

**Karianne Lisonbee** proposes the following substitute bill:

**Dangerous Weapons Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karianne Lisonbee**

Senate Sponsor: Scott D. Sandall

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**LONG TITLE**

**General Description:**

This bill addresses statutes throughout the Utah Code dealing with dangerous weapons.

**Highlighted Provisions:**

This bill:

- defines terms;
- restructures and makes technical changes to sections in the Utah Code dealing with dangerous weapons to bring the sections into a standardized format as part of a larger effort to recodify the criminal code;
- makes amendments to existing statutes dealing with firearms;
- clarifies that an individual 21 years old or older who may otherwise lawfully possess a firearm may:
  - possess a firearm at the individual's residence;
  - openly possess a firearm in most public locations; and
  - conceal a firearm in most public locations without a concealed carry permit;
- clarifies that an individual 18 years old or older but younger than 21 years old may:
  - possesses a firearm at the individual's residence; and
  - openly possess an unloaded firearm on a public street;
- clarifies criminal provisions regarding who is required to have a concealed carry permit in certain circumstances;
- clarifies that the criminal offense of carrying a loaded firearm on a public street only applies to individuals 18 years old or older but younger than 21 years old;
- includes a coordination clause coordinating technical changes with this bill and S.B. 14, Private Sale of a Firearm Sunset Review Amendments; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 This bill provides a coordination clause.

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **13-74-101**, as enacted by Laws of Utah 2024, Chapter 203

35 **23A-4-1106**, as last amended by Laws of Utah 2023, Chapter 345 and renumbered and  
36 amended by Laws of Utah 2023, Chapter 103

37 **26B-1-326**, as last amended by Laws of Utah 2024, Chapter 250

38 **26B-2-120**, as last amended by Laws of Utah 2024, Chapter 234

39 **26B-5-102**, as last amended by Laws of Utah 2024, Chapters 250, 420

40 **31A-21-501**, as last amended by Laws of Utah 2022, Chapters 185, 430

41 **34-45-102**, as enacted by Laws of Utah 2009, Chapter 379

42 **34-45-107**, as last amended by Laws of Utah 2016, Chapter 348

43 **36-29-111**, as last amended by Laws of Utah 2024, Chapter 506

44 **47-3-305**, as last amended by Laws of Utah 2021, Chapter 246

45 **53-1-104**, as last amended by Laws of Utah 2024, Chapter 506

46 **53-2a-214**, as renumbered and amended by Laws of Utah 2013, Chapter 295

47 **53-3-220**, as last amended by Laws of Utah 2024, Chapter 319

48 **53-5a-102**, as last amended by Laws of Utah 2022, Chapter 428

49 **53-5a-103**, as last amended by Laws of Utah 2023, Chapter 392

50 **53-5a-202**, as last amended by Laws of Utah 2024, Chapter 438

51 **53-5d-102**, as enacted by Laws of Utah 2016, Chapter 155

52 **53-10-202**, as last amended by Laws of Utah 2023, Chapter 328

53 **53-10-202.5**, as last amended by Laws of Utah 2022, Chapters 250, 384

54 **53-10-208.1**, as last amended by Laws of Utah 2023, Chapters 184, 328 and 397

55 **53-10-403**, as last amended by Laws of Utah 2024, Chapters 96, 153, 187, and 256

56 **53-11-108**, as last amended by Laws of Utah 1999, Chapter 21

57 **53-13-116**, as enacted by Laws of Utah 2021, Chapter 164

58 **53-22-105**, as enacted by Laws of Utah 2024, Chapter 21

59 **53-22-107**, as enacted by Laws of Utah 2024, Chapter 117

60 **53-25-103**, as enacted by Laws of Utah 2024, Chapter 332

61 **53-25-501**, as enacted by Laws of Utah 2024, Chapter 111

62 **53B-3-103**, as last amended by Laws of Utah 2024, Chapter 378

63           **53G-8-701.8**, as enacted by Laws of Utah 2024, Chapter 21  
64           **53G-8-704**, as enacted by Laws of Utah 2024, Chapter 21  
65           **58-37-8**, as last amended by Laws of Utah 2024, Chapter 105  
66           **58-63-307**, as last amended by Laws of Utah 2008, Chapter 246  
67           **63G-2-303**, as last amended by Laws of Utah 2024, Chapter 465  
68           **63G-2-801**, as last amended by Laws of Utah 2019, Chapter 254  
69           **63I-1-253**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5  
70           **63I-1-276**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5  
71           **63I-2-276**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5  
72           **63M-7-220**, as enacted by Laws of Utah 2024, Chapter 506  
73           **72-10-901**, as renumbered and amended by Laws of Utah 2023, Chapter 216  
74           **73-29-102**, as last amended by Laws of Utah 2023, Chapter 34  
75           **76-3-203.1**, as last amended by Laws of Utah 2024, Chapter 96  
76           **76-3-203.3**, as last amended by Laws of Utah 2024, Chapters 96, 381  
77           **76-3-203.5**, as last amended by Laws of Utah 2024, Chapters 96, 179  
78           **76-3-402**, as last amended by Laws of Utah 2024, Chapter 234  
79           **76-5-102.8**, as last amended by Laws of Utah 2022, Chapter 181  
80           **76-5-202**, as last amended by Laws of Utah 2022, Chapter 181  
81           **76-5-203**, as last amended by Laws of Utah 2024, Chapters 96, 187  
82           **76-8-311.1**, as last amended by Laws of Utah 2024, Chapter 96  
83           **76-8-311.2**, as enacted by Laws of Utah 2024, Chapter 96  
84           **76-8-311.3**, as last amended by Laws of Utah 2024, Chapters 96, 99  
85           **76-8-311.4**, as enacted by Laws of Utah 2024, Chapter 96  
86           **76-8-311.6**, as enacted by Laws of Utah 2024, Chapter 96  
87           **76-8-311.7**, as enacted by Laws of Utah 2024, Chapter 96  
88           **76-9-802**, as last amended by Laws of Utah 2024, Chapter 96  
89           **76-9-804**, as last amended by Laws of Utah 2022, Chapter 181  
90           **76-9-902**, as last amended by Laws of Utah 2024, Chapter 96  
91           **76-10-306**, as last amended by Laws of Utah 2024, Chapter 343  
92           **76-10-1602**, as last amended by Laws of Utah 2024, Chapter 96  
93           **77-11a-402**, as last amended by Laws of Utah 2024, Chapter 332  
94           **77-11a-403**, as renumbered and amended by Laws of Utah 2023, Chapter 448  
95           **77-11b-102**, as last amended by Laws of Utah 2023, Chapters 415, 422 and renumbered  
96           and amended by Laws of Utah 2023, Chapter 448

97           **77-11d-101**, as last amended by Laws of Utah 2024, Chapter 332  
98           **77-11d-105**, as last amended by Laws of Utah 2024, Chapters 332, 517  
99           **77-36-1**, as last amended by Laws of Utah 2024, Chapter 366  
100          **77-36-2.1**, as last amended by Laws of Utah 2024, Chapter 434  
101          **77-40a-205**, as enacted by Laws of Utah 2024, Chapter 180  
102          **77-40a-403**, as last amended by Laws of Utah 2024, Chapter 180  
103          **78A-6-209**, as last amended by Laws of Utah 2024, Chapter 235  
104          **78B-4-511**, as renumbered and amended by Laws of Utah 2008, Chapter 3  
105          **78B-5-502**, as last amended by Laws of Utah 2021, Chapter 260  
106          **78B-5-505**, as last amended by Laws of Utah 2021, Chapter 260  
107          **78B-6-1107**, as last amended by Laws of Utah 2021, Chapter 207  
108          **78B-6-2301**, as last amended by Laws of Utah 2024, Chapter 438  
109          **80-6-103**, as last amended by Laws of Utah 2024, Chapter 532  
110          **80-6-104**, as last amended by Laws of Utah 2024, Chapter 20  
111          **80-6-303.5**, as last amended by Laws of Utah 2024, Chapter 301  
112          **80-6-305**, as last amended by Laws of Utah 2023, Chapter 161  
113          **80-6-503**, as renumbered and amended by Laws of Utah 2021, Chapter 261  
114          **80-6-605**, as renumbered and amended by Laws of Utah 2021, Chapter 261  
115          **80-6-712**, as last amended by Laws of Utah 2024, Chapter 153  
116          **80-6-804**, as last amended by Laws of Utah 2024, Chapter 153  
117          **80-6-1004.1**, as enacted by Laws of Utah 2023, Chapter 115  
118          **80-6-1004.5**, as last amended by Laws of Utah 2024, Chapter 301

119       ENACTS:

120          **53-5a-101.5**, Utah Code Annotated 1953  
121          **53-5a-102.1**, Utah Code Annotated 1953  
122          **53-5a-102.2**, Utah Code Annotated 1953  
123          **53-5a-601**, Utah Code Annotated 1953  
124          **76-11-201**, Utah Code Annotated 1953  
125          **76-11-203**, Utah Code Annotated 1953  
126          **76-11-206**, Utah Code Annotated 1953  
127          **76-11-216**, Utah Code Annotated 1953  
128          **76-11-220**, Utah Code Annotated 1953  
129          **76-11-301**, Utah Code Annotated 1953  
130          **76-11-302**, Utah Code Annotated 1953

131 **76-11-303**, Utah Code Annotated 1953  
132 **76-11-304**, Utah Code Annotated 1953  
133 **76-11-305**, Utah Code Annotated 1953  
134 **76-11-306**, Utah Code Annotated 1953  
135 **76-11-307**, Utah Code Annotated 1953  
136 **76-11-308**, Utah Code Annotated 1953

137 RENUMBERS AND AMENDS:

138 **53-5a-102.3**, (Renumbered from 76-10-511, as last amended by Laws of Utah 2009,  
139 Chapter 362)  
140 **53-5a-105**, (Renumbered from 76-10-520, as last amended by Laws of Utah 1993,  
141 Chapter 234)  
142 **53-5a-106**, (Renumbered from 76-10-522, as last amended by Laws of Utah 1993,  
143 Chapter 234)  
144 **53-5a-107**, (Renumbered from 76-10-523.5, as last amended by Laws of Utah 2008,  
145 Chapter 3)  
146 **53-5a-108**, (Renumbered from 76-10-523, as last amended by Laws of Utah 2021,  
147 Chapter 12)  
148 **53-5a-301**, (Renumbered from 53-5-702, as last amended by Laws of Utah 2024,  
149 Chapter 22)  
150 **53-5a-302**, (Renumbered from 53-5-703, as last amended by Laws of Utah 2010,  
151 Chapters 62, 286 and 324)  
152 **53-5a-303**, (Renumbered from 53-5-704, as last amended by Laws of Utah 2024,  
153 Chapter 195)  
154 **53-5a-304**, (Renumbered from 53-5-704.5, as enacted by Laws of Utah 2017, Chapter  
155 286)  
156 **53-5a-305**, (Renumbered from 53-5-705, as last amended by Laws of Utah 2010,  
157 Chapter 62)  
158 **53-5a-306**, (Renumbered from 53-5-706, as last amended by Laws of Utah 2018,  
159 Chapter 417)  
160 **53-5a-307**, (Renumbered from 53-5-707, as last amended by Laws of Utah 2023,  
161 Chapters 328, 387)  
162 **53-5a-308**, (Renumbered from 53-5-707.5, as last amended by Laws of Utah 2018,  
163 Chapter 417)  
164 **53-5a-309**, (Renumbered from 53-5-707.6, as last amended by Laws of Utah 2022,

165 Chapter 255)  
166 **53-5a-310**, (Renumbered from 53-5-708, as last amended by Laws of Utah 2023,  
167 Chapter 16)  
168 **53-5a-311**, (Renumbered from 53-5-711, as last amended by Laws of Utah 2019,  
169 Chapter 39)  
170 **53-5a-312**, (Renumbered from 53-5-712, as enacted by Laws of Utah 2014, Chapter  
171 147)  
172 **53-5a-401**, (Renumbered from 53-5b-103, as enacted by Laws of Utah 2010, Chapter  
173 5)  
174 **53-5a-402**, (Renumbered from 53-5b-102, as enacted by Laws of Utah 2010, Chapter  
175 5)  
176 **53-5a-403**, (Renumbered from 53-5b-201, as enacted by Laws of Utah 2010, Chapter  
177 5)  
178 **53-5a-404**, (Renumbered from 53-5b-202, as enacted by Laws of Utah 2010, Chapter  
179 5)  
180 **53-5a-501**, (Renumbered from 53-5c-102, as last amended by Laws of Utah 2023,  
181 Chapters 138, 405)  
182 **53-5a-502**, (Renumbered from 53-5c-201, as last amended by Laws of Utah 2023,  
183 Chapters 138, 448)  
184 **53-5a-503**, (Renumbered from 53-5c-202, as last amended by Laws of Utah 2023,  
185 Chapter 448)  
186 **53-5a-504**, (Renumbered from 53-5c-301, as last amended by Laws of Utah 2024,  
187 Chapter 204)  
188 **53-5a-505**, (Renumbered from 53-5c-302, as last amended by Laws of Utah 2024,  
189 Chapter 204)  
190 **53-5a-602**, (Renumbered from 76-10-526, as last amended by Laws of Utah 2023,  
191 Chapters 330, 397)  
192 **53-5a-603**, (Renumbered from 76-10-526.1, as enacted by Laws of Utah 2023,  
193 Chapter 398)  
194 **53-5a-604**, (Renumbered from 76-10-527, as last amended by Laws of Utah 2009,  
195 Chapter 20)  
196 **53-5a-605**, (Renumbered from 76-10-524, as last amended by Laws of Utah 2004,  
197 Chapter 360)  
198 **76-11-101**, (Renumbered from 76-10-501, as last amended by Laws of Utah 2023,

199 Chapters 161, 397 and 425)  
200 **76-11-102**, (Renumbered from 76-10-502, as last amended by Laws of Utah 1990,  
201 Chapter 328)  
202 **76-11-202**, (Renumbered from 76-10-504, as last amended by Laws of Utah 2023,  
203 Chapter 34)  
204 **76-11-204**, (Renumbered from 76-10-505, as last amended by Laws of Utah 2021,  
205 Chapter 12)  
206 **76-11-205**, (Renumbered from 76-10-505.5, as last amended by Laws of Utah 2024,  
207 Chapters 21, 117 and 301)  
208 **76-11-207**, (Renumbered from 76-10-506, as last amended by Laws of Utah 2019,  
209 Chapters 39, 201)  
210 **76-11-208**, (Renumbered from 76-10-507, as last amended by Laws of Utah 2015,  
211 Chapter 406)  
212 **76-11-209**, (Renumbered from 76-10-508, as last amended by Laws of Utah 2023,  
213 Chapter 34)  
214 **76-11-210**, (Renumbered from 76-10-508.1, as last amended by Laws of Utah 2023,  
215 Chapter 34)  
216 **76-11-211**, (Renumbered from 76-10-509.4, as last amended by Laws of Utah 2024,  
217 Chapter 301)  
218 **76-11-212**, (Renumbered from 76-10-509.5, as last amended by Laws of Utah 2013,  
219 Chapter 301)  
220 **76-11-213**, (Renumbered from 76-10-509.6, as last amended by Laws of Utah 2000,  
221 Chapter 303)  
222 **76-11-214**, (Renumbered from 76-10-509.7, as last amended by Laws of Utah 2024,  
223 Chapter 301)  
224 **76-11-215**, (Renumbered from 76-10-509.9, as enacted by Laws of Utah 1993,  
225 Second Special Session, Chapter 13)  
226 **76-11-217**, (Renumbered from 76-10-528, as last amended by Laws of Utah 2023,  
227 Chapters 330, 386)  
228 **76-11-218**, (Renumbered from 76-10-529, as last amended by Laws of Utah 2024,  
229 Chapter 332)  
230 **76-11-219**, (Renumbered from 76-10-530, as last amended by Laws of Utah 2009,  
231 Chapter 388)  
232 **76-11-309**, (Renumbered from 76-10-503.1, as last amended by Laws of Utah 2023,

233 Chapter 203)  
 234 **76-11-310**, (Renumbered from 76-10-532, as last amended by Laws of Utah 2023,  
 235 Chapter 425)

236 REPEALS:

237 **53-5-701**, as last amended by Laws of Utah 2010, Chapter 62  
 238 **53-5-710**, as last amended by Laws of Utah 2021, Chapter 141  
 239 **53-5b-101**, as enacted by Laws of Utah 2010, Chapter 5  
 240 **76-10-500**, as last amended by Laws of Utah 2022, Chapter 428  
 241 **76-10-503**, as last amended by Laws of Utah 2023, First Special Session, Chapter 2  
 242 **76-10-512**, as last amended by Laws of Utah 2024, Chapter 301  
 243 **76-10-521**, as last amended by Laws of Utah 1993, Chapter 234

244 **Utah Code Sections affected by Coordination Clause:**

245 **63I-1-253**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

246

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

248 Section 1. Section **13-74-101** is amended to read:

249 **13-74-101 . Definitions.**

- 250 (1) "Ammunition" means ammunition or cartridge cases, primers, bullets, or propellant  
 251 powder designed for use in a firearm.
- 252 (2) "Customer" means an individual who presents a payment card to a merchant for the  
 253 purchase of a good or service.
- 254 (3) "Financial entity" means any person involved in facilitating or processing a payment  
 255 card transaction, including:  
 256 (a) a payment card network;  
 257 (b) a merchant acquirer; or  
 258 (c) a payment facilitator.
- 259 (4) "Firearm" means the same as that term is defined in Section [~~76-10-501~~] 76-11-101.
- 260 (5)(a) "Firearm accessory or component" means a device specifically adapted to:  
 261 (i) enable the wearing or carrying about one's person or the storage or mounting in or  
 262 on any conveyance of a firearm; or  
 263 (ii) be inserted into or affixed to a firearm to enable, alter, or improve the functioning  
 264 or capabilities of the firearm.
- 265 (b) "Firearm accessory or component" includes a telescopic or laser sight, magazine,  
 266 flash or sound suppressor, folding or aftermarket stock or grip, speedloader, brace,



- 267 ammunition carrier, or light for target illumination.
- 268 (6) "Firearms code" means the merchant category code 5723, approved in September 2022  
269 by the International Organization for Standardization, for firearms retailers.
- 270 (7) "Firearms retailer" means a merchant engaged in the lawful business of selling or  
271 trading firearms, firearm accessories or components, or ammunition.
- 272 (8) "Merchant" means a person physically located in the state who accepts a payment card  
273 from a customer for the purchase of a good or service.
- 274 (9) "Payment card" means a card, code, or other means by which a person may debit a  
275 deposit account or use a line of credit to purchase a good or service.
- 276 (10) "Reloading supplies" means any equipment, component, or material designed for the  
277 reloading of ammunition, including reloading presses, shell holders, powder measures,  
278 priming tools, reloading manuals, casings, and gunpowder.

279 Section 2. Section **23A-4-1106** is amended to read:

280 **23A-4-1106 . Suspension of license or permit privileges -- Suspension of**  
281 **certificates of registration.**

- 282 (1) As used in this section:
- 283 (a) "License or permit privileges" means the privilege of applying for, purchasing, and  
284 exercising the benefits conferred by a license or permit issued by the division.
- 285 (b) "Livestock guardian dog" means the same as that term is defined in Section 76-6-111.
- 286 (2) A hearing officer, appointed by the division, may suspend a person's license or permit  
287 privileges if:
- 288 (a) in a court of law, the person:
- 289 (i) is convicted of:
- 290 (A) violating this title or a rule of the Wildlife Board;
- 291 (B) killing or injuring domestic livestock or a livestock guardian dog while  
292 engaged in an activity regulated under this title;
- 293 (C) violating Section 76-6-111; or
- 294 (D) violating Section [~~76-10-508~~] 76-11-209 while engaged in an activity  
295 regulated under this title;
- 296 (ii) enters into a plea in abeyance agreement, in which the person pleads guilty or no  
297 contest to an offense listed in Subsection (2)(a)(i), and the plea is held in  
298 abeyance; or
- 299 (iii) is charged with committing an offense listed in Subsection (2)(a)(i), and the  
300 person enters into a diversion agreement which suspends the prosecution of the

- 301 offense; and
- 302 (b) the hearing officer determines the person committed the offense intentionally,  
303 knowingly, or recklessly, as defined in Section 76-2-103.
- 304 (3)(a) The Wildlife Board shall make rules establishing guidelines that a hearing officer  
305 shall consider in determining:
- 306 (i) the type of license or permit privileges to suspend; and  
307 (ii) the duration of the suspension.
- 308 (b) The Wildlife Board shall ensure that the guidelines established under Subsection  
309 (3)(a) are consistent with Subsections (4), (5), and (6).
- 310 (4) Except as provided in Subsections (5) and (6), a hearing officer may suspend a person's  
311 license or permit privileges according to Subsection (2) for a period of time not to  
312 exceed:
- 313 (a) seven years for:
- 314 (i) a felony conviction;  
315 (ii) a plea of guilty or no contest to an offense punishable as a felony, which plea is  
316 held in abeyance pursuant to a plea in abeyance agreement; or  
317 (iii) being charged with an offense punishable as a felony, the prosecution of which is  
318 suspended pursuant to a diversion agreement;
- 319 (b) five years for:
- 320 (i) a class A misdemeanor conviction;  
321 (ii) a plea of guilty or no contest to an offense punishable as a class A misdemeanor,  
322 which plea is held in abeyance pursuant to a plea in abeyance agreement; or  
323 (iii) being charged with an offense punishable as a class A misdemeanor, the  
324 prosecution of which is suspended pursuant to a diversion agreement;
- 325 (c) three years for:
- 326 (i) a class B misdemeanor conviction;  
327 (ii) a plea of guilty or no contest to an offense punishable as a class B misdemeanor  
328 when the plea is held in abeyance according to a plea in abeyance agreement; or  
329 (iii) being charged with an offense punishable as a class B misdemeanor, the  
330 prosecution of which is suspended pursuant to a diversion agreement; and
- 331 (d) one year for:
- 332 (i) a class C misdemeanor conviction;  
333 (ii) a plea of guilty or no contest to an offense punishable as a class C misdemeanor,  
334 when the plea is held in abeyance according to a plea in abeyance agreement; or

- 335 (iii) being charged with an offense punishable as a class C misdemeanor, the  
336 prosecution of which is suspended according to a diversion agreement.
- 337 (5) The hearing officer may double a suspension period established in Subsection (4) for  
338 offenses:
- 339 (a) committed in violation of an existing suspension or revocation order issued by the  
340 courts, division, or Wildlife Board; or
- 341 (b) involving the unlawful taking of a trophy animal, as defined in Section 23A-1-101.
- 342 (6)(a) A hearing officer may suspend, according to Subsection (2), a person's license or  
343 permit privileges for a particular license or permit only once for each single criminal  
344 episode, as defined in Section 76-1-401.
- 345 (b) If a hearing officer addresses two or more single criminal episodes in a hearing, the  
346 suspension periods of license or permit privileges of the same type suspended,  
347 according to Subsection (2), may run consecutively.
- 348 (c) If a hearing officer suspends, according to Subsection (2), license or permit  
349 privileges of the type that have been previously suspended by a court, a hearing  
350 officer, or the Wildlife Board and the suspension period has not expired, the  
351 suspension periods may run consecutively.
- 352 (7)(a) A hearing officer, appointed by the division, may suspend a person's privilege of  
353 applying for, purchasing, and exercising the benefits conferred by a certificate of  
354 registration if:
- 355 (i) the hearing officer determines the person intentionally, knowingly, or recklessly,  
356 as defined in Section 76-2-103, violated:
- 357 (A) this title;
- 358 (B) a rule or order of the Wildlife Board;
- 359 (C) the terms of a certificate of registration; or
- 360 (D) the terms of a certificate of registration application or agreement; or
- 361 (ii) the person, in a court of law:
- 362 (A) is convicted of an offense that the hearing officer determines bears a  
363 reasonable relationship to the person's ability to safely and responsibly perform  
364 the activities authorized by the certificate of registration;
- 365 (B) pleads guilty or no contest to an offense that the hearing officer determines  
366 bears a reasonable relationship to the person's ability to safely and responsibly  
367 perform the activities authorized by the certificate of registration, and the plea  
368 is held in abeyance in accordance with a plea in abeyance agreement; or

- 369 (C) is charged with an offense that the hearing officer determines bears a  
370 reasonable relationship to the person's ability to safely and responsibly perform  
371 the activities authorized by the certificate of registration, and prosecution of the  
372 offense is suspended in accordance with a diversion agreement.
- 373 (b) A hearing officer shall suspend a certificate of registration for the harvesting of brine  
374 shrimp eggs, as defined in Section 59-23-3, if the hearing officer determines the  
375 holder of the certificate of registration has violated Section 59-23-5.
- 376 (8)(a) The director shall appoint a qualified person as a hearing officer to perform the  
377 adjudicative functions provided in this section.
- 378 (b) The director may not appoint a division employee who investigates or enforces  
379 wildlife violations.
- 380 (9)(a) The courts may suspend, in criminal sentencing, a person's privilege to apply for,  
381 purchase, or exercise the benefits conferred by a license, permit, or certificate of  
382 registration.
- 383 (b) The courts shall promptly notify the division of suspension orders or  
384 recommendations entered.
- 385 (c) The division, upon receiving notification of suspension from the courts, shall prohibit  
386 the person from applying for, purchasing, or exercising the benefits conferred by a  
387 license, permit, or certification of registration for the duration and of the type  
388 specified in the court order.
- 389 (d) The hearing officer shall consider a recommendation made by a sentencing court  
390 concerning suspension before issuing a suspension order.
- 391 (10) Before suspension under this section, the division shall give a person:
- 392 (a) written notice of action the division intends to take; and  
393 (b) an opportunity for a hearing.
- 394 (11)(a) A person may file an appeal of a hearing officer's decision with the Wildlife  
395 Board.
- 396 (b) The Wildlife Board shall review the hearing officer's findings and conclusions and  
397 any written documentation submitted at the hearing.
- 398 (c) The Wildlife Board may:
- 399 (i) take no action;  
400 (ii) vacate or remand the decision; or  
401 (iii) amend the period or type of suspension.
- 402 (12) The division shall suspend and reinstate all hunting, fishing, trapping, and falconry

403 privileges consistent with Chapter 2, Part 5, Wildlife Violator Compact.

404 (13) Within 30 days after the day on which an individual's privilege to hunt or fish is  
405 suspended under this title, the division shall report to the Division of Professional  
406 Licensing the:

407 (a) identifying information for the individual; and

408 (b) time period of the suspension.

409 (14) The Wildlife Board may make rules to implement this section in accordance with Title  
410 63G, Chapter 3, Utah Administrative Rulemaking Act.

411 Section 3. Section **26B-1-326** is amended to read:

412 **26B-1-326 . Suicide Prevention and Education Fund.**

413 (1) There is created an expendable special revenue fund known as the Suicide Prevention  
414 and Education Fund.

415 (2) The fund shall consist of funds transferred from the Concealed Weapons Account in  
416 accordance with [~~Subsection 53-5-707(5)(d)] Section 53-5a-307.~~

417 (3) Money in the fund shall be used for suicide prevention efforts that include a focus on  
418 firearm safety as related to suicide prevention.

419 (4) The Office of Substance Use and Mental Health shall establish a process by rule in  
420 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the  
421 expenditure of money from the fund.

422 Section 4. Section **26B-2-120** is amended to read:

423 **26B-2-120 . Background check -- Direct access to children or vulnerable adults.**

424 (1) As used in this section:

425 (a)(i) "Applicant" means an individual who is associated with a certification,

426 contract, or licensee with the department under this part and has direct access,

427 including:

428 (A) an adoptive parent or prospective adoptive parent, including an applicant for  
429 an adoption in accordance with Section 78B-6-128;

430 (B) a foster parent or prospective foster parent;

431 (C) an individual who provides respite care to a foster parent or an adoptive parent  
432 on more than one occasion;

433 (D) an individual who transports a child for a youth transportation company;

434 (E) an individual who provides certified peer support, as defined in Section  
435 26B-5-610;

436 (F) an individual who provides peer supports, has a disability or a family member

- 437 with a disability, or is in recovery from a mental illness or a substance use  
438 disorder;
- 439 (G) an individual who has lived experience with the services provided by the  
440 department, and uses that lived experience to provide support, guidance, or  
441 services to promote resiliency and recovery;
- 442 (H) an individual who is identified as a mental health professional, licensed under  
443 Title 58, Chapter 60, Mental Health Professional Practice Act, and engaged in  
444 the practice of mental health therapy, as defined in Section 58-60-102;
- 445 (I) an individual, other than the child or vulnerable adult receiving the service,  
446 who is 12 years old or older and resides in a home, that is licensed or certified  
447 by the division;
- 448 (J) an individual who is 12 years old or older and is associated with a certification,  
449 contract, or licensee with the department under this part and has or will likely  
450 have direct access;
- 451 (K) a foster home licensee that submits an application for an annual background  
452 screening as required by Subsection 26B-2-105(4)(d)(iii); or
- 453 (L) a short-term relief care provider.
- 454 (ii) "Applicant" does not include:
- 455 (A) an individual who is in the custody of the Division of Child and Family  
456 Services or the Division of Juvenile Justice and Youth Services;
- 457 (B) an individual who applies for employment with, or is employed by, the  
458 Department of Health and Human Services;
- 459 (C) a parent of a person receiving services from the Division of Services for  
460 People with Disabilities, if the parent provides direct care to and resides with  
461 the person, including if the parent provides direct care to and resides with the  
462 person pursuant to a court order; or
- 463 (D) an individual or a department contractor who provides services in an adults  
464 only substance use disorder program, as defined by rule adopted by the  
465 Department of Health and Human Services in accordance with Title 63G,  
466 Chapter 3, Utah Administrative Rulemaking Act, and who is not a program  
467 director or a member, as defined by Section 26B-2-105, of the program.
- 468 (b) "Application" means a background check application to the office.
- 469 (c) "Bureau" means the Bureau of Criminal Identification within the Department of  
470 Public Safety, created in Section 53-10-201.

- 471 (d) "Criminal finding" means a record of:
- 472 (i) an arrest for a criminal offense;
- 473 (ii) a warrant for a criminal arrest;
- 474 (iii) charges for a criminal offense; or
- 475 (iv) a criminal conviction.
- 476 (e) "Direct access" means that an individual has, or likely will have:
- 477 (i) contact with or access to a child or vulnerable adult by which the individual will
- 478 have the opportunity for personal communication or touch with the child or
- 479 vulnerable adult; or
- 480 (ii) an opportunity to view medical, financial, or other confidential personal
- 481 identifying information of the child, the child's parent or legal guardian, or the
- 482 vulnerable adult.
- 483 (f)(i) "Direct access qualified" means that the applicant has an eligible determination
- 484 by the office within the license and renewal time period; and
- 485 (ii) no more than 180 days have passed since the date on which the applicant's
- 486 association with a certification, contract, or licensee with the department expires.
- 487 (g) "Incidental care" means occasional care, not in excess of five hours per week and
- 488 never overnight, for a foster child.
- 489 (h) "Licensee" means an individual or a human services program licensed by the
- 490 division.
- 491 (i) "Non-criminal finding" means a record maintained in:
- 492 (i) the Division of Child and Family Services' Management Information System
- 493 described in Section 80-2-1001;
- 494 (ii) the Division of Child and Family Services' Licensing Information System
- 495 described in Section 80-2-1002;
- 496 (iii) the Division of Aging and Adult Services' vulnerable adult abuse, neglect, or
- 497 exploitation database described in Section 26B-6-210;
- 498 (iv) juvenile court arrest, adjudication, and disposition records;
- 499 (v) the Sex, Kidnap, and Child Abuse Offender Registry described in Title 77,
- 500 Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry, or a national sex
- 501 offender registry; or
- 502 (vi) a state child abuse or neglect registry.
- 503 (j) "Office" means the Office of Background Processing within the department.
- 504 (k) "Personal identifying information" means:

- 505 (i) current name, former names, nicknames, and aliases;  
506 (ii) date of birth;  
507 (iii) physical address and email address;  
508 (iv) telephone number;  
509 (v) driver license or other government-issued identification;  
510 (vi) social security number;  
511 (vii) only for applicants who are 18 years old or older, fingerprints, in a form  
512 specified by the office; and  
513 (viii) other information specified by the office by rule made in accordance with Title  
514 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 515 (2) Except as provided in Subsection (12), an applicant or a representative shall submit the  
516 following to the office:
- 517 (a) personal identifying information;  
518 (b) a fee established by the office under Section 63J-1-504;  
519 (c) a disclosure form, specified by the office, for consent for:
- 520 (i) an initial background check upon association with a certification, contract, or  
521 licensee with the department;  
522 (ii) ongoing monitoring of fingerprints and registries until no longer associated with a  
523 certification, contract, or licensee with the department for 180 days;  
524 (iii) a background check when the office determines that reasonable cause exists; and  
525 (iv) retention of personal identifying information, including fingerprints, for  
526 monitoring and notification as described in Subsections (3)(c) and (4);
- 527 (d) if an applicant resided outside of the United States and its territories during the five  
528 years immediately preceding the day on which the information described in  
529 Subsections (2)(a) through (c) is submitted to the office, documentation establishing  
530 whether the applicant was convicted of a crime during the time that the applicant  
531 resided outside of the United States or its territories; and
- 532 (e) an application showing an applicant's association with a certification, contract, or a  
533 licensee with the department, for the purpose of the office tracking the direct access  
534 qualified status of the applicant, which expires 180 days after the date on which the  
535 applicant is no longer associated with a certification, contract, or a licensee with the  
536 department.
- 537 (3) The office:
- 538 (a) shall perform the following duties as part of a background check of an applicant



- 539 before the office grants or denies direct access qualified status to an applicant:
- 540 (i) check state and regional criminal background databases for the applicant's
- 541 criminal history by:
- 542 (A) submitting personal identifying information to the bureau for a search; or
- 543 (B) using the applicant's personal identifying information to search state and
- 544 regional criminal background databases as authorized under Section 53-10-108;
- 545 (ii) submit the applicant's personal identifying information and fingerprints to the
- 546 bureau for a criminal history search of applicable national criminal background
- 547 databases;
- 548 (iii) search the Division of Child and Family Services' Licensing Information System
- 549 described in Section 80-2-1002;
- 550 (iv) search the Sex, Kidnap, and Child Abuse Offender Registry described in Title
- 551 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry, or a national
- 552 sex offender registry for an applicant 18 years old or older;
- 553 (v) if the applicant is associated with a licensee for a prospective foster or adoptive
- 554 parent, search the Division of Child and Family Services' Management
- 555 Information System described in Section 80-2-1001;
- 556 (vi) search the Division of Aging and Adult Services' vulnerable adult abuse, neglect,
- 557 or exploitation database described in Section 26B-6-210;
- 558 (vii) search the juvenile court records for substantiated findings of severe child abuse
- 559 or neglect described in Section 80-3-404; and
- 560 (viii) search the juvenile court arrest, adjudication, and disposition records, as
- 561 provided under Section 78A-6-209;
- 562 (b) may conduct all or portions of a background check in connection with determining
- 563 whether an applicant is direct access qualified, as provided by rule, made by the
- 564 office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
- 565 (i) for an annual renewal; or
- 566 (ii) when the office determines that reasonable cause exists;
- 567 (c) may submit an applicant's personal identifying information, including fingerprints, to
- 568 the bureau for checking, retaining, and monitoring of state and national criminal
- 569 background databases and for notifying the office of new criminal activity associated
- 570 with the applicant;
- 571 (d) shall track the status of an applicant under this section to ensure that the applicant is
- 572 not required to duplicate the submission of the applicant's fingerprints if the applicant

- 573 is associated with more than one certification, contract, or licensee with the  
574 department;
- 575 (e) shall notify the bureau when a direct access qualified individual has not been  
576 associated with a certification, contract, or licensee with the department for a period  
577 of 180 days;
- 578 (f) shall adopt measures to strictly limit access to personal identifying information solely  
579 to the individuals responsible for processing and entering the applications for  
580 background checks and to protect the security of the personal identifying information  
581 the office reviews under this Subsection (3);
- 582 (g) as necessary to comply with the federal requirement to check a state's child abuse  
583 and neglect registry regarding any applicant working in a congregate care program,  
584 shall:
- 585 (i) search the Division of Child and Family Services' Licensing Information System  
586 described in Section 80-2-1002; and
- 587 (ii) require the child abuse and neglect registry be checked in each state where an  
588 applicant resided at any time during the five years immediately preceding the day  
589 on which the application is submitted to the office; and
- 590 (h) shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative  
591 Rulemaking Act, to implement the provisions of this Subsection (3) relating to  
592 background checks.
- 593 (4)(a) With the personal identifying information the office submits to the bureau under  
594 Subsection (3), the bureau shall check against state and regional criminal background  
595 databases for the applicant's criminal history.
- 596 (b) With the personal identifying information and fingerprints the office submits to the  
597 bureau under Subsection (3), the bureau shall check against national criminal  
598 background databases for the applicant's criminal history.
- 599 (c) Upon direction from the office, and with the personal identifying information and  
600 fingerprints the office submits to the bureau under Subsection (3)(c), the bureau shall:
- 601 (i) maintain a separate file of the fingerprints for search by future submissions to the  
602 local and regional criminal records databases, including latent prints; and
- 603 (ii) monitor state and regional criminal background databases and identify criminal  
604 activity associated with the applicant.
- 605 (d) The bureau is authorized to submit the fingerprints to the Federal Bureau of  
606 Investigation Next Generation Identification System, to be retained in the Federal

- 607 Bureau of Investigation Next Generation Identification System for the purpose of:
- 608 (i) being searched by future submissions to the national criminal records databases,
- 609 including the Federal Bureau of Investigation Next Generation Identification
- 610 System and latent prints; and
- 611 (ii) monitoring national criminal background databases and identifying criminal
- 612 activity associated with the applicant.
- 613 (e) The ~~[Bureau]~~ bureau shall notify and release to the office all information of criminal
- 614 activity associated with the applicant.
- 615 (f) Upon notice that an individual who has direct access qualified status will no longer
- 616 be associated with a certification, contract, or licensee with the department, the
- 617 bureau shall:
- 618 (i) discard and destroy any retained fingerprints; and
- 619 (ii) notify the Federal Bureau of Investigation when the license has expired or an
- 620 individual's direct access to a child or a vulnerable adult has ceased, so that the
- 621 Federal Bureau of Investigation will discard and destroy the retained fingerprints
- 622 from the Federal Bureau of Investigation Next Generation Identification System.
- 623 (5)(a) Except as provided in Subsection (5)(b), the office shall deny direct access
- 624 qualified status to an applicant who, within three years from the date on which the
- 625 office conducts the background check, was convicted of:
- 626 (i) a felony or misdemeanor involving conduct that constitutes any of the following:
- 627 (A) an offense identified as domestic violence, lewdness, voyeurism, battery,
- 628 cruelty to animals, or bestiality;
- 629 (B) a violation of any pornography law, including sexual exploitation of a minor
- 630 or aggravated sexual exploitation of a minor;
- 631 (C) sexual solicitation or prostitution;
- 632 (D) a violent offense committed in the presence of a child, as described in Section
- 633 76-3-203.10;
- 634 (E) an offense included in Title 76, Chapter 4, Part 4, Enticement of a Minor;
- 635 (F) an offense included in Title 76, Chapter 5, Offenses Against the Individual;
- 636 (G) an offense included in Title 76, Chapter 5b, Sexual Exploitation Act;
- 637 (H) an offense included in Title 76, Chapter 7, Offenses Against the Family;
- 638 (I) an offense included in Title 76, Chapter 9, Part 4, Offenses Against Privacy;
- 639 (J) an offense included in Title 76, Chapter 10, Part 4, Weapons of Mass
- 640 Destruction;

- 641 (K) an offense included in Title 78B, Chapter 7, Protective Orders and Stalking  
642 Injunctions;
- 643 (L) aggravated arson, as described in Section 76-6-103;
- 644 (M) aggravated burglary, as described in Section 76-6-203;
- 645 (N) aggravated exploitation of prostitution, as described in Section 76-10-1306;
- 646 (O) aggravated robbery, as described in Section 76-6-302;
- 647 (P) endangering persons in a human services program, as described in Section  
648 26B-2-113;
- 649 (Q) failure to report, as described in Section 80-2-609;
- 650 (R) identity fraud crime, as described in Section 76-6-1102;
- 651 (S) leaving a child unattended in a motor vehicle, as described in Section  
652 76-10-2202;
- 653 (T) riot, as described in Section 76-9-101;
- 654 (U) sexual battery, as described in Section 76-9-702.1; or
- 655 (V) threatening with or using a dangerous weapon in a fight or quarrel, as  
656 described in Section ~~[76-10-506]~~ 76-11-207; or
- 657 (ii) a felony or misdemeanor offense committed outside of the state that, if committed  
658 in the state, would constitute a violation of an offense described in Subsection  
659 (5)(a)(i).
- 660 (b)(i) Subsection (5)(a) does not apply to an applicant who is seeking a position as a  
661 peer support provider or a mental health professional, if the applicant provides  
662 services in a program that serves only adults with a primary mental health  
663 diagnosis, with or without a co-occurring substance use disorder.
- 664 (ii) The office shall conduct a comprehensive review of an applicant described in  
665 Subsection (5)(b)(i) in accordance with Subsection (7).
- 666 (c) The office shall deny direct access qualified status to an applicant if the office finds  
667 that a court order prohibits the applicant from having direct access to a child or  
668 vulnerable adult.
- 669 (6) The office shall conduct a comprehensive review of an applicant's background check if  
670 the applicant:
- 671 (a) has a felony or class A misdemeanor conviction that is more than three years from  
672 the date on which the office conducts the background check, for an offense described  
673 in Subsection (5)(a);
- 674 (b) has a felony charge or conviction that is no more than 10 years from the date on

- 675 which the office conducts the background check for an offense not described in  
676 Subsection (5)(a);
- 677 (c) has a felony charge or conviction that is more than 10 years from the date on which  
678 the office conducts the background check, for an offense not described in Subsection  
679 (5)(a), with criminal or non-criminal findings after the date of the felony charge or  
680 conviction;
- 681 (d) has a class B misdemeanor or class C misdemeanor conviction that is more than  
682 three years and no more than 10 years from the date on which the office conducts the  
683 background check for an offense described in Subsection (5)(a);
- 684 (e) has a class B misdemeanor or class C misdemeanor conviction that is more than 10  
685 years from the date on which the office conducts the background check, for an  
686 offense described in Subsection (5)(a), with criminal or non-criminal findings after  
687 the date of conviction;
- 688 (f) has a misdemeanor charge or conviction that is no more than three years from the  
689 date on which the office conducts the background check for an offense not described  
690 in Subsection (5)(a);
- 691 (g) has a misdemeanor charge or conviction that is more than three years from the date  
692 on which the office conducts the background check, for an offense not described in  
693 Subsection (5)(a), with criminal or non-criminal findings after the date of charge or  
694 conviction;
- 695 (h) is currently subject to a plea in abeyance or diversion agreement for an offense  
696 described in Subsection (5)(a);
- 697 (i) appears on the Sex, Kidnap, and Child Abuse Offender Registry described in Title  
698 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry, or a national sex  
699 offender registry;
- 700 (j) has a record of an adjudication in juvenile court for an act that, if committed by an  
701 adult, would be a felony or misdemeanor, if the applicant is:
- 702 (i) under 28 years old; or
- 703 (ii) 28 years old or older and has been convicted of, has pleaded no contest to, or is  
704 currently subject to a plea in abeyance or diversion agreement for a felony or a  
705 misdemeanor offense described in Subsection (5)(a);
- 706 (k) has a pending charge for an offense described in Subsection (5)(a);
- 707 (l) has a listing that occurred no more than 15 years from the date on which the office  
708 conducts the background check in the Division of Child and Family Services'

- 709 Licensing Information System described in Section 80-2-1002;
- 710 (m) has a listing that occurred more than 15 years from the date on which the office  
711 conducts the background check in the Division of Child and Family Services'  
712 Licensing Information System described in Section 80-2-1002, with criminal or  
713 non-criminal findings after the date of the listing;
- 714 (n) has a listing that occurred no more than 15 years from the date on which the office  
715 conducts the background check in the Division of Aging and Adult Services'  
716 vulnerable adult abuse, neglect, or exploitation database described in Section  
717 26B-6-210;
- 718 (o) has a listing that occurred more than 15 years from the date on which the office  
719 conducts the background check in the Division of Aging and Adult Services'  
720 vulnerable adult abuse, neglect, or exploitation database described in Section  
721 26B-6-210, with criminal or non-criminal findings after the date of the listing;
- 722 (p) has a substantiated finding that occurred no more than 15 years from the date on  
723 which the office conducts the background check of severe child abuse or neglect  
724 under Section 80-3-404 or 80-3-504[-]; or
- 725 (q) has a substantiated finding that occurred more than 15 years from the date on which  
726 the office conducts the background check of severe child abuse or neglect under  
727 Section 80-3-404 or 80-3-504, with criminal or non-criminal findings after the date of  
728 the listing.
- 729 (7)(a) The comprehensive review shall include an examination of:
- 730 (i) the date of the offense or incident;
- 731 (ii) the nature and seriousness of the offense or incident;
- 732 (iii) the circumstances under which the offense or incident occurred;
- 733 (iv) the age of the perpetrator when the offense or incident occurred;
- 734 (v) whether the offense or incident was an isolated or repeated incident;
- 735 (vi) whether the offense or incident directly relates to abuse of a child or vulnerable  
736 adult, including:
- 737 (A) actual or threatened, nonaccidental physical, mental, or financial harm;
- 738 (B) sexual abuse;
- 739 (C) sexual exploitation; or
- 740 (D) negligent treatment;
- 741 (vii) any evidence provided by the applicant of rehabilitation, counseling, psychiatric  
742 treatment received, or additional academic or vocational schooling completed;

- 743 (viii) the applicant's risk of harm to clientele in the program or in the capacity for  
744 which the applicant is applying; and
- 745 (ix) if the background check of an applicant is being conducted for the purpose of  
746 giving direct access qualified status to an applicant seeking a position in a  
747 congregate care program or to become a prospective foster or adoptive parent, any  
748 listing in the Division of Child and Family Services' Management Information  
749 System described in Section 80-2-1001.
- 750 (b) At the conclusion of the comprehensive review, the office shall deny direct access  
751 qualified status to an applicant if the office finds the approval would likely create a  
752 risk of harm to a child or vulnerable adult.
- 753 (8) The office shall grant direct access qualified status to an applicant who is not denied  
754 under this section.
- 755 (9)(a) The office may conditionally grant direct access qualified status to an applicant,  
756 for a maximum of 60 days after the day on which the office sends written notice,  
757 without requiring that the applicant be directly supervised, if the office:
- 758 (i) is awaiting the results of the criminal history search of national criminal  
759 background databases; and
- 760 (ii) would otherwise grant direct access qualified status to the applicant under this  
761 section.
- 762 (b) The office may conditionally grant direct access qualified status to an applicant, for a  
763 maximum of one year after the day on which the office sends written notice, without  
764 requiring that the applicant be directly supervised if the office:
- 765 (i) is awaiting the results of an out-of-state registry for providers other than foster and  
766 adoptive parents; and
- 767 (ii) would otherwise grant direct access qualified status to the applicant under this  
768 section.
- 769 (c) Upon receiving the results of the criminal history search of a national criminal  
770 background database, the office shall grant or deny direct access qualified status to  
771 the applicant in accordance with this section.
- 772 (10)(a) Each time an applicant is associated with a licensee, the department shall review  
773 the current status of the applicant's background check to ensure the applicant is still  
774 eligible for direct access qualified status in accordance with this section.
- 775 (b) A licensee may not permit an individual to have direct access to a child or a  
776 vulnerable adult without being directly supervised unless:

- 777 (i) the individual is the parent or guardian of the child, or the guardian of the  
778 vulnerable adult;
- 779 (ii) the individual is approved by the parent or guardian of the child, or the guardian  
780 of the vulnerable adult, to have direct access to the child or the vulnerable adult;
- 781 (iii) the individual is only permitted to have direct access to a vulnerable adult who  
782 voluntarily invites the individual to visit; or
- 783 (iv) the individual only provides incidental care for a foster child on behalf of a foster  
784 parent who has used reasonable and prudent judgment to select the individual to  
785 provide the incidental care for the foster child.
- 786 (c) Notwithstanding any other provision of this section, an applicant who is denied direct  
787 access qualified status shall not have direct access to a child or vulnerable adult  
788 unless the office grants direct access qualified status to the applicant through a  
789 subsequent application in accordance with this section.
- 790 (11) If the office denies direct access qualified status to an applicant, the applicant may  
791 request a hearing in the department's Office of Administrative Hearings to challenge the  
792 office's decision.
- 793 (12)(a) This Subsection (12) applies to an applicant associated with a certification,  
794 contract, or licensee serving adults only.
- 795 (b) A program director or a member, as defined in Section 26B-2-105, of the licensee  
796 shall comply with this section.
- 797 (c) The office shall conduct a comprehensive review for an applicant if:
- 798 (i) the applicant is seeking a position:
- 799 (A) as a peer support provider;
- 800 (B) as a mental health professional; or
- 801 (C) in a program that serves only adults with a primary mental health diagnosis,  
802 with or without a co-occurring substance use disorder; and
- 803 (ii) within three years from the date on which the office conducts the background  
804 check, the applicant has a felony or misdemeanor charge or conviction or a  
805 non-criminal finding.
- 806 (13)(a) This Subsection (13) applies to an applicant seeking a position in a congregate  
807 care program, an applicant seeking to provide a prospective foster home, an applicant  
808 seeking to provide a prospective adoptive home, and each adult living in the home of  
809 the prospective foster or prospective adoptive home.
- 810 (b) As federally required, the office shall:



- 811 (i) check the child abuse and neglect registry in each state where each applicant  
812 resided in the five years immediately preceding the day on which the applicant  
813 applied to be a foster or adoptive parent, to determine whether the prospective  
814 foster or adoptive parent is listed in the registry as having a substantiated or  
815 supported finding of child abuse or neglect; and
- 816 (ii) except for applicants seeking a position in a congregate care program, check the  
817 child abuse and neglect registry in each state where each adult living in the home  
818 of the prospective foster or adoptive home resided in the five years immediately  
819 preceding the day on which the applicant applied to be a foster or adoptive parent,  
820 to determine whether the adult is listed in the registry as having a substantiated or  
821 supported finding of child abuse or neglect.
- 822 (c) The requirements described in Subsection (13)(b) do not apply to the extent that:
- 823 (i) federal law or rule permits otherwise; or
- 824 (ii) the requirements would prohibit the Division of Child and Family Services or a  
825 court from placing a child with:
- 826 (A) a noncustodial parent under Section 80-2a-301, 80-3-302, or 80-3-303; or
- 827 (B) a relative, other than a noncustodial parent, under Section 80-2a-301, 80-3-302,  
828 or 80-3-303, pending completion of the background check described in  
829 Subsections (5), (6), and (7).
- 830 (d) Notwithstanding Subsections (5) through (10), the office shall deny direct access  
831 qualified status if the applicant has been convicted of:
- 832 (i) a felony involving conduct that constitutes any of the following:
- 833 (A) child abuse, as described in Sections 76-5-109, 76-5-109.2, and 76-5-109.3;
- 834 (B) commission of domestic violence in the presence of a child, as described in  
835 Section 76-5-114;
- 836 (C) abuse or neglect of a child with a disability, as described in Section 76-5-110;
- 837 (D) intentional aggravated abuse of a vulnerable adult, as described in Section  
838 76-5-111;
- 839 (E) endangerment of a child or vulnerable adult, as described in Section  
840 76-5-112.5;
- 841 (F) aggravated murder, as described in Section 76-5-202;
- 842 (G) murder, as described in Section 76-5-203;
- 843 (H) manslaughter, as described in Section 76-5-205;
- 844 (I) child abuse homicide, as described in Section 76-5-208;

- 845 (J) homicide by assault, as described in Section 76-5-209;
- 846 (K) kidnapping, as described in Section 76-5-301;
- 847 (L) child kidnapping, as described in Section 76-5-301.1;
- 848 (M) aggravated kidnapping, as described in Section 76-5-302;
- 849 (N) human trafficking of a child, as described in Section 76-5-308.5;
- 850 (O) an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses;
- 851 (P) sexual exploitation of a minor, as described in Title 76, Chapter 5b, Sexual
- 852 Exploitation Act;
- 853 (Q) aggravated exploitation of a minor, as described in Section 76-5b-201.1;
- 854 (R) aggravated arson, as described in Section 76-6-103;
- 855 (S) aggravated burglary, as described in Section 76-6-203;
- 856 (T) aggravated robbery, as described in Section 76-6-302;
- 857 (U) lewdness involving a child, as described in Section 76-9-702.5;
- 858 (V) incest, as described in Section 76-7-102; or
- 859 (W) domestic violence, as described in Section 77-36-1; or
- 860 (ii) an offense committed outside the state that, if committed in the state, would
- 861 constitute a violation of an offense described in Subsection (13)(d)(i).
- 862 (e) Notwithstanding Subsections (5) through (10), the office shall deny direct access
- 863 qualified status to an applicant if, within the five years from the date on which the
- 864 office conducts the background check, the applicant was convicted of a felony
- 865 involving conduct that constitutes a violation of any of the following:
- 866 (i) aggravated assault, as described in Section 76-5-103;
- 867 (ii) aggravated assault by a prisoner, as described in Section 76-5-103.5;
- 868 (iii) mayhem, as described in Section 76-5-105;
- 869 (iv) an offense described in Title 58, Chapter 37, Utah Controlled Substances Act;
- 870 (v) an offense described in Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
- 871 (vi) an offense described in Title 58, Chapter 37b, Imitation Controlled Substances
- 872 Act;
- 873 (vii) an offense described in Title 58, Chapter 37c, Utah Controlled Substance
- 874 Precursor Act; or
- 875 (viii) an offense described in Title 58, Chapter 37d, Clandestine Drug Lab Act.
- 876 (f) In addition to the circumstances described in Subsection (6), the office shall conduct
- 877 a comprehensive review of an applicant's background check under this section if the
- 878 applicant:

- 879 (i) has an offense described in Subsection (5)(a);  
 880 (ii) has an infraction conviction entered on a date that is no more than three years  
 881 before the date on which the office conducts the background check;  
 882 (iii) has a listing in the Division of Child and Family Services' Licensing Information  
 883 System described in Section 80-2-1002;  
 884 (iv) has a listing in the Division of Aging and Adult Services' vulnerable adult,  
 885 neglect, or exploitation database described in Section 26B-2-210;  
 886 (v) has a substantiated finding of severe child abuse or neglect under Section  
 887 80-3-404 or 80-3-504; or  
 888 (vi) has a listing on the registry check described in Subsection (13)(b) as having a  
 889 substantiated or supported finding of a severe type of child abuse or neglect, as  
 890 defined in Section 80-1-102.

891 (14) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 892 office may make rules, consistent with this part, to:

- 893 (a) establish procedures for, and information to be examined in, the comprehensive  
 894 review described in Subsections (6), (7), and (13); and  
 895 (b) determine whether to consider an offense or incident that occurred while an  
 896 individual was in the custody of the Division of Child and Family Services or the  
 897 Division of Juvenile Justice and Youth Services for purposes of granting or denying  
 898 direct access qualified status to an applicant.

899 Section 5. Section **26B-5-102** is amended to read:

900 **26B-5-102 . Division of Integrated Healthcare -- Office of Substance Use and**  
 901 **Mental Health -- Creation -- Responsibilities.**

- 902 (1)(a) The Division of Integrated Healthcare shall exercise responsibility over the  
 903 policymaking functions, regulatory and enforcement powers, rights, duties, and  
 904 responsibilities outlined in state law that were previously vested in the Division of  
 905 Substance Abuse and Mental Health within the department, under the administration  
 906 and general supervision of the executive director.  
 907 (b) The division is the substance abuse authority and the mental health authority for this  
 908 state.  
 909 (c) There is created the Office of Substance Use and Mental Health within the division.  
 910 (d) The office shall exercise the responsibilities, powers, rights, duties, and  
 911 responsibilities assigned to the office by the executive director.  
 912 (2) The division shall:

- 913 (a)(i) educate the general public regarding the nature and consequences of substance  
914 use by promoting school and community-based prevention programs;
- 915 (ii) render support and assistance to public schools through approved school-based  
916 substance abuse education programs aimed at prevention of substance use;
- 917 (iii) promote or establish programs for the prevention of substance use within the  
918 community setting through community-based prevention programs;
- 919 (iv) cooperate with and assist treatment centers, recovery residences, and other  
920 organizations that provide services to individuals recovering from a substance use  
921 disorder, by identifying and disseminating information about effective practices  
922 and programs;
- 923 (v) promote integrated programs that address an individual's substance use, mental  
924 health, and physical health;
- 925 (vi) establish and promote an evidence-based continuum of screening, assessment,  
926 prevention, treatment, and recovery support services in the community for  
927 individuals with a substance use disorder or mental illness;
- 928 (vii) evaluate the effectiveness of programs described in this Subsection (2);
- 929 (viii) consider the impact of the programs described in this Subsection (2) on:
- 930 (A) emergency department utilization;
- 931 (B) jail and prison populations;
- 932 (C) the homeless population; and
- 933 (D) the child welfare system; and
- 934 (ix) promote or establish programs for education and certification of instructors to  
935 educate individuals convicted of driving under the influence of alcohol or drugs or  
936 driving with any measurable controlled substance in the body;
- 937 (b)(i) collect and disseminate information pertaining to mental health;
- 938 (ii) provide direction over the state hospital including approval of the state hospital's  
939 budget, administrative policy, and coordination of services with local service  
940 plans;
- 941 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
942 Rulemaking Act, to educate families concerning mental illness and promote  
943 family involvement, when appropriate, and with patient consent, in the treatment  
944 program of a family member;
- 945 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
946 Rulemaking Act, to direct that an individual receiving services through a local

- 947 mental health authority or the Utah State Hospital be informed about and, if  
948 desired by the individual, provided assistance in the completion of a declaration  
949 for mental health treatment in accordance with Section 26B-5-313; and
- 950 (v) to the extent authorized and in accordance with statute, make rules in accordance  
951 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:
- 952 (A) create a certification for targeted case management;  
953 (B) establish training and certification requirements;  
954 (C) specify the types of services each certificate holder is qualified to provide;  
955 (D) specify the type of supervision under which a certificate holder is required to  
956 operate; and  
957 (E) specify continuing education and other requirements for maintaining or  
958 renewing certification;
- 959 (c)(i) consult and coordinate with local substance abuse authorities and local mental  
960 health authorities regarding programs and services;
- 961 (ii) provide consultation and other assistance to public and private agencies and  
962 groups working on substance use and mental health issues;
- 963 (iii) promote and establish cooperative relationships with courts, hospitals, clinics,  
964 medical and social agencies, public health authorities, law enforcement agencies,  
965 education and research organizations, and other related groups;
- 966 (iv) promote or conduct research on substance use and mental health issues, and  
967 submit to the governor and the Legislature recommendations for changes in policy  
968 and legislation;
- 969 (v) receive, distribute, and provide direction over public funds for substance use and  
970 mental health services;
- 971 (vi) monitor and evaluate programs provided by local substance abuse authorities and  
972 local mental health authorities;
- 973 (vii) examine expenditures of local, state, and federal funds;
- 974 (viii) monitor the expenditure of public funds by:
- 975 (A) local substance abuse authorities;  
976 (B) local mental health authorities; and  
977 (C) in counties where they exist, a private contract provider that has an annual or  
978 otherwise ongoing contract to provide comprehensive substance abuse or  
979 mental health programs or services for the local substance abuse authority or  
980 local mental health authority;

- 981 (ix) contract with local substance abuse authorities and local mental health authorities  
982 to provide a comprehensive continuum of services that include community-based  
983 services for individuals involved in the criminal justice system, in accordance with  
984 division policy, contract provisions, and the local plan;
- 985 (x) contract with private and public entities for special statewide or nonclinical  
986 services, or services for individuals involved in the criminal justice system,  
987 according to division rules;
- 988 (xi) review and approve each local substance abuse authority's plan and each local  
989 mental health authority's plan in order to ensure:
- 990 (A) a statewide comprehensive continuum of substance use services;  
991 (B) a statewide comprehensive continuum of mental health services;  
992 (C) services result in improved overall health and functioning;  
993 (D) a statewide comprehensive continuum of community-based services designed  
994 to reduce criminal risk factors for individuals who are determined to have  
995 substance use or mental illness conditions or both, and who are involved in the  
996 criminal justice system;
- 997 (E) compliance, where appropriate, with the certification requirements in  
998 Subsection (2)(h); and
- 999 (F) appropriate expenditure of public funds;
- 1000 (xii) review and make recommendations regarding each local substance abuse  
1001 authority's contract with the local substance abuse authority's provider of  
1002 substance use programs and services and each local mental health authority's  
1003 contract with the local mental health authority's provider of mental health  
1004 programs and services to ensure compliance with state and federal law and policy;
- 1005 (xiii) monitor and ensure compliance with division rules and contract requirements;  
1006 and
- 1007 (xiv) withhold funds from local substance abuse authorities, local mental health  
1008 authorities, and public and private providers for contract noncompliance, failure to  
1009 comply with division directives regarding the use of public funds, or for misuse of  
1010 public funds or money;
- 1011 (d) ensure that the requirements of this part are met and applied uniformly by local  
1012 substance abuse authorities and local mental health authorities across the state;
- 1013 (e) require each local substance abuse authority and each local mental health authority,  
1014 in accordance with Subsections 17-43-201(5)(b) and 17-43-301(6)(a)(ii), to submit a

- 1015 plan to the division on or before May 15 of each year;
- 1016 (f) conduct an annual program audit and review of each local substance abuse authority  
1017 and each local substance abuse authority's contract provider, and each local mental  
1018 health authority and each local mental health authority's contract provider, including:
- 1019 (i) a review and determination regarding whether:
- 1020 (A) public funds allocated to the local substance abuse authority or the local  
1021 mental health authorities are consistent with services rendered by the authority  
1022 or the authority's contract provider, and with outcomes reported by the  
1023 authority's contract provider; and
- 1024 (B) each local substance abuse authority and each local mental health authority is  
1025 exercising sufficient oversight and control over public funds allocated for  
1026 substance use disorder and mental health programs and services; and
- 1027 (ii) items determined by the division to be necessary and appropriate;
- 1028 (g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4, Alcoholic  
1029 Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act;
- 1030 (h)(i) train and certify an adult as a peer support specialist, qualified to provide peer  
1031 supports services to an individual with:
- 1032 (A) a substance use disorder;
- 1033 (B) a mental health disorder; or
- 1034 (C) a substance use disorder and a mental health disorder;
- 1035 (ii) certify a person to carry out, as needed, the division's duty to train and certify an  
1036 adult as a peer support specialist;
- 1037 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
1038 Rulemaking Act, that:
- 1039 (A) establish training and certification requirements for a peer support specialist;
- 1040 (B) specify the types of services a peer support specialist is qualified to provide;
- 1041 (C) specify the type of supervision under which a peer support specialist is  
1042 required to operate; and
- 1043 (D) specify continuing education and other requirements for maintaining or  
1044 renewing certification as a peer support specialist; and
- 1045 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
1046 Rulemaking Act, that:
- 1047 (A) establish the requirements for a person to be certified to carry out, as needed,  
1048 the division's duty to train and certify an adult as a peer support specialist; and

- 1049 (B) specify how the division shall provide oversight of a person certified to train  
1050 and certify a peer support specialist;
- 1051 (i) collaborate with the State Commission on Criminal and Juvenile Justice to analyze  
1052 and provide recommendations to the Legislature regarding:
- 1053 (i) pretrial services and the resources needed to reduce recidivism;
- 1054 (ii) county jail and county behavioral health early-assessment resources needed for an  
1055 individual convicted of a class A or class B misdemeanor; and
- 1056 (iii) the replacement of federal dollars associated with drug interdiction law  
1057 enforcement task forces that are reduced;
- 1058 (j) establish performance goals and outcome measurements for a mental health or  
1059 substance use treatment program that is licensed under Chapter 2, Part 1, Human  
1060 Services Programs and Facilities, and contracts with the department, including goals  
1061 and measurements related to employment and reducing recidivism of individuals  
1062 receiving mental health or substance use treatment who are involved with the  
1063 criminal justice system;
- 1064 (k) annually, on or before November 30, submit a written report to the Judiciary Interim  
1065 Committee, the Health and Human Services Interim Committee, and the Law  
1066 Enforcement and Criminal Justice Interim Committee, that includes:
- 1067 (i) a description of the performance goals and outcome measurements described in  
1068 Subsection (2)(j); and
- 1069 (ii) information on the effectiveness of the goals and measurements in ensuring  
1070 appropriate and adequate mental health or substance use treatment is provided in a  
1071 treatment program described in Subsection (2)(j);
- 1072 (l) collaborate with the Administrative Office of the Courts, the Department of  
1073 Corrections, the Department of Workforce Services, and the Board of Pardons and  
1074 Parole to collect data on recidivism in accordance with the metrics and requirements  
1075 described in Section 63M-7-102;
- 1076 (m) at the division's discretion, use the data described in Subsection (2)(l) to make  
1077 decisions regarding the use of funds allocated to the division to provide treatment;
- 1078 (n) annually, on or before August 31, submit the data collected under Subsection (2)(l)  
1079 and any recommendations to improve the data collection to the State Commission on  
1080 Criminal and Juvenile Justice to be included in the report described in Subsection  
1081 63M-7-204(1)(x);
- 1082 (o) publish the following on the division's website:



- 1083 (i) the performance goals and outcome measurements described in Subsection (2)(j);  
1084 and
- 1085 (ii) a description of the services provided and the contact information for the mental  
1086 health and substance use treatment programs described in Subsection (2)(j) and  
1087 residential, vocational and life skills programs, as defined in Section 13-53-102;  
1088 and
- 1089 (p) consult and coordinate with the Division of Child and Family Services to develop  
1090 and manage the operation of a program designed to reduce substance use during  
1091 pregnancy and by parents of a newborn child that includes:
- 1092 (i) providing education and resources to health care providers and individuals in the  
1093 state regarding prevention of substance use during pregnancy;
- 1094 (ii) providing training to health care providers in the state regarding screening of a  
1095 pregnant woman or pregnant minor to identify a substance use disorder; and
- 1096 (iii) providing referrals to pregnant women, pregnant minors, or parents of a newborn  
1097 child in need of substance use treatment services to a facility that has the capacity  
1098 to provide the treatment services.
- 1099 (3) In addition to the responsibilities described in Subsection (2), the division shall, within  
1100 funds appropriated by the Legislature for this purpose, implement and manage the  
1101 operation of a firearm safety and suicide prevention program, in consultation with the  
1102 Bureau of Criminal Identification created in Section 53-10-201, including:
- 1103 (a) coordinating with local mental health and substance abuse authorities, a nonprofit  
1104 behavioral health advocacy group, and a representative from a Utah-based nonprofit  
1105 organization with expertise in the field of firearm use and safety that represents  
1106 firearm owners, to:
- 1107 (i) produce and periodically review and update a firearm safety brochure and other  
1108 educational materials with information about the safe handling and use of firearms  
1109 that includes:
- 1110 (A) information on safe handling, storage, and use of firearms in a home  
1111 environment;
- 1112 (B) information about at-risk individuals and individuals who are legally  
1113 prohibited from possessing firearms;
- 1114 (C) information about suicide prevention awareness; and
- 1115 (D) information about the availability of firearm safety packets;
- 1116 (ii) procure cable-style gun locks for distribution under this section;

- 1117 (iii) produce a firearm safety packet that includes the firearm safety brochure and the  
1118 cable-style gun lock described in this Subsection (3); and
- 1119 (iv) create a suicide prevention education course that:
- 1120 (A) provides information for distribution regarding firearm safety education;
- 1121 (B) incorporates current information on how to recognize suicidal behaviors and  
1122 identify individuals who may be suicidal; and
- 1123 (C) provides information regarding crisis intervention resources;
- 1124 (b) distributing, free of charge, the firearm safety packet to the following persons, who  
1125 shall make the firearm safety packet available free of charge:
- 1126 (i) health care providers, including emergency rooms;
- 1127 (ii) mobile crisis outreach teams;
- 1128 (iii) mental health practitioners;
- 1129 (iv) other public health suicide prevention organizations;
- 1130 (v) entities that teach firearm safety courses;
- 1131 (vi) school districts for use in the seminar, described in Section 53G-9-702, for  
1132 parents of students in the school district; and
- 1133 (vii) firearm dealers to be distributed in accordance with Section [~~76-10-526~~]  
1134 53-5a-602;
- 1135 (c) creating and administering a rebate program that includes a rebate that offers  
1136 between \$10 and \$200 off the purchase price of a firearm safe from a participating  
1137 firearms dealer or a person engaged in the business of selling firearm safes in Utah,  
1138 by a Utah resident; and
- 1139 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1140 making rules that establish procedures for:
- 1141 (i) producing and distributing the suicide prevention education course and the firearm  
1142 safety brochures and packets;
- 1143 (ii) procuring the cable-style gun locks for distribution; and
- 1144 (iii) administering the rebate program.
- 1145 (4)(a) The division may refuse to contract with and may pursue legal remedies against  
1146 any local substance abuse authority or local mental health authority that fails, or has  
1147 failed, to expend public funds in accordance with state law, division policy, contract  
1148 provisions, or directives issued in accordance with state law.
- 1149 (b) The division may withhold funds from a local substance abuse authority or local  
1150 mental health authority if the authority's contract provider of substance use or mental

- 1151 health programs or services fails to comply with state and federal law or policy.
- 1152 (5)(a) Before reissuing or renewing a contract with any local substance abuse authority  
1153 or local mental health authority, the division shall review and determine whether the  
1154 local substance abuse authority or local mental health authority is complying with the  
1155 oversight and management responsibilities described in Sections 17-43-201,  
1156 17-43-203, 17-43-303, and 17-43-309.
- 1157 (b) Nothing in this Subsection (5) may be used as a defense to the responsibility and  
1158 liability described in Section 17-43-303 and to the responsibility and liability  
1159 described in Section 17-43-203.
- 1160 (6) In carrying out the division's duties and responsibilities, the division may not duplicate  
1161 treatment or educational facilities that exist in other divisions or departments of the state,  
1162 but shall work in conjunction with those divisions and departments in rendering the  
1163 treatment or educational services that those divisions and departments are competent and  
1164 able to provide.
- 1165 (7) The division may accept in the name of and on behalf of the state donations, gifts,  
1166 devises, or bequests of real or personal property or services to be used as specified by  
1167 the donor.
- 1168 (8) The division shall annually review with each local substance abuse authority and each  
1169 local mental health authority the authority's statutory and contract responsibilities  
1170 regarding:
- 1171 (a) use of public funds;  
1172 (b) oversight of public funds; and  
1173 (c) governance of substance use disorder and mental health programs and services.
- 1174 (9) The Legislature may refuse to appropriate funds to the division upon the division's  
1175 failure to comply with the provisions of this part.
- 1176 (10) If a local substance abuse authority contacts the division under Subsection 17-43-201  
1177 (10) for assistance in providing treatment services to a pregnant woman or pregnant  
1178 minor, the division shall:
- 1179 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the  
1180 capacity to provide the treatment services; or  
1181 (b) otherwise ensure that treatment services are made available to the pregnant woman  
1182 or pregnant minor.
- 1183 (11) The division shall employ a school-based mental health specialist to be housed at the  
1184 State Board of Education who shall work with the State Board of Education to:

- 1185 (a) provide coordination between a local education agency and local mental health  
1186 authority;
- 1187 (b) recommend evidence-based and evidence informed mental health screenings and  
1188 intervention assessments for a local education agency; and
- 1189 (c) coordinate with the local community, including local departments of health, to  
1190 enhance and expand mental health related resources for a local education agency.

1191 Section 6. Section **31A-21-501** is amended to read:

1192 **31A-21-501 . Definitions.**

1193 For purposes of this part:

- 1194 (1) "Applicant" means:
- 1195 (a) in the case of an individual life or accident and health policy, the person who seeks to  
1196 contract for insurance benefits; or
- 1197 (b) in the case of a group life or accident and health policy, the proposed certificate  
1198 holder.
- 1199 (2) "Cohabitant" means an emancipated individual pursuant to Section 15-2-1 or an  
1200 individual who is 16 years old or older who:
- 1201 (a) is or was a spouse of the other party;
- 1202 (b) is or was living as if a spouse of the other party;
- 1203 (c) is related by blood or marriage to the other party;
- 1204 (d) has one or more children in common with the other party; or
- 1205 (e) resides or has resided in the same residence as the other party.
- 1206 (3) "Child abuse" means the commission or attempt to commit against a child a criminal  
1207 offense described in:
- 1208 (a) Title 76, Chapter 5, Part 1, Assault and Related Offenses;
- 1209 (b) Title 76, Chapter 5, Part 4, Sexual Offenses;
- 1210 (c) Section 76-9-702, Lewdness;
- 1211 (d) Section 76-9-702.1, Sexual battery; or
- 1212 (e) Section 76-9-702.5, Lewdness involving a child.
- 1213 (4) "Domestic violence" means any criminal offense involving violence or physical harm or  
1214 threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit  
1215 a criminal offense involving violence or physical harm, when committed by one  
1216 cohabitant against another and includes commission or attempt to commit, any of the  
1217 following offenses by one cohabitant against another:
- 1218 (a) aggravated assault, as described in Section 76-5-103;

- 1219 (b) assault, as described in Section 76-5-102;
- 1220 (c) criminal homicide, as described in Section 76-5-201;
- 1221 (d) harassment, as described in Section 76-5-106;
- 1222 (e) electronic communication harassment, as described in Section 76-9-201;
- 1223 (f) kidnapping, child kidnapping, or aggravated kidnapping, as described in Sections
- 1224 76-5-301, 76-5-301.1, and 76-5-302;
- 1225 (g) mayhem, as described in Section 76-5-105;
- 1226 (h) sexual offenses, as described in Title 76, Chapter 5, Part 4, Sexual Offenses, and
- 1227 Sections 76-5b-201 and 76-5b-201.1;
- 1228 (i) stalking, as described in Section 76-5-106.5;
- 1229 (j) unlawful detention or unlawful detention of a minor, as described in Section 76-5-304;
- 1230 (k) violation of a protective order or ex parte protective order, as described in Section
- 1231 76-5-108;
- 1232 (l) any offense against property described in Title 76, Chapter 6, Part 1, Property
- 1233 Destruction, Part 2, Burglary and Criminal Trespass, or Part 3, Robbery;
- 1234 (m) possession of a ~~[deadly]~~ dangerous weapon with ~~[intent to assault]~~ criminal intent, as
- 1235 described in Section ~~[76-10-507]~~ 76-11-208; or
- 1236 (n) discharge of a firearm from a vehicle, near a highway, or in the direction of any [
- 1237 ~~person]~~ individual, building, or vehicle, as described in Section ~~[76-10-508]~~ 76-11-209.
- 1238 (5) "Subject of domestic abuse" means an individual who is, has been, may currently be, or
- 1239 may have been subject to domestic violence or child abuse.

1240 Section 7. Section **34-45-102** is amended to read:

1241 **34-45-102 . Definitions.**

1242 As used in this chapter:

- 1243 (1) "Firearm" has the same meaning as provided in Section ~~[76-10-501]~~ 76-11-101.
- 1244 (2) "Motor vehicle" has the same meaning as provided in Section 41-1a-102.
- 1245 (3) "Person" means an individual, property owner, landlord, tenant, employer, business
- 1246 entity, or other legal entity.

1247 Section 8. Section **34-45-107** is amended to read:

1248 **34-45-107 . Exemptions -- Limitations on chapter -- School premises --**

1249 **Government entities -- Religious organizations -- Single family detached residential units.**

- 1250 (1)(a) School premises, as defined in Subsection 76-3-203.2(1), are exempt from the
- 1251 provisions of this chapter.
- 1252 (b) ~~[Possession of a firearm on or about school premises]~~ Carrying a dangerous weapon

1253 at an elementary school or secondary school is subject to the provisions of Section [  
1254 76-10-505.5] 76-11-205.

1255 (2) Government entities, including a local authority or state entity, are subject to the  
1256 requirements of [~~Title 53, Chapter 5a, Firearm Laws~~] Title 53, Chapter 5a, Firearms Laws,  
1257 but are otherwise exempt from the provisions of this chapter.

1258 (3) Religious organizations, including religious organizations acting as an employer, are  
1259 exempt from, and are not subject to the provisions of this chapter.

1260 (4) Owner-occupied single family detached residential units and tenant-occupied single  
1261 family detached residential units are exempt from the provisions of this chapter.

1262 (5) A person who is subject to federal law that specifically forbids the presence of a firearm  
1263 on property designated for motor vehicle parking, or a person who is subject to Section  
1264 550 of the United States Department of Homeland Security Appropriations Act of 2007,  
1265 Pub. L. No. 109-295 or regulations enacted in accordance with that section, is exempt  
1266 from Section 34-45-103 if:

1267 (a) providing alternative parking or a storage location under Subsection 34-45-103(2)(a)  
1268 would pose an undue burden on the person; and

1269 (b) the person files a statement with the attorney general citing the federal law that  
1270 forbids the presence of a firearm and detailing the reasons why providing alternative  
1271 parking or a storage location poses an undue burden.

1272 (6) A person who is subject to Section 550 of the United States Department of Homeland  
1273 Security Appropriations Act of 2007, Pub. L. No. 109-295 or regulations enacted in  
1274 accordance with that section is exempt from this chapter if:

1275 (a) the person has attempted to provide alternative parking or a storage location in  
1276 accordance with Subsection 34-45-103(2)(a);

1277 (b) the secretary of the federal Department of Homeland Security notifies the person that  
1278 the provision of alternative parking or a storage location causes the person to be out  
1279 of compliance with Section 550 of the United States Department of Homeland  
1280 Security Appropriations Act of 2007, Pub. L. No. 109-295 or regulations enacted in  
1281 accordance with that section and the person may be subject to punitive measures; and

1282 (c) the person files a detailed statement with the attorney general notifying the attorney  
1283 general of the facts under Subsections (6)(a) and (b).

1284 Section 9. Section **36-29-111** is amended to read:

1285 **36-29-111 . Public Safety Data Management Task Force.**

1286 (1) As used in this section:

- 1287 (a) "Cohabitant abuse protective order" means an order issued with or without notice to  
1288 the respondent in accordance with Title 78B, Chapter 7, Part 6, Cohabitant Abuse  
1289 Protective Orders.
- 1290 (b) "Lethality assessment" means an evidence-based assessment that is intended to  
1291 identify a victim of domestic violence who is at a high risk of being killed by the  
1292 perpetrator.
- 1293 (c) "Task force" means the Public Safety Data Management Task Force created in this  
1294 section.
- 1295 (d) "Victim" means an individual who is a victim of domestic violence, as defined in  
1296 Section 77-36-1.
- 1297 (2) There is created the Public Safety Data Management Task Force consisting of the  
1298 following members:
- 1299 (a) three members of the Senate appointed by the president of the Senate, no more than  
1300 two of whom may be from the same political party;
- 1301 (b) three members of the House of Representatives appointed by the speaker of the  
1302 House of Representatives, no more than two of whom may be from the same political  
1303 party; and
- 1304 (c) representatives from the following organizations as requested by the executive  
1305 director of the State Commission on Criminal and Juvenile Justice:
- 1306 (i) the State Commission on Criminal and Juvenile Justice;
- 1307 (ii) the Judicial Council;
- 1308 (iii) the Statewide Association of Prosecutors;
- 1309 (iv) the Department of Corrections;
- 1310 (v) the Department of Public Safety;
- 1311 (vi) the Utah Association of Counties;
- 1312 (vii) the Utah Chiefs of Police Association;
- 1313 (viii) the Utah Sheriffs Association;
- 1314 (ix) the Board of Pardons and Parole;
- 1315 (x) the Department of Health and Human Services;
- 1316 (xi) the Utah Division of Indian Affairs; and
- 1317 (xii) any other organizations or groups as recommended by the executive director of  
1318 the Commission on Criminal and Juvenile Justice.
- 1319 (3)(a) The president of the Senate shall designate a member of the Senate appointed  
1320 under Subsection (2)(a) as a cochair of the task force.

- 1321 (b) The speaker of the House of Representatives shall designate a member of the House  
1322 of Representatives appointed under Subsection (2)(b) as a cochair of the task force.
- 1323 (4)(a) A majority of the members of the task force present at a meeting constitutes a  
1324 quorum.
- 1325 (b) The action of a majority of a quorum constitutes an action of the task force.
- 1326 (5)(a) Salaries and expenses of the members of the task force who are legislators shall be  
1327 paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter  
1328 3, Legislator Compensation.
- 1329 (b) A member of the task force who is not a legislator:
- 1330 (i) may not receive compensation for the member's work associated with the task  
1331 force; and
- 1332 (ii) may receive per diem and reimbursement for travel expenses incurred as a  
1333 member of the task force at the rates established by the Division of Finance under  
1334 Sections 63A-3-106 and 63A-3-107.
- 1335 (6) The State Commission on Criminal and Juvenile Justice shall provide staff support to  
1336 the task force.
- 1337 (7) The task force shall review the state's current criminal justice data collection  
1338 requirements and make recommendations regarding:
- 1339 (a) possible ways to connect the various records systems used throughout the state so  
1340 that data can be shared between criminal justice agencies and with policymakers;
- 1341 (b) ways to automate the collection, storage, and dissemination of the data;
- 1342 (c) standardizing the format of data collection and retention;
- 1343 (d) the collection of domestic violence data in the state; and
- 1344 (e) the collection of data not already required related to criminal justice.
- 1345 (8) On or before November 30 of each year, the task force shall provide a report to the Law  
1346 Enforcement and Criminal Justice Interim Committee and the Legislative Management  
1347 Committee that includes:
- 1348 (a) recommendations in accordance with Subsection (7)(a);
- 1349 (b) information on:
- 1350 (i) lethality assessments conducted in the state, including:
- 1351 (A) the type of lethality assessments used by law enforcement agencies and other  
1352 organizations that provide domestic violence services; and
- 1353 (B) training and protocols implemented by law enforcement agencies and the  
1354 organizations described in Subsection (8)(b)(i)(A) regarding the use of lethality



- 1355 assessments;
- 1356 (ii) the data collection efforts implemented by law enforcement agencies and the  
1357 organizations described in Subsection (8)(b)(i)(A);
- 1358 (iii) the number of cohabitant abuse protective orders that, in the immediately  
1359 preceding calendar year, were:
- 1360 (A) issued;
- 1361 (B) amended or dismissed before the date of expiration; or
- 1362 (C) dismissed under Section 78B-7-605; and
- 1363 (iv) the prevalence of domestic violence in the state and the prevalence of the  
1364 following in domestic violence cases:
- 1365 (A) stalking;
- 1366 (B) strangulation;
- 1367 (C) violence in the presence of a child; and
- 1368 (D) threats of suicide or homicide;
- 1369 (c) a review of and feedback on:
- 1370 (i) lethality assessment training and protocols implemented by law enforcement  
1371 agencies and the organizations described in Subsection (8)(b)(i)(A); and
- 1372 (ii) the collection of domestic violence data in the state, including:
- 1373 (A) the coordination between state, local, and not-for-profit agencies to collect  
1374 data from lethality assessments and on the prevalence of domestic violence,  
1375 including the number of voluntary commitments of firearms under Section [   
1376 ~~53-5e-201~~] 53-5a-502;
- 1377 (B) efforts to standardize the format for collecting domestic violence and lethality  
1378 assessment data from state, local, and not-for-profit agencies within federal  
1379 confidentiality requirements; and
- 1380 (C) the need for any additional data collection requirements or efforts; and
- 1381 (d) any proposed legislation.
- 1382 Section 10. Section **47-3-305** is amended to read:
- 1383 **47-3-305 . Exceptions and prohibitions.**
- 1384 (1) This part does not apply to:
- 1385 (a) shooting ranges that are otherwise open to the public;
- 1386 (b) shooting ranges that are operated as a public shooting range staffed by and operated  
1387 by Division of Wildlife Resources;
- 1388 (c) the Utah National Guard ranges located at Camp Williams and the Salt Lake

- 1389 International Airport;
- 1390 (d) Department of Corrections ranges; and
- 1391 (e) ranges owned, operated, or currently leased as of March 26, 2013, by a state or local
- 1392 public safety agency.
- 1393 (2) Firearms may not be allowed in a school building, except under the provision of Section [
- 1394 ~~76-10-505.5~~ 76-11-205, unless there is an outdoor entrance to the shooting range and the
- 1395 most direct access to the range is used. An outdoor entrance to a shooting range may not
- 1396 be blocked by fences, structures, or gates for the purpose of blocking the outdoor
- 1397 entrance.
- 1398 (3) Only air guns may be used in public ranges where the ventilation systems do not meet
- 1399 current OSHA standards as applied to the duration of exposure of the participants. For
- 1400 the purposes of this part, an air gun does not include larger caliber pneumatic weapons,
- 1401 paintball guns, or air shotguns.
- 1402 (4) Group range use is a lawful, approved activity under Subsection [~~76-10-505.5(4)(a)~~]
- 1403 76-11-205(4)(f).
- 1404 Section 11. Section **53-1-104** is amended to read:
- 1405 **53-1-104 . Boards, bureaus, councils, divisions, and offices.**
- 1406 (1) The following are the policymaking boards and committees within the department:
- 1407 (a) the Trauma System and Emergency Medical Services Committee created in Section
- 1408 53-2d-104;
- 1409 (b) the Air Ambulance Committee created in Section 53-2d-107;
- 1410 (c) the Driver License Medical Advisory Board, created in Section 53-3-303;
- 1411 (d) the Concealed Firearm Review Board, created in Section [~~53-5-703~~] 53-5a-302;
- 1412 (e) the Utah Fire Prevention Board, created in Section 53-7-203;
- 1413 (f) the Liquified Petroleum Gas Board, created in Section 53-7-304; and
- 1414 (g) the Bail Bond Recovery and Private Investigator Licensure Board created in Section
- 1415 53-11-104.
- 1416 (2) The Peace Officer Standards and Training Council, created in Section 53-6-106, is
- 1417 within the department.
- 1418 (3) The following are the divisions within the department:
- 1419 (a) the Administrative Services Division, created in Section 53-1-203;
- 1420 (b) the Management Information Services Division, created in Section 53-1-303;
- 1421 (c) the Division of Emergency Management, created in Section 53-2a-103;
- 1422 (d) the Driver License Division, created in Section 53-3-103;

- 1423 (e) the Criminal Investigations and Technical Services Division, created in Section  
 1424 53-10-103;
- 1425 (f) the Peace Officer Standards and Training Division, created in Section 53-6-103;
- 1426 (g) the State Fire Marshal Division, created in Section 53-7-103; and
- 1427 (h) the Utah Highway Patrol Division, created in Section 53-8-103.
- 1428 (4) The Office of Executive Protection is created in Section 53-1-112.
- 1429 (5) The following are the bureaus within the department:
- 1430 (a) the Bureau of Emergency Medical Services, created in Section 53-2d-102;
- 1431 (b) the Bureau of Criminal Identification, created in Section 53-10-201;
- 1432 (c) the State Bureau of Investigation, created in Section 53-10-301;
- 1433 (d) the Bureau of Forensic Services, created in Section 53-10-401; and
- 1434 (e) the Bureau of Communications, created in Section 53-10-501.
- 1435 Section 12. Section **53-2a-214** is amended to read:
- 1436 **53-2a-214 . Prohibition of restrictions on and confiscation of a firearm or**  
 1437 **ammunition during an emergency.**
- 1438 (1) As used in this section:
- 1439 (a)(i) "Confiscate" means for an individual in Utah to intentionally deprive another of  
 1440 a privately owned firearm.
- 1441 (ii) "Confiscate" does not include the taking of a firearm from an individual:
- 1442 (A) in self-defense;
- 1443 (B) possessing a firearm while the individual is committing a felony or  
 1444 misdemeanor; or
- 1445 (C) who may not, under state or federal law, possess the firearm.
- 1446 (b) "Firearm" has the same meaning as defined in Section [~~76-10-501~~] 76-11-101.
- 1447 (2) During a declared state of emergency or local emergency under this part:
- 1448 (a) neither the governor nor an agency of a governmental entity or political subdivision  
 1449 of the state may impose restrictions, which were not in force before the declared state  
 1450 of emergency, on the lawful possession, transfer, sale, transport, storage, display, or  
 1451 use of a firearm or ammunition; and
- 1452 (b) an individual, while acting or purporting to act on behalf of the state or a political  
 1453 subdivision of the state, may not confiscate a privately owned firearm of another  
 1454 individual.
- 1455 (3) A law or regulation passed during a declared state of emergency that does not relate  
 1456 specifically to the lawful possession or use of a firearm and that has attached criminal

- 1457 penalties may not be used to justify the confiscation of a firearm from an individual  
1458 acting in defense of self, property, or others when on:
- 1459 (a) the individual's private property; or
  - 1460 (b) the private property of another as an invitee.
- 1461 (4)(a) An individual who has a firearm confiscated in violation of Subsection (2) may  
1462 bring a civil action in a court having the appropriate jurisdiction:
- 1463 (i) for damages, in the maximum amount of \$10,000, against a person who violates  
1464 Subsection (2);
  - 1465 (ii) for a civil penalty, in the amount of \$5,000 per violation, against a person who  
1466 violates Subsection (2); and
  - 1467 (iii) for return of the confiscated firearm.
- 1468 (b) As used in this Subsection (4), "person" means an individual, the governmental  
1469 entity on whose behalf the individual is acting or purporting to act, or both the  
1470 individual and the governmental entity.
- 1471 (5)(a) A law enforcement officer is not subject to disciplinary action for refusing to  
1472 confiscate a firearm under this section if:
- 1473 (i) ordered or directed to do so by a superior officer; and
  - 1474 (ii) by obeying the order or direction, the law enforcement officer would be  
1475 committing a violation of this section.
- 1476 (b) For purposes of this Subsection (5), disciplinary action might include:
- 1477 (i) dismissal, suspension, or demotion;
  - 1478 (ii) loss of or decrease in benefits, pay, privileges or conditions of employment; and
  - 1479 (iii) any type of written or electronic indication, permanent or temporary, on the  
1480 officer's personnel record of the officer's refusal to obey the unlawful order.
- 1481 (6)(a) If a law enforcement officer commits a violation of this section, the officer's  
1482 liability in an action brought under Subsection (4)(a) is limited to 5% of the damages  
1483 and civil penalty allowed under Subsection (4)(a) if the officer can show by clear and  
1484 convincing evidence that the officer was obeying a direct and unlawful order from a  
1485 superior officer or authority.
- 1486 (b) The court shall assess the balance of the damages and civil penalty, the remaining  
1487 95%, against the superior officer or authority who ordered or directed the  
1488 confiscation in violation of this section.
- 1489 Section 13. Section **53-3-220** is amended to read:
- 1490 **53-3-220 . Offenses requiring mandatory revocation, denial, suspension, or**

1491 **disqualification of license -- Offense requiring an extension of period -- Hearing --**  
1492 **Limited driving privileges.**

1493 (1)(a) The division shall immediately revoke or, when this chapter, Title 41, Chapter 6a,  
1494 Traffic Code, or Section 76-5-303, specifically provides for denial, suspension, or  
1495 disqualification, the division shall deny, suspend, or disqualify the license of a person  
1496 upon receiving a record of the person's conviction for:

- 1497 (i) manslaughter or negligent homicide resulting from driving a motor vehicle,  
1498 automobile homicide under Section 76-5-207, or automobile homicide involving  
1499 using a handheld wireless communication device while driving under Section  
1500 76-5-207.5;
- 1501 (ii) driving or being in actual physical control of a motor vehicle while under the  
1502 influence of alcohol, any drug, or combination of them to a degree that renders the  
1503 person incapable of safely driving a motor vehicle as prohibited in Section  
1504 41-6a-502 or as prohibited in an ordinance that complies with the requirements of  
1505 Subsection 41-6a-510(1);
- 1506 (iii) driving or being in actual physical control of a motor vehicle while having a  
1507 blood or breath alcohol content as prohibited in Section 41-6a-502 or as prohibited  
1508 in an ordinance that complies with the requirements of Subsection 41-6a-510(1);
- 1509 (iv) perjury or the making of a false affidavit to the division under this chapter, Title  
1510 41, Motor Vehicles, or any other law of this state requiring the registration of  
1511 motor vehicles or regulating driving on highways;
- 1512 (v) any felony under the motor vehicle laws of this state;
- 1513 (vi) any other felony in which a motor vehicle is used to facilitate the offense;
- 1514 (vii) failure to stop and render aid as required under the laws of this state if a motor  
1515 vehicle accident results in the death or personal injury of another;
- 1516 (viii) two charges of reckless driving, impaired driving, or any combination of  
1517 reckless driving and impaired driving committed within a period of 12 months;  
1518 but if upon a first conviction of reckless driving or impaired driving the judge or  
1519 justice recommends suspension of the convicted person's license, the division may  
1520 after a hearing suspend the license for a period of three months;
- 1521 (ix) failure to bring a motor vehicle to a stop at the command of a law enforcement  
1522 officer as required in Section 41-6a-210;
- 1523 (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that  
1524 requires disqualification;

- 1525 (xi) a felony violation of Section [~~76-10-508~~] 76-11-209 or [~~76-10-508.1~~] 76-11-210  
1526 involving discharging or allowing the discharge of a firearm from a vehicle;  
1527 (xii) using, allowing the use of, or causing to be used any explosive, chemical, or  
1528 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b);  
1529 (xiii) operