a Utah concealed firearm permit.

(b) An instructor's certification is valid for 3 years from the date of issuance, unless revoked by the bureau.

(c) (i) In order to obtain initial certification or renew a certification, an instructor shall attend an instructional course and pass a test under the direction of the bureau.

(ii) (A) The bureau shall provide or contract to provide the course referred to in Subsection (9)(c)(i) twice every year.

(B) The course shall include instruction on current Utah law related to firearms, including concealed carry statutes and rules, and the use of deadly force by private citizens.

(d) (i) Each applicant for certification under this Subsection (9) shall pay a fee of \$50 at the time of application for initial certification.

(ii) The renewal fee for the certificate is \$25.

(iii) The bureau may use a fee paid under Subsections (9)(d)(i) and (ii) as a dedicated credit to cover the cost incurred in maintaining and improving the instruction program required for concealed firearm instructors under this Subsection (9).

(10) A certified concealed firearms instructor shall provide each of the instructor's students with the required course of instruction outline approved by the bureau.

(11) (a) (i) A concealed firearms instructor shall provide a signed certificate to a person successfully completing the offered course of instruction.

(ii) The instructor shall sign the certificate with the exact name indicated on the instructor's certification issued by the bureau under Subsection (9).

(iii) (A) The certificate shall also have affixed to it the instructor's official seal, which is the exclusive property of the instructor and may not be used by any other person.

(B) The instructor shall destroy the seal upon revocation or expiration of the instructor's certification under Subsection (9).

(C) The bureau shall determine the design and content of the seal to include at least the following:

(I) the instructor's name as it appears on the instructor's certification;

(II) the words "Utah Certified Concealed Firearms Instructor," "state of Utah," and "my certification expires on (the instructor's certification expiration date)"; and

(III) the instructor's business or residence address.

(D) The seal shall be affixed to each student certificate issued by the instructor in a manner that does not obscure or render illegible any information or signatures contained in the document.

(b) The applicant shall provide the certificate to the bureau in compliance with Subsection (6)(d).

(12) The bureau may deny, suspend, or revoke the certification of an applicant or a concealed firearms instructor if it has reason to believe the applicant or the instructor has:

(a) become ineligible to possess a firearm under § 76-10-503 or federal law; or

(b) knowingly and willfully provided false information to the bureau.

(13) An applicant for certification or a concealed firearms instructor has the same appeal rights as set forth in Subsection (16).

(14) In providing instruction and issuing a permit under this part, the concealed firearms instructor and the bureau are not vicariously liable for damages caused by the permit holder.

(15) An individual who knowingly and willfully provides false information on an application filed under this part is guilty of a class B misdemeanor, and the application may be denied, or the permit may be suspended or revoked.

(16)(a) In the event of a denial, suspension, or revocation of a permit, the applicant or permit holder may file a petition for review with the board within 60 days from the date the denial, suspension, or revocation is received by the applicant or permit holder by certified mail, return receipt requested.

(b) The bureau's denial of a permit shall be in writing and shall include the general reasons for the action.

(c) If an applicant or permit holder appeals the denial to the review board, the applicant or permit holder may have access to the evidence upon which the denial is based in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

(d) On appeal to the board, the bureau has the burden of proof by a preponderance of the evidence.

(e) (i) Upon a ruling by the board on the appeal of a denial, the board shall issue a final order within 30 days stating the board's decision.

(ii) The final order shall be in the form prescribed by Subsection 63G-4-203(1)(i).

(iii) The final order is final bureau action for purposes of judicial review under § 63G-4-402.

(17) The commissioner may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to administer this chapter.

53-5-705. Temporary permit to carry concealed firearm – Denial, suspension, or revocation – Appeal.

(1) The bureau or its designated agent may issue a temporary permit to carry a concealed firearm to a person who:

(a) has applied for a permit under § 53-5-704;

(b) has applied for a temporary permit under this section; and

(c) meets the criteria required in Subsections (2) and (3).

(2) To receive a temporary permit under this section, the applicant shall demonstrate in writing to the satisfaction of the bureau extenuating circumstances that would justify issuing a temporary permit.

(3) A temporary permit may not be issued under this section until preliminary record checks regarding the applicant have been made with the National Crime Information Center and the bureau to determine any criminal history.

(4) (a) A temporary permit is valid only for a maximum of 90 days or any lesser period specified by the bureau, or until a permit under § 53-5-704 is issued to the holder of the temporary permit, whichever period is shorter.

(b) The provisions of Subsections 76-10-504(1) and (2) and § 76-10-505 do not apply to a person issued a temporary permit under this section during the time period for which the temporary permit is valid.

(5) The bureau may deny, suspend, or revoke a temporary permit prior to expiration if the commissioner determines:

(a) the circumstances justifying the temporary permit no longer exist; or

(b) the holder of the temporary permit does not meet the requirements for a permit under § 53-5-704.

(6) (a) The denial, suspension, or revocation of a temporary permit shall be in writing and shall include the reasons for the action.

(b) The bureau's decision to deny, suspend, or revoke a temporary permit may not be appealed to the board.

(c) Denial, suspension, or revocation under this subsection is final action for purposes of judicial review under § 63G-4-402.

53-5-706. Permit – Fingerprints transmitted to bureau – Report from bureau.

(1)(a) Except as provided in Subsection (2), the fingerprints of each applicant shall be taken on a form prescribed by the bureau.

(b) Upon receipt of the fingerprints and the fee prescribed in § 53-5-707, the bureau shall conduct a search of its files for criminal history information pertaining to the applicant, and shall request the Federal Bureau of Investigation to conduct a similar search through its files.

(c) If the fingerprints are insufficient for the Federal Bureau of Investigation to conduct a search of its files for criminal history information, the application or concealed firearm permit may be denied, suspended, or revoked until sufficient fingerprints are submitted by the applicant.

(2)(a) If the permit applicant has previously applied to the bureau for a permit to carry concealed firearms, the bureau shall note the previous identification numbers and other data which would provide positive identification in the files of the bureau on the copy of any subsequent permit submitted to the bureau in accordance with this section.

(b) No additional application form, fingerprints, or fee are required under this Subsection (2).

53-5-707. Concealed firearm permit – Fees – Concealed Weapons Account.

(1)(a) An applicant for a concealed firearm permit shall pay a fee of \$24.75 at the time of filing an application.

(b) A nonresident applicant shall pay an additional \$10 for the additional cost of processing a nonresident application.

(c) The bureau shall waive the initial fee for an applicant who is a law enforcement officer under § 53-13-103.

(d) Concealed firearm permit renewal fees for active duty service members and the spouse of an active duty service member shall be waived.

(2) The renewal fee for the permit is \$15.

(3) The replacement fee for the permit is \$10.

(4)(a) The late fee for the renewal permit is \$7.50.

(b) As used in this section, "late fee" means the fee charged by the bureau for a renewal submitted on a permit that has been expired for more than 30 days but less than one year.

(6)(a) The bureau may collect any fees charged by an outside agency for additional services required by statute as a prerequisite for issuance of a permit.

(b) The bureau may modify the fee under Subsection (1)(a) by adjusting that fee so that the total of the fee under Subsection (1)(a) and the fee under Subsection (6)(a) is the nearest even dollar amount to that total.

53-5-708. Permit – Names private.

(1)(a) The bureau shall maintain a record in its office of any permit issued under this part.

(b) Notwithstanding the requirements of Subsection 63G-2-301(2)(b), the names, addresses, telephone numbers, dates of birth, and Social Security numbers of persons receiving permits are protected records under Subsection 63G-2-305(11).

(c) Notwithstanding § 63G-2-206, a person may not share any of the information listed in Subsection (1)(b) with any office, department, division, or other agency of the federal government unless:

(i) the disclosure is necessary to conduct a criminal background check on the individual who is the subject of the information;

(ii) the disclosure of information is made pursuant to a court order directly associated with an active investigation or prosecution of the individual who is the subject of the information;

(iii) the disclosure is made to a criminal justice agency in a criminal investigation or prosecution;

(iv) the disclosure is made by a law enforcement agency within the state to another law enforcement agency in the state or in another state in connection with an investigation, including a preliminary investigation, or a prosecution of the individual who is the subject of the information;

(v) the disclosure is made by a law enforcement agency within the state to an employee of a federal law enforcement agency in the course of a combined law enforcement effort involving the law enforcement agency within the state and the federal law enforcement agency; or

(vi) the disclosure is made in response to a routine request that a federal law enforcement officer makes to obtain information on an individual whom the federal law enforcement officer detains, including for a traffic stop, or questions because of the individual's suspected violation of state law.

- (d) A person is guilty of a class A misdemeanor if the person knowingly:
 - (i) discloses information listed in Subsection (1)(b) in violation of the provisions under Title 63G, Chapter 2, Government Records Access and Management Act, applicable to protected records; or
 - (ii) shares information in violation of Subsection (1)(c).
 - (e) (i) As used in this Subsection (1)(e), "governmental agency" means:
 - (A) the state or any department, division, agency, or other instrumentality of the state; or
 - (B) a political subdivision of the state, including a county, city, town, school district, local district, and special service district.
 - (ii) A governmental agency may not compel or attempt to compel an individual who has been issued a concealed firearm permit to divulge whether the individual:
 - (A) has been issued a concealed firearm permit; or
 - (B) is carrying a concealed firearm.
 - (iii) Subsection (1)(e)(ii) does not apply to a law enforcement officer.
- (2) The bureau shall immediately file a copy of each permit it issues under this part.

53-5-710. Cross-references to concealed firearm permit restrictions. A person with a permit to carry a concealed firearm may not carry a concealed firearm in the following locations:

- (1) any secure area prescribed in § 76-10-523.5 in which firearms are prohibited and notice of the prohibition posted;
- (2) in any airport secure area as provided in § 76-10-529; or
- (3) in any house of worship or in any private residence where dangerous weapons are prohibited as provided in § 76-10-530.

53-5-711. Law enforcement officials and judges – Training requirements – Qualification – Revocation.

- (1) For purposes of this section and § 76-10-523:
 - (a) "Judge" means a judge or justice of a court of record or court not of record, but does not include a judge pro tem or senior judge.
 - (b) "Law enforcement official of this state" means:
 - (i) a member of the Board of Pardons and Parole;
 - (ii) a district attorney, deputy district attorney, county attorney or deputy county attorney of a county not in a prosecution district;
 - (iii) the attorney general;
 - (iv) an assistant attorney general designated as a criminal prosecutor; or
 - (v) a city attorney or a deputy city attorney designated as a criminal prosecutor.
- (2) To qualify for an exemption in § 76-10-523, a law enforcement official or judge shall complete the following training requirements:
 - (a) meet the requirements of §§ 53-5-704, 53-5-706, and 53-5-707; and
 - (b) successfully complete an additional course of training as established by the commissioner of public safety designed to assist them while carrying out their official law enforcement and judicial duties as agents for the state or its political subdivisions.
- (3) Annual requalification requirements for law enforcement officials and judges shall be established by the commissioner of public safety. Additional requalification requirements may be established by the:
 - (a) Board of Pardons and Parole by rule for its members;
 - (b) Judicial Council by rule for judges; and
 - (c) the district attorney, county attorney in a county not in a prosecution district, the attorney general, or city attorney by policy for prosecutors under their jurisdiction.
- (4) The bureau may:
 - (a) issue a certificate of qualification to a judge or law enforcement official who has completed the requirements of Subsection (2), which certificate of qualification is valid until revoked;
 - (b) revoke the certificate of qualification of a judge or law enforcement official who:
 - (i) fails to meet the annual requalification criteria established pursuant to Subsection (3);
 - (ii) would be subject to revocation of a concealed firearm permit under Subsection 53-5-704(2)(a); or
 - (iii) is no longer employed as a judge or law enforcement official as defined in Subsection (1); and
 - (c) certify instructors for the training requirements of this section.

53-5-712. Armed Forces – Permit requirements – Exemptions.

An active duty service member of the United States Armed Forces who possesses a Utah concealed firearm permit is exempt from the requirement in Subsection 53-5-704(4)(a) when renewing a Utah concealed firearm permit.

Chapter 5a Firearm Laws

53-5a-102. Uniform firearm laws.

- (1) The individual right to keep and bear arms being a constitutionally protected right under Article I, § 6 of the Utah Constitution, the Legislature finds the need to provide uniform civil and criminal firearm laws throughout the state.
- (2) Except as specifically provided by state law, a local authority or state entity may not:

(a) prohibit an individual from owning, possessing, purchasing, selling, transferring, transporting, or keeping a firearm at the individual's place of residence, property, business, or in any vehicle lawfully in the individual's possession or lawfully under the individual's control; or

(b) require an individual to have a permit or license to purchase, own, possess, transport, or keep a firearm.

(3) In conjunction with Title 76, Chapter 10, Part 5, Weapons, this section is uniformly applicable throughout this state and in all its political subdivisions and municipalities.

(4) All authority to regulate firearms is reserved to the state except where the Legislature specifically delegates responsibility to local authorities or state entities.

(5) Unless specifically authorized by the Legislature by statute, a local authority or state entity may not enact, establish, or enforce any ordinance, regulation, rule, or policy pertaining to firearms that in any way inhibits or restricts the possession or use of firearms on either public or private property.

(6) As used in this section:

(a) "firearm" has the same meaning as defined in § 76-10-501; and

(b) "local authority or state entity" includes public school districts, public schools, and state institutions of higher education.

(7) Nothing in this section restricts or expands private property rights.

53-5a-103. Discharge of firearm on private property – Liability.

(1) Except as provided under Subsection (2), a private property owner, who knowingly allows a person who has a permit to carry a concealed firearm under § 53-5-704 to bring the firearm onto the owner's property, is not civilly or criminally liable for any damage or harm resulting from the discharge of the firearm by the permit holder while on the owner's property.

(2) Subsection (1) does not apply if the property owner solicits, requests, commands, encourages, or intentionally aids the concealed firearm permit holder in discharging the firearm while on the owner's property.

53-5a-104. Firearm transfer certification.

(1) As used in this section:

(a) "Certification" means the participation and assent of the chief law enforcement officer necessary under federal law for the approval of the application to transfer or make a firearm.

(b) "Chief law enforcement officer" means any official the Bureau of Alcohol, Tobacco, Firearms and Explosives, or any successor agency, identifies by regulation or otherwise as eligible to provide any required certification for the making or transfer of a firearm.

(c) "Firearm" means the same as that term is defined in the National Firearms Act, 26 U.S.C. Sec. 5845(a).

(2) A chief law enforcement officer may not make a certification under this section that the chief law enforcement officer knows to be untrue. The chief law enforcement officer may not refuse to provide certification based on a generalized objection to private persons or entities making, possessing, or receiving firearms or any certain type of firearm, the possession of which is not prohibited by law.

(3) Upon receiving a federal firearm transfer form a chief law enforcement officer or the chief law enforcement officer's designee shall provide certification if the applicant:

(a) is not prohibited by law from receiving or possessing the firearm; or

(b) is not the subject of a proceeding that could result in the applicant being prohibited by law from receiving or possessing the firearm.

(4) The chief law enforcement officer, the chief law enforcement officer's designee, or official signing the federal transfer form shall:

(a) return the federal transfer form to the applicant within 15 calendar days; or

(b) if the applicant is denied, provide to the applicant the reasons for denial in writing within 15 calendar days.

(5) Chief law enforcement officers and their employees who act in good faith when acting within the scope of their duties are immune from liability arising from any act or omission in making a certification as required by this section. Any action taken against a chief law enforcement officer or an employee shall be in accordance with Title 63G, Chapter 7, Governmental Immunity Act of Utah.

Chapter 5c Firearms Safe Harbor

Part 1 General Provisions

53-5c-102. Definitions.

(1) "**Cohabitant**" means a person who is 21 years of age or older who resides in the same residence as the other party.

(2) "**Firearm**" means a pistol, revolver, shotgun, short barrel shotgun, rifle or short barrel rifle, or a device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive.

(3) "**Illegal firearm**" means a firearm the ownership or possession of which is prohibited under state or federal law.

(4) "**Law enforcement agency**" means a municipal or county police agency or an officer of that agency.

(5) "**Owner cohabitant**" means a cohabitant who owns, in whole or in part, a firearm.

(6) "**Public interest use**" means:

(a) use by a government agency as determined by the legislative body of the agency's jurisdiction; or

(b) donation to a bona fide charity.

Part 2 Voluntary Commitment of Firearm

53-5c-201. Voluntary commitment of a firearm by owner cohabitant – Law enforcement to hold firearm.

(1) (a) An owner cohabitant may voluntarily commit a firearm to a law enforcement agency for safekeeping if the owner cohabitant believes that another cohabitant is an immediate threat to:

- (i) himself or herself;
- (ii) the owner cohabitant; or
- (iii) any other person.

(b) A law enforcement agency may not hold a firearm under this section if the law enforcement agency obtains the firearm in a manner other than the owner cohabitant voluntarily presenting, of his or her own free will, the firearm to the law enforcement agency at the agency's office.

(2) Unless a firearm is an illegal firearm subject to § 53-5c-202, a law enforcement agency that receives a firearm in accordance with this chapter shall:

- (a) record:
 - (i) the owner cohabitant's name, address, and phone number;
 - (ii) the firearm serial number; and
 - (iii) the date that the firearm was voluntarily committed;
- (b) require the owner cohabitant to sign a document attesting that the owner cohabitant has an ownership interest in the firearm;
- (c) hold the firearm in safe custody for 60 days after the day on which it is voluntarily committed; and
- (d) upon proof of identification, return the firearm to:
 - (i) the owner cohabitant after the expiration of the 60-day period or, if the owner cohabitant requests return of the firearm before the expiration of the 60-day period, at the time of the request; or
 - (ii) to an owner other than the owner cohabitant in accordance with § 53-5c-202.

(3) The law enforcement agency shall hold the firearm for an additional 60 days:

- (a) if the initial 60-day period expires; and
 - (b) the owner cohabitant requests that the law enforcement agency hold the firearm for an additional 60 days.
- (4) A law enforcement agency may not request or require that the owner cohabitant provide the name or other information of the cohabitant who poses an immediate threat or any other cohabitant.
- (5) Notwithstanding an ordinance or policy to the contrary adopted in accordance with § 63G-2-701, a law enforcement agency shall destroy a record created under Subsection (2), Subsection 53-5c-202(4)(b)(iii), or any other record created in the application of this chapter no later than 5 days after:

- (a) returning a firearm in accordance with Subsection (2)(d); or
 - (b) appropriating, selling, or destroying the firearm in accordance with § 53-5c-202.
- (6) Unless otherwise provided, the provisions of Title 77, Chapter 24a, Lost or Mislaid Personal Property, do not apply to a firearm received by a law enforcement agency in accordance with this chapter.
- (7) A law enforcement agency shall adopt a policy for the safekeeping of a firearm held in accordance with this chapter.

53-5c-202. Illegal firearms confiscated – Disposition of unclaimed firearm.

(1) If a law enforcement agency receives a firearm in accordance with § 53-5c-201, and the firearm is an illegal firearm, the law enforcement agency shall:

- (a) notify the owner cohabitant attempting to voluntarily commit the firearm that the firearm is an illegal firearm; and
 - (b) confiscate the firearm and dispose of it as the head of the law enforcement agency determines.
- (2) (a) If a law enforcement agency cannot, after a reasonable attempt, locate an owner cohabitant to return a firearm in accordance with § 53-5c-201, the law enforcement agency may:
- (i) appropriate the firearm to public interest use as provided in Subsection (3);
 - (ii) sell the firearm at public auction as provided by law and appropriate the proceeds of the sale to public interest use;
- or
- (iii) destroy the firearm if unfit for sale.

(b) A law enforcement agency may take an action in accordance with Subsection (2)(a) no earlier than 1 year after the day on which the owner cohabitant initially voluntarily commits the firearm in accordance with § 53-5c-201.

(3) Before appropriating the firearm to public interest use, the law enforcement agency, having possession of the firearm, shall obtain from the legislative body of its jurisdiction:

- (a) permission to appropriate the firearm to public interest use; and
- (b) the designation and approval of the public interest use of the firearm.

(4) (a) If a person other than an owner cohabitant who voluntarily commits a firearm in accordance with § 53-5c-201 claims ownership of the firearm, the person may:

- (i) request that the law enforcement agency return the firearm in accordance with Subsection (4)(b); or
 - (ii) petition the court for the firearm's return in accordance with Subsection (4)(c).
- (b) Except as provided in § 53-5c-201, the law enforcement agency shall return a firearm to a person other than an owner cohabitant who claims ownership of the firearm if:
- (i) the 60-day period described in § 53-5c-201 has expired;

- (ii) the person provides identification; and
- (iii) the person signs a document attesting that the person has an ownership interest in the firearm.
- (c) After sufficient notice is given to the prosecutor, the court may order that the firearm be:
 - (i) returned to the rightful owner as determined by the court;
 - (ii) converted to public interest use; or
 - (iii) destroyed.
- (d) A law enforcement agency shall return a firearm ordered returned to the rightful owner as expeditiously as possible after a court determination.

Chapter 5d Lawful Commerce in Arms Act

53-5d-102. Definitions. As used in this chapter:

- (1) "**Ammunition**" means a bullet, a cartridge case, primer, propellant powder, or other ammunition designed for use in any firearm, either as an individual component part or in a completely assembled cartridge.
- (2) "**Manufacturer**" means, with respect to a qualified product, a person who is engaged in the business of manufacturing a qualified product and who is licensed to engage in business as a manufacturer under 18 U.S.C. Chapter 44.
- (3) "**Negligent entrustment**" means the supplying of a qualified product by a seller for use by another person when the seller knows, or reasonably should know, the person to whom the product is supplied is likely to, and does, use the product in a manner involving unreasonable risk of physical injury to the person or others.
- (4) "**Person**" means the same as that term is defined in § 68-3-12.5.
- (5) (a) "**Qualified civil liability action**" means a civil action or proceeding or an administrative proceeding brought by any person against a manufacturer or seller of a qualified product, or a trade association, for damages, punitive damages, injunctive or declaratory relief, abatement, restitution, fines, or penalties, or other relief, resulting from the criminal or unlawful misuse of a qualified product by the person or a third party.
 - (b) "Qualified civil liability action" does not include:
 - (i) an action brought against a transferor convicted under 18 U.S.C. Sec. 924(h) or § 76-10-503 by a party directly harmed by the conduct of which the transferee was convicted;
 - (ii) an action brought against a seller for negligent entrustment or negligence per se;
 - (iii) an action in which a manufacturer or seller of a qualified product knowingly violated a state or federal statute applicable to the sale or marketing of the product, and the violation was a proximate cause of the harm for which relief is sought, including:
 - (A) any incident in which the manufacturer or seller knowingly made any false entry in, or failed to make appropriate entry in, any record required to be kept under federal or state law with respect to the qualified product, or aided, abetted, or conspired with any person in making any false or fictitious oral or written statement with respect to any fact material to the lawfulness of the sale or other disposition of a qualified product; or
 - (B) any case in which the manufacturer or seller aided, abetted, or conspired with any other person to sell or otherwise dispose of a qualified product, knowing, or having reasonable cause to believe, that the actual buyer of the qualified product was prohibited from possessing or receiving a firearm or ammunition under 18 U.S.C. Sec. 922(g) or (n) or § 76-10-503;
 - (iv) an action for breach of contract or warranty in connection with the purchase of the product;
 - (v) an action for death, physical injuries, or property damage resulting directly from a defect in design or manufacture of the product, when used as intended or in a reasonably foreseeable manner, except that where the discharge of the product was caused by a volitional act that constituted a criminal offense, then the act shall be considered the sole proximate cause of any resulting death, personal injuries, or property damage; or
 - (vi) an action or proceeding commenced to enforce the provisions of 18 U.S.C. Chapter 44, 26 U.S.C. Chapter 53, or Title 76, Chapter 10, Part 5, Weapons.
- (6) "**Qualified product**" means a firearm or antique firearm, as defined in § 76-10-501, ammunition, or a component part of a firearm or ammunition.
- (7) "**Seller**" means, with respect to a qualified product, a federal firearms licensee, as defined in § 76-10-501.
- (8) "**Trade association**" means:
 - (a) any corporation, unincorporated association, federation, business league, or professional or business organization not organized or operated for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual;
 - (b) an organization described in 26 U.S.C. Sec. 501(c)(6) and exempt from tax under 26 U.S.C. Sec. 501(a); and
 - (c) an organization, 2 or more members of which are manufacturers or sellers of a qualified product.
- (9) "**Unlawful misuse**" means conduct that violates a statute, ordinance, or regulation as it relates to the use of a qualified product.

53-5d-103. Limitations on liability.

- (1) A manufacturer or seller of a qualified product, or trade association, is not subject to a qualified civil liability action regarding the unlawful misuse of a qualified product unless an injury or death results from an act or omission of the manufacturer, seller, or trade association that constitutes gross negligence, recklessness, or intentional misconduct.

(2) A civil liability action against a manufacturer, seller, or trade association that does not allege any of the provisions of Subsection 53-5d-102(5)(b) shall be dismissed.

TITLE 76 Utah Criminal Code
Chapter 3 Punishments
Part 2 Sentencing

76-3-203.2. Definitions – Use of dangerous weapon in offenses committed on or about school premises – Enhanced penalties.

(1) (a) As used in this section "on or about school premises" means:

(i) (A) in a public or private elementary or secondary school; or

(B) on the grounds of any of those schools;

(ii) (A) in a public or private institution of higher education; or

(B) on the grounds of a public or private institution of higher education;

(iii) within 1,000 feet of any school, institution, or grounds included in Subsections (1)(a)(i) and (ii); and

(iv) in or on the grounds of a preschool or child care facility.

(b) As used in this section:

(i) "Dangerous weapon" has the same definition as in § 76-1-601.

(ii) "Educator" means a person who is:

(A) employed by a public school district; and

(B) required to hold a certificate issued by the State Board of Education in order to perform duties of employment.

(iii) "Within the course of employment" means that an educator is providing services or engaging in conduct required by the educator's employer to perform the duties of employment.

(2) A person who, on or about school premises, commits an offense and uses or threatens to use a dangerous weapon, as defined in § 76-1-601, in the commission of the offense is subject to an enhanced degree of offense as provided in Subsection (4).

(3) (a) A person who commits an offense against an educator when the educator is acting within the course of employment is subject to an enhanced degree of offense as provided in Subsection (4).

(b) As used in Subsection (3)(a), "offense" means:

(i) an offense under Title 76, Chapter 5, Offenses Against the Person; and

(ii) an offense under Title 76, Chapter 6, Part 3, Robbery.

(4) If the trier of fact finds beyond a reasonable doubt that the defendant, while on or about school premises, commits an offense and in the commission of the offense uses or threatens to use a dangerous weapon, or that the defendant committed an offense against an educator when the educator was acting within the course of the educator's employment, the enhanced penalty for a:

(a) class B misdemeanor is a class A misdemeanor;

(b) class A misdemeanor is a third degree felony;

(c) third degree felony is a second degree felony; or

(d) second degree felony is a first degree felony.

(5) The enhanced penalty for a first degree felony offense of a convicted person:

(a) is imprisonment for a term of not less than 5 years and which may be for life, and imposition or execution of the sentence may not be suspended unless the court finds that the interests of justice would be best served and states the specific circumstances justifying the disposition on the record; and

(b) is subject also to the dangerous weapon enhancement provided in § 76-3-203.8, except for an offense committed under Subsection (3) that does not involve a firearm.

(6) The prosecuting attorney, or grand jury if an indictment is returned, shall provide notice upon the information or indictment that the defendant is subject to the enhanced degree of offense or penalty under Subsection (4) or (5).

Chapter 10 Offenses against Public Health, Safety, Welfare, and Morals
Part 5 Weapons

76-10-500. Uniform law.

(1) 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:

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

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

(2) 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 or state entities. Unless specifically authorized by the Legislature by statute, a local authority or state entity may not enact or enforce any ordinance, regulation, or rule pertaining to firearms.

76-10-501. Definitions. As used in this part:

(1) (a) "Antique firearm" means:

(i) any firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898; or

(ii) a firearm that is a replica of any firearm described in this Subsection (1)(a), if the replica:

(A) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

(B) uses rimfire or centerfire fixed ammunition which is:

(I) no longer manufactured in the United States; and

(II) is not readily available in ordinary channels of commercial trade; or

(iii) (A) that is a muzzle loading rifle, shotgun, or pistol; and

(B) is designed to use black powder, or a black powder substitute, and cannot use fixed ammunition.

(b) "Antique firearm" does not include:

(i) a weapon that incorporates a firearm frame or receiver;

(ii) a firearm that is converted into a muzzle loading weapon; or

(iii) a muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the:

(A) barrel;

(B) bolt;

(C) breechblock; or

(D) any combination of Subsection (1)(b)(iii)(A), (B), or (C).

(2) "Bureau" means the Bureau of Criminal Identification created in § 53-10-201 within the Department of Public Safety.

(3) (a) "Concealed firearm" means a firearm that is:

(i) covered, hidden, or secreted in a manner that the public would not be aware of its presence; and

(ii) readily accessible for immediate use.

(b) A firearm that is unloaded and securely encased is not a concealed firearm for the purposes of this part.

(4) "Criminal history background check" means a criminal background check conducted by a licensed firearms dealer on every purchaser of a handgun, except a Federal Firearms Licensee, through the bureau or the local law enforcement agency where the firearms dealer conducts business.

(5) "Curio or relic firearm" means a firearm that:

(a) is of special interest to a collector because of a quality that is not associated with firearms intended for:

(i) sporting use;

(ii) use as an offensive weapon; or

(iii) use as a defensive weapon;

(b) (i) was manufactured at least 50 years before the current date; and

(ii) is not a replica of a firearm described in Subsection (5)(b)(i);

(c) is certified by the curator of a municipal, state, or federal museum that exhibits firearms to be a curio or relic of museum interest;

(d) derives a substantial part of its monetary value:

(i) from the fact that the firearm is:

(A) novel;

(B) rare; or

(C) bizarre; or

(ii) because of the firearm's association with an historical:

(A) figure;

(B) period; or

(C) event; and

(e) has been designated as a curio or relic firearm by the director of the United States Treasury Department Bureau of Alcohol, Tobacco, and Firearms under 27 C.F.R. Sec. 478.11.

(6) (a) "Dangerous weapon" means:

(i) a firearm; or

(ii) an object that in the manner of its use or intended use is capable of causing death or serious bodily injury.

(b) The following factors are used in determining whether any object, other than a firearm, is a dangerous weapon:

(i) the location and circumstances in which the object was used or possessed;

(ii) the primary purpose for which the object was made;

(iii) the character of the wound, if any, produced by the object's unlawful use;

(iv) the manner in which the object was unlawfully used;

(v) whether the manner in which the object is used or possessed constitutes a potential imminent threat to public safety; and

(vi) the lawful purposes for which the object may be used.

(c) "Dangerous weapon" does not include an explosive, chemical, or incendiary device as defined by § 76-10-306.

(7) "Dealer" means a person who is:

(a) licensed under 18 U.S.C. Sec. 923; and

- (b) engaged in the business of selling, leasing, or otherwise transferring a handgun, whether the person is a retail or wholesale dealer, pawnbroker, or otherwise.
- (8) "Enter" means intrusion of the entire body.
- (9) "Federal Firearms Licensee" means a person who:
- (a) holds a valid Federal Firearms License issued under 18 U.S.C. Sec. 923; and
 - (b) is engaged in the activities authorized by the specific category of license held.
- (10) (a) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle or short barreled rifle, or a device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive.
- (b) As used in §§ 76-10-526 and 76-10-527, "firearm" does not include an antique firearm.
- (11) "Firearms transaction record form" means a form created by the bureau to be completed by a person purchasing, selling, or transferring a handgun from a dealer in the state.
- (12) "Fully automatic weapon" means a 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.
- (13) (a) "Handgun" means a pistol, revolver, or other firearm of any description, loaded or unloaded, from which a 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.
- (b) As used in §§ 76-10-520, 76-10-521, and 76-10-522, "handgun" and "pistol or revolver" do not include an antique firearm.
- (14) "House of worship" means a church, temple, synagogue, mosque, or other building set apart primarily for the purpose of worship in which religious services are held and the main body of which is kept for that use and not put to any other use inconsistent with its primary purpose.
- (15) "Prohibited area" means a place where it is unlawful to discharge a firearm.
- (16) "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.
- (17) "Residence" means an improvement to real property used or occupied as a primary or secondary residence.
- (18) "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.
- (19) "Short barreled shotgun" or "short barreled 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 a 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.
- (20) "Shotgun" means a smooth bore firearm designed to fire cartridges containing pellets or a single slug.
- (21) "Shoulder arm" means a firearm that is designed to be fired while braced against the shoulder.
- (22) "Slug" means a single projectile discharged from a shotgun shell.
- (23) "State entity" means a department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.
- (24) "Violent felony" means the same as that term is defined in § 76-3-203.5.

76-10-502. When weapon deemed loaded.

- (1) For the purpose of this chapter, any pistol, revolver, shotgun, rifle, or other weapon described in this part shall be deemed to be loaded when there is an unexpended cartridge, shell, or projectile in the firing position.
- (2) Pistols and revolvers shall also be deemed to be loaded when an unexpended cartridge, shell, or projectile is in a position whereby the manual operation of any mechanism once would cause the unexpended cartridge, shell, or projectile to be fired.
- (3) A muzzle loading firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinders.

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

- (1) For purposes of this section:
- (a) A Category I restricted person is a person who:
 - (i) has been convicted of any violent felony as defined in § 76-3-203.5;
 - (ii) is on probation or parole for any felony;
 - (iii) is on parole from a secure facility as defined in § 62A-7-101;
 - (iv) within the last 10 years has been adjudicated delinquent for an offense which if committed by an adult would have been a violent felony as defined in § 76-3-203.5;
 - (v) is an alien who is illegally or unlawfully in the United States; or
 - (vi) is on probation for a conviction of possessing:
 - (A) a substance classified in § 58-37-4 as a Schedule I or II controlled substance;
 - (B) a controlled substance analog; or
 - (C) a substance listed in § 58-37-4.2.

- (b)** A Category II restricted person is a person who:
- (i)** has been convicted of any felony;
 - (ii)** within the last 7 years has been adjudicated delinquent for an offense which if committed by an adult would have been a felony;
 - (iii)** is an unlawful user of a controlled substance as defined in § 58-37-2;
 - (iv)** is in possession of a dangerous weapon and is knowingly and intentionally in unlawful possession of a Schedule I or II controlled substance as defined in § 58-37-2;
 - (v)** has been found not guilty by reason of insanity for a felony offense;
 - (vi)** has been found mentally incompetent to stand trial for a felony offense;
 - (vii)** 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;
 - (viii)** has been dishonorably discharged from the armed forces; or
 - (ix)** has renounced his citizenship after having been a citizen of the United States.
- (c)** As used in this section, a conviction of a felony or adjudication of delinquency for an offense which would be a felony if committed by an adult does not include:
- (i)** a conviction or adjudication of delinquency for an offense pertaining to antitrust violations, unfair trade practices, restraint of trade, or other similar offenses relating to the regulation of business practices not involving theft or fraud; or
 - (ii)** a conviction or adjudication of delinquency which, according to the law of the jurisdiction in which it occurred, has been expunged, set aside, reduced to a misdemeanor by court order, pardoned or regarding which the person's civil rights have been restored unless the pardon, reduction, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.
- (d)** It is the burden of the defendant in a criminal case to provide evidence that a conviction or adjudication of delinquency is subject to an exception provided in Subsection (1)(c), after which it is the burden of the state to prove beyond a reasonable doubt that the conviction or adjudication of delinquency is not subject to that exception.
- (2)** A Category I restricted person who intentionally or knowingly agrees, consents, offers, or arranges to purchase, transfer, possess, use, or have under the person's custody or control, or who intentionally or knowingly purchases, transfers, possesses, uses, or has under the person's custody or control:
- (a)** any firearm is guilty of a second degree felony; or
 - (b)** any dangerous weapon other than a firearm is guilty of a third degree felony.
- (3)** A Category II restricted person who intentionally or knowingly purchases, transfers, possesses, uses, or has under the person's custody or control:
- (a)** any firearm is guilty of a third degree felony; or
 - (b)** any dangerous weapon other than a firearm is guilty of a class A misdemeanor.
- (4)** A person may be subject to the restrictions of both categories at the same time.
- (5)** If a higher penalty than is prescribed in this section is provided in another section for one who purchases, transfers, possesses, uses, or has under this custody or control any dangerous weapon, the penalties of that section control.
- (6)** It is an affirmative defense to a charge based on the definition in Subsection (1)(b)(iv) that the person was:
- (a)** in possession of a controlled substance pursuant to a lawful order of a practitioner for use of a member of the person's household or for administration to an animal owned by the person or a member of the person's household; or
 - (b)** otherwise authorized by law to possess the substance.
- (7)** **(a)** It is an affirmative defense to transferring a firearm or other dangerous weapon by a person restricted under Subsection (2) or (3) that the firearm or dangerous weapon:
- (i)** was possessed by the person or was under the person's custody or control before the person became a restricted person;
 - (ii)** was not used in or possessed during the commission of a crime or subject to disposition under § 24-3-103;
 - (iii)** is not being held as evidence by a court or law enforcement agency;
 - (iv)** was transferred to a person not legally prohibited from possessing the weapon; and
 - (v)** unless a different time is ordered by the court, was transferred within 10 days of the person becoming a restricted person.
- (b)** Subsection (7)(a) is not a defense to the use, purchase, or possession on the person of a firearm or other dangerous weapon by a restricted person.
- (8)** **(a)** A person may not sell, transfer, or otherwise dispose of any firearm or dangerous weapon to any person, knowing that the recipient is a person described in Subsection (1)(a) or (b).
- (b)** A person who violates Subsection (8)(a) when the recipient is:
- (i)** a person described in Subsection (1)(a) and the transaction involves a firearm, is guilty of a second degree felony;
 - (ii)** a person described in Subsection (1)(a) and the transaction involves any dangerous weapon other than a firearm, and the transferor has knowledge that the recipient intends to use the weapon for any unlawful purpose, is guilty of a third degree felony;
 - (iii)** a person described in Subsection (1)(b) and the transaction involves a firearm, is guilty of a third degree felony; or
 - (iv)** a person described in Subsection (1)(b) and the transaction involves any dangerous weapon other than a firearm, and the transferor has knowledge that the recipient intends to use the weapon for any unlawful purpose, is guilty of a class A misdemeanor.

(9) (a) A person may not knowingly solicit, persuade, encourage or entice a dealer or other person to sell, transfer or otherwise dispose of a firearm or dangerous weapon under circumstances which the person knows would be a violation of the law.

(b) A person may not provide to a dealer or other person any information that the person knows to be materially false information with intent to deceive the dealer or other person about the legality of a sale, transfer or other disposition of a firearm or dangerous weapon.

(c) "Materially false information" means information that portrays an illegal transaction as legal or a legal transaction as illegal.

(d) A person who violates this Subsection (9) is guilty of:

(i) a third degree felony if the transaction involved a firearm; or

(ii) a class a misdemeanor if the transaction involved a dangerous weapon other than a firearm.

76-10-504. Carrying concealed firearm – Penalties.

(1) Except as provided in § 76-10-503 and in Subsections (2), (3), and (4), a person who carries a concealed firearm, as defined in § 76-10-501, including an unloaded firearm on his or her person or one that is readily accessible for immediate use which is not securely encased, as defined in this part, in or on a place other than the person's residence, property, a vehicle in the person's lawful possession, or a vehicle, with the consent of the individual who is lawfully in possession of the vehicle, or business under the person's control is guilty of a class B misdemeanor.

(2) A person who carries a concealed firearm that is a loaded firearm in violation of Subsection (1) is guilty of a class A misdemeanor.

(3) A person who carries concealed an unlawfully possessed short barreled shotgun or a short barreled rifle is guilty of a second degree felony.

(4) If the concealed firearm is used in the commission of a violent felony as defined in § 76-3-203.5, and the person is a party to the offense, the person is guilty of a second degree felony.

(5) Nothing in Subsection (1) or (2) prohibits a person engaged in the lawful taking of protected or unprotected wildlife as defined in Title 23, Wildlife Resources Code of Utah, from carrying a concealed firearm as long as the taking of wildlife does not occur:

(a) within the limits of a municipality in violation of that municipality's ordinances; or

(b) upon the highways of the state as defined in § 41-6a-102.

76-10-505. Carrying loaded firearm in vehicle or on street.

(1) Unless otherwise authorized by law, a person may not carry a loaded firearm:

(a) in or on a vehicle, unless:

(i) the vehicle is in the person's lawful possession; or

(ii) the person is carrying the loaded firearm in a vehicle with the consent of the person lawfully in possession of the vehicle;

(b) on a public street; or

(c) in a posted prohibited area.

(2) Subsection (1)(a) does not apply to a minor under 18 years of age, since a minor under 18 years of age may not carry a loaded firearm in or on a vehicle.

(3) Notwithstanding Subsection (1)(a)(i) and (ii), a person may not possess a loaded rifle, shotgun, or muzzle-loading rifle in a vehicle.

(4) A violation of this section is a class B misdemeanor.

76-10-505.5. Possession of a dangerous weapon, firearm, or short barreled shotgun on or about school premises – Penalties.

(1) As used in this section, "on or about school premises" means:

(a) (i) in a public or private elementary or secondary school; or

(ii) on the grounds of any of those schools;

(b) (i) in a public or private institution of higher education; or

(ii) on the grounds of a public or private institution of higher education; and

(iii) (A) inside the building where a preschool or child care is being held, if the entire building is being used for the operation of the preschool or child care; or

(B) if only a portion of a building is being used to operate a preschool or child care, in that room or rooms where the preschool or child care operation is being held.

(2) A person may not possess any dangerous weapon, firearm, or short barreled shotgun, as those terms are defined in § 76-10-501, at a place that the person knows, or has reasonable cause to believe, is on or about school premises as defined in this section.

(3) (a) Possession of a dangerous weapon on or about school premises is a class B misdemeanor.

(b) Possession of a firearm or short barreled shotgun on or about school premises is a class A misdemeanor.

(4) This section does not apply if:

(a) the person is authorized to possess a firearm as provided under § 53-5-704, 53-5-705, 76-10-511, or 76-10-523, or as otherwise authorized by law;

(b) the possession is approved by the responsible school administrator;

(c) the item is present or to be used in connection with a lawful, approved activity and is in the possession or under the control of the person responsible for its possession or use; or

(d) the possession is:

(i) at the person's place of residence or on the person's property; or

(ii) in any vehicle lawfully under the person's control, other than a vehicle owned by the school or used by the school to transport students.

(5) This section does not prohibit prosecution of a more serious weapons offense that may occur on or about school premises.

76-10-506. threatening with or using dangerous weapon in fight or quarrel.

(1) As used in this section:

(a) "Dangerous weapon" means an 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 is a dangerous weapon:

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

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

(iii) the manner in which the instrument, object, or thing was exhibited or used.

(b) "Threatening manner" does not include:

(i) the possession of a dangerous weapon, whether visible or concealed, without additional behavior which is threatening; or

(ii) informing another of the actor's possession of a deadly weapon in order to prevent what the actor reasonably perceives as a possible use of unlawful force by the other and the actor is not engaged in any activity described in Subsection 76-2-402(2)(a).

(2) Except as otherwise provided in § 76-2-402 and for those persons described in § 76-10-503, a person who, in the presence of 2 or more persons, and not amounting to a violation of § 76-5-103, draws or exhibits a dangerous weapon in an angry and threatening manner or unlawfully uses a dangerous weapon in a fight or quarrel is guilty of a class A misdemeanor.

(3) This section does not apply to a person who, reasonably believing the action to be necessary in compliance with § 76-2-402, with purpose to prevent another's use of unlawful force:

(a) threatens the use of a dangerous weapon; or

(b) draws or exhibits a dangerous weapon.

(4) This section does not apply to a person listed in Subsections 76-10-523(1)(a) through (e) in performance of the person's duties.

76-10-507. Possession of deadly weapon with criminal intent. Every person having upon his person any dangerous weapon with intent to use it to commit a criminal offense is guilty of a class A misdemeanor.

76-10-508. Discharge of firearm from a vehicle, near a highway, or in direction of any person, building, or vehicle – Penalties.

(1) (a) A person may not discharge any kind of dangerous weapon or firearm:

(i) from an automobile or other vehicle;

(ii) from, upon, or across any highway;

(iii) at any road signs placed upon any highways of the state;

(iv) at any communications equipment or property of public utilities including facilities, lines, poles, or devices of transmission or distribution;

(v) at railroad equipment or facilities including any sign or signal;

(vi) within Utah State Park buildings, designated camp or picnic sites, overlooks, golf courses, boat ramps, and developed beaches; or

(vii) without written permission to discharge the dangerous weapon from the owner or person in charge of the property within 600 feet of:

(A) a house, dwelling, or any other building; or

(B) any structure in which a domestic animal is kept or fed, including a barn, poultry yard, corral, feeding pen, or stockyard.

(b) It is a defense to any charge for violating this section that the person being accused had actual permission of the owner or person in charge of the property at the time in question.

(2) A violation of any provision of Subsection (1) is a class B misdemeanor.

(3) In addition to any other penalties, the court shall:

(a) notify the Driver License Division of the conviction for purposes of any revocation, denial, suspension, or disqualification of a driver license under Subsection 53-3-220(1)(a)(xi); and

(b) specify in court at the time of sentencing the length of the revocation under Subsection 53-3-225(1)(c).

(4) This section does not apply to a person who:

(a) discharges any kind of firearm when that person is in lawful defense of self or others;

(b) is performing official duties as provided in § 23-20-1.5 and Subsections 76-10-523(1)(a) through (e) and as otherwise provided by law; or

- (c) discharges a dangerous weapon or firearm from an automobile or other vehicle, if:
 - (i) the discharge occurs at a firing range or training ground;
 - (ii) at no time after the discharge does the projectile that is discharged cross over or stop at a location other than within the boundaries of the firing range or training ground described in Subsection (4)(c)(i);
 - (iii) the discharge is made as practice or training for a lawful purpose;
 - (iv) the discharge and the location, time, and manner of the discharge are approved by the owner or operator of the firing range or training ground prior to the discharge; and
 - (v) the discharge is not made in violation of Subsection (1).

76-10-508.1. Felony discharge of a firearm – Penalties.

- (1) Except as provided under Subsection (2) or (3), a person who discharges a firearm is guilty of a third degree felony punishable by imprisonment for a term of not less than 3 years nor more than 5 years if:
 - (a) the actor discharges a firearm in the direction of any person or persons, knowing or having reason to believe that any person may be endangered by the discharge of the firearm;
 - (b) the actor, with intent to intimidate or harass another or with intent to damage a habitable structure as defined in § 76-6-101, discharges a firearm in the direction of any person or habitable structure; or
 - (c) the actor, with intent to intimidate or harass another, discharges a firearm in the direction of any vehicle.
- (2) A violation of Subsection (1) which causes bodily injury to any person is a second degree felony punishable by imprisonment for a term of not less than 3 years nor more than 15 years.
- (3) A violation of Subsection (1) which causes serious bodily injury to any person is a first degree felony.
- (4) In addition to any other penalties for a violation of this section, the court shall:
 - (a) notify the Driver License Division of the conviction for purposes of any revocation, denial, suspension, or disqualification of a driver license under Subsection 53-3-220(1)(a)(xi); and
 - (b) specify in court at the time of sentencing the length of the revocation under Subsection 53-3-225(1)(c).
- (5) This section does not apply to a person:
 - (a) who discharges any kind of firearm when that person is in lawful defense of self or others;
 - (b) who is performing official duties as provided in § 23-20-1.5 or Subsections 76-10-523(1)(a) through (e) or as otherwise authorized by law; or
 - (c) who discharges a dangerous weapon or firearm from an automobile or other vehicle, if:
 - (i) the discharge occurs at a firing range or training ground;
 - (ii) at no time after the discharge does the projectile that is discharged cross over or stop at a location other than within the boundaries of the firing range or training ground described in Subsection (5)(c)(i);
 - (iii) the discharge is made as practice or training for a lawful purpose;
 - (iv) the discharge and the location, time, and manner of the discharge are approved by the owner or operator of the firing range or training ground prior to the discharge; and
 - (v) the discharge is not made in violation of Subsection (1).

76-10-509. Possession of dangerous weapon by minor.

- (1) 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 a parent or guardian while he has the 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 short barreled rifle or short barreled 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 § 76-10-509.4 is guilty of:
 - (a) a class B misdemeanor upon the first offense; and
 - (b) a class A misdemeanor for each subsequent offense.
- (2) Any person who transfers in violation of applicable state or federal law a short barreled rifle, short barreled 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 violent felony as defined in § 76-3-203.5 or any minor who has been adjudicated in juvenile court for an offense which would constitute a violent felony if the minor were an adult.

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

- (a) a class A misdemeanor upon the 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 § 76-10-509 or a firearm in violation of § 76-10-509.4 and fails to make reasonable efforts to remove the dangerous weapon or 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.

76-10-511. Possession of loaded firearm at residence or on real property authorized. Except for persons described in § 76-10-503 and 18 U.S.C. Sec. 922(g) and as otherwise prescribed in this part, a person may have a loaded firearm:

- (1) at the person's place of residence, including any temporary residence or camp; or
- (2) on the person's real property.

76-10-512. Target concessions, shooting ranges, competitions, and hunting excepted from prohibitions.

(1) The provisions of § 76-10-509 and Subsection 76-10-509.4(1) regarding possession of handguns by minors do not apply to any of the following:

- (a) patrons firing at lawfully operated target concessions at amusement parks, piers, and similar locations provided that the firearms to be used are firmly chained or affixed to the counters;
- (b) any person in attendance at a hunter's safety course or a firearms safety course;
- (c) any person engaging in practice or any other lawful use of a firearm at an established range or any other area where the discharge of a firearm is not prohibited by state or local law;
- (d) any person engaging in an organized competition involving the use of a firearm, or participating in or practicing for such competition;
- (e) any minor under 18 years of age who is on real property with the permission of the owner, licensee, or lessee of the property and who has the permission of a parent or legal guardian or the owner, licensee, or lessee to possess a firearm not otherwise in violation of law;
- (f) any resident or nonresident hunters with a valid hunting license or other persons who are lawfully engaged in hunting; or
- (g) any person traveling to or from any activity described in Subsection (1)(b), (c), (d), (e), or (f) with an unloaded firearm in the person's possession.

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 obliterated 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, is guilty of a class A misdemeanor.

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

(1) Except for §§ 76-10-506, 76-10-508, and 76-10-508.1, this part and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to any of the following:

- (a) a United States marshal;
- (b) a federal official required to carry a firearm;

- (c) a peace officer of this or any other jurisdiction;
 - (d) a law enforcement official as defined and qualified under § 53-5-711;
 - (e) a judge as defined and qualified under § 53-5-711; or
 - (f) a common carrier while engaged in the regular and ordinary transport of firearms as merchandise.
- (2) The provisions of Subsections 76-10-504(1) and (2), and § 76-10-505 do not apply to any person to whom a permit to carry a concealed firearm has been issued:
- (a) pursuant to § 53-5-704; or
 - (b) by another state or county.
- (3) Except for §§ 76-10-503, 76-10-506, 76-10-508, and 76-10-508.1, this part and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to a nonresident traveling in or through the state, provided that any firearm is:
- (a) unloaded; and
 - (b) securely encased as defined in § 76-10-501.

76-10-523.5. Compliance with rules for secure facilities. Any person, including a person licensed to carry a concealed firearm under Title 53, Chapter 5, Part 7, Concealed Firearm Act, shall comply with any rule established for secure facilities pursuant to §§ 53B-3-103, 76-8-311.1, 76-8-311.3, and 78A-2-203 and shall be subject to any penalty provided in those sections.

76-10-524. Purchase of firearms pursuant to federal law. This part will allow purchases of firearms and ammunition pursuant to U.S.C. Title 18 Chapter 44 Sec. 922b(3).

76-10-526. Criminal background check prior to purchase of a firearm – Fee – Exemption for concealed firearm permit holders and law enforcement officers.

- (1) For purposes of this section, "valid permit to carry a concealed firearm" does not include a temporary permit issued under § 53-5-705.
- (2) (a) To establish personal identification and residence in this state for purposes of this part, a dealer shall require an individual receiving a firearm to present one photo identification on a form issued by a governmental agency of the state.
 (b) A dealer may not accept a driving privilege card issued under § 53-3-207 as proof of identification for the purpose of establishing personal identification and residence in this state as required under this Subsection (2).
- (3) (a) A criminal history background check is required for the sale of a firearm by a licensed firearm dealer in the state.
 (b) Subsection (3)(a) does not apply to the sale of a firearm to a Federal Firearms Licensee.
- (4) (a) An individual purchasing a firearm from a dealer shall consent in writing to a criminal background check, on a form provided by the bureau.
 (b) The form shall contain the following information:
 (i) the dealer identification number;
 (ii) the name and address of the individual receiving the firearm;
 (iii) the date of birth, height, weight, eye color, and hair color of the individual receiving the firearm; and
 (iv) the Social Security number or any other identification number of the individual receiving the firearm.
- (5) (a) The dealer shall send the information required by Subsection (4) to the bureau immediately upon its receipt by the dealer.
 (b) A dealer may not sell or transfer a firearm to an individual until the dealer has provided the bureau with the information in Subsection (4) and has received approval from the bureau under Subsection (7).
- (6) The dealer shall make a request for criminal history background information by telephone or other electronic means to the bureau and shall receive approval or denial of the inquiry by telephone or other electronic means.
- (7) When the dealer calls for or requests a criminal history background check, the bureau shall:
 (a) review the criminal history files, including juvenile court records, to determine if the individual is prohibited from purchasing, possessing, or transferring a firearm by state or federal law;
 (b) inform the dealer that:
 (i) the records indicate the individual is prohibited; or
 (ii) the individual is approved for purchasing, possessing, or transferring a firearm;
 (c) provide the dealer with a unique transaction number for that inquiry; and
 (d) provide a response to the requesting dealer during the call for a criminal background check, or by return call, or other electronic means, without delay, except in case of electronic failure or other circumstances beyond the control of the bureau, the bureau shall advise the dealer of the reason for the delay and give the dealer an estimate of the length of the delay.
- (8) (a) The bureau may not maintain any records of the criminal history background check longer than 20 days from the date of the dealer's request, if the bureau determines that the individual receiving the firearm is not prohibited from purchasing, possessing, or transferring the firearm under state or federal law.
 (b) However, the bureau 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.
- (9) If the criminal history background check discloses information indicating that the individual attempting to purchase the firearm is prohibited from purchasing, possessing, or transferring a firearm, the bureau shall inform the law enforcement agency in the jurisdiction where the individual resides.
- (10) If an individual is denied the right to purchase a firearm under this section, the individual may review the individual's

criminal history information and may challenge or amend the information as provided in § 53-10-108.

(11) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of all records provided by the bureau under this part are in conformance with the requirements of the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993).

(12) (a) (i) A dealer shall collect a criminal history background check fee of \$7.50 for the sale of a firearm under this section.

(ii) This fee remains in effect until changed by the bureau through the process under § 63J-1-504.

(b) (i) The dealer shall forward at one time all fees collected for criminal history background checks performed during the month to the bureau by the last day of the month following the sale of a firearm.

(13) An individual with a concealed firearm permit issued under Title 53, Chapter 5, Part 7, Concealed Firearm Act, is exempt from the background check and corresponding fee required in this section for the purchase of a firearm if:

(a) the individual presents the individual's concealed firearm permit to the dealer prior to purchase of the firearm; and

(b) the dealer verifies with the bureau that the individual's concealed firearm permit is valid.

(14) A law enforcement officer, as defined in § 53-13-103, is exempt from the background check fee required in this section for the purchase of a personal firearm to be carried while off-duty if the law enforcement officer verifies current employment by providing a letter of good standing from the officer's commanding officer and current law enforcement photo identification. This section may only be used by a law enforcement officer to purchase a personal firearm once in a 24-month period.

(15) (a) A dealer may participate in the redeemable coupon program described in this Subsection (15) and Subsection 53-10-202(18).

(b) A participating dealer shall:

(i) accept the redeemable coupon only from the individual whose name is on the coupon and apply it only toward the purchase of a gun safe;

(ii) collect the receipts from the purchase of gun safes using the redeemable coupon and send them to the Bureau of Criminal Identification for redemption; and

(iii) make the firearm safety brochure described in Subsection 53-10-202(18) available to customers free of charge.

76-10-527. Penalties.

(1) A dealer is guilty of a class A misdemeanor who willfully and intentionally:

(a) requests, obtains, or seeks to obtain criminal history background information under false pretenses;

(b) disseminates criminal history background information; or

(c) violates § 76-10-526.

(2) A person who purchases or transfers a firearm is guilty of a felony of the third degree if the person willfully and intentionally makes a false statement of the information required for a criminal background check in § 76-10-526.

(3) Except as otherwise provided in Subsection (1), a dealer is guilty of a felony of the third degree if the dealer willfully and intentionally sells or transfers a firearm in violation of this part.

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

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

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

76-10-528. Carrying a dangerous weapon while under influence of alcohol or drugs unlawful.

(1) Any person who carries a dangerous weapon while under the influence of alcohol or a controlled substance as defined in § 58-37-2 is guilty of a class B misdemeanor. Under the influence means the same level of influence or blood or breath alcohol concentration as provided in Subsections 41-6a-502(1)(a) through (c).

(2) It is not a defense to prosecution under this section that the person:

(a) is licensed in the pursuit of wildlife of any kind; or

(b) has a valid permit to carry a concealed firearm.

76-10-529. Possession of dangerous weapons, firearms, or explosives in airport secure areas prohibited – Penalty.

(1) As used in this section:

(a) "Airport authority" has the same meaning as defined in § 72-10-102.

(b) "Dangerous weapon" is the same as defined in § 76-10-501.

(c) "Explosive" is the same as defined for "explosive, chemical, or incendiary device" in § 76-10-306.

(d) "Firearm" is the same as defined in § 76-10-501.

(2) (a) Within a secure area of an airport established pursuant to this section, a person, including a person licensed to carry a concealed firearm under Title 53, Chapter 5, Part 7, Concealed Firearm Act, is guilty of:

(i) a class A misdemeanor if the person knowingly or intentionally possesses any dangerous weapon or firearm;

(ii) an infraction if the person recklessly or with criminal negligence possesses any dangerous weapon or firearm; or

(iii) a violation of § 76-10-306 if the person transports, possesses, distributes, or sells any explosive, chemical, or incendiary device.

(b) Subsection (2)(a) does not apply to:

(i) persons exempted under § 76-10-523; and

(ii) members of the state or federal military forces while engaged in the performance of their official duties.

(3) An airport authority, county, or municipality regulating the airport may:

(a) establish any secure area located beyond the main area where the public generally buys tickets, checks and retrieves luggage; and

(b) use reasonable means, including mechanical, electronic, x-ray, or any other device, to detect dangerous weapons, firearms, or explosives concealed in baggage or upon the person of any individual attempting to enter the secure area.

(4) At least 1 notice shall be prominently displayed at each entrance to a secure area in which a dangerous weapon, firearm, or explosive is restricted.

(5) Upon the discovery of any dangerous weapon, firearm, or explosive, the airport authority, county, or municipality, the employees, or other personnel administering the secure area may:

(a) require the individual to deliver the item to the air freight office or airline ticket counter;

(b) require the individual to exit the secure area; or

(c) obtain possession or retain custody of the item until it is transferred to law enforcement officers.

76-10-530. Trespass with a firearm in a house of worship or private residence – Notice – Penalty.

(1) A person, including a person licensed to carry a concealed firearm pursuant to Title 53, Chapter 5, Part 7, Concealed Firearm Act, after notice has been given as provided in Subsection (2) that firearms are prohibited, may not knowingly and intentionally:

(a) transport a firearm into:

(i) a house of worship; or

(ii) a private residence; or

(b) while in possession of a firearm, enter or remain in:

(i) a house of worship; or

(ii) a private residence.

(2) Notice that firearms are prohibited may be given by:

(a) personal communication to the actor by:

(i) the church or organization operating the house of worship;

(ii) the owner, lessee, or person with lawful right of possession of the private residence; or

(iii) a person with authority to act for the person or entity in Subsections (2)(a)(i) and (ii);

(b) posting of signs reasonably likely to come to the attention of persons entering the house of worship or private residence;

(c) announcement, by a person with authority to act for the church or organization operating the house of worship, in a regular congregational meeting in the house of worship;

(d) publication in a bulletin, newsletter, worship program, or similar document generally circulated or available to the members of the congregation regularly meeting in the house of worship; or

(e) publication:

(i) in a newspaper of general circulation in the county in which the house of worship is located or the church or organization operating the house of worship has its principal office in this state; and

(ii) as required in § 45-1-101.

(3) A church or organization operating a house of worship and giving notice that firearms are prohibited may:

(a) revoke the notice, with or without supersedure, by giving further notice in any manner provided in Subsection (2); and

(b) provide or allow exceptions to the prohibition as the church or organization considers advisable.

(4) (a) (i) Within 30 days of giving or revoking any notice pursuant to Subsection (2)(c), (d), or (e), a church or organization operating a house of worship shall notify the division on a form and in a manner as the division shall prescribe.

(ii) The division shall post on its website a list of the churches and organizations operating houses of worship who have given notice under Subsection (4)(a)(i).

(b) Any notice given pursuant to Subsection (2)(c), (d), or (e) shall remain in effect until revoked or for a period of 1 year from the date the notice was originally given, whichever occurs first.

(5) Nothing in this section permits an owner who has granted the lawful right of possession to a renter or lessee to restrict the renter or lessee from lawfully possessing a firearm in the residence.

(6) A violation of this section is an infraction.

76-10-532. Removal from National Instant Check System database.

(1) A person who is subject to the restrictions in Subsection 76-10-503(1)(b)(v), (vi), or (vii), or 18 U.S.C. 922(d)(4) and (g)(4) based on a commitment, finding, or adjudication that occurred in this state may petition the district court in the county in which the commitment, finding, or adjudication occurred to remove the disability imposed.

(2) The petition shall be filed in the district court in the county where the commitment, finding, or adjudication occurred. The petition shall include:

(a) a listing of facilities, with their addresses, where the petitioner has ever received mental health treatment;

(b) a release signed by the petitioner to allow the prosecutor or county attorney to obtain the petitioner's mental health records;

(c) a verified report of a mental health evaluation conducted by a licensed psychiatrist occurring within 30 days prior to the filing of the petition, which shall include a statement regarding:

(i) the nature of the commitment, finding, or adjudication that resulted in the restriction on the petitioner's ability to purchase or possess a dangerous weapon;

(ii) the petitioner's previous and current mental health treatment;

(iii) the petitioner's previous violent behavior, if any;

(iv) the petitioner's current mental health medications and medication management;

(v) the length of time the petitioner has been stable;

(vi) external factors that may influence the petitioner's stability;

(vii) the ability of the petitioner to maintain stability with or without medication; and

(viii) whether the petitioner is dangerous to public safety; and

(d) a copy of the petitioner's state and federal criminal history record.

(3) The petitioner shall serve the petition on the prosecuting entity that prosecuted the case or, if the disability is not based on a criminal case, on the county or district attorney's office having jurisdiction where the petition was filed and the individual who filed the original action which resulted in the disability.

(4) The court shall schedule a hearing as soon as practicable. The petitioner may present evidence and subpoena witnesses to appear at the hearing. The prosecuting, county attorney, or the individual who filed the original action which resulted in the disability may object to the petition and present evidence in support of the objection.

(5) The court shall consider the following evidence:

(a) the facts and circumstances that resulted in the commitment, finding, or adjudication;

(b) the person's mental health and criminal history records ; and

(c) the person's reputation, including the testimony of character witnesses.

(6) The court shall grant the relief if the court finds by clear and convincing evidence that:

(a) the person is not a danger to the person or to others;

(b) the person is not likely to act in a manner dangerous to public safety; and

(c) the requested relief would not be contrary to the public interest.

(7) The court shall issue an order with its findings and send a copy to the bureau.

(8) The bureau, upon receipt of a court order removing a person's disability under Subsection 76-10-503(1)(b)(vii), shall send a copy of the court order to the National Instant Check System requesting removal of the person's name from the database. In addition, if the person is listed in a state database utilized by the bureau to determine eligibility for the purchase or possession of a firearm or to obtain a concealed firearm permit, the bureau shall remove the petitioner's name or send a copy of the court's order to the agency responsible for the database for removal of the petitioner's name.

(9) If the court denies the petition, the petitioner may not petition again for relief until at least 2 years after the date of the court's final order.

(10) The petitioner may appeal a denial of the requested relief. The review on appeal shall be de novo.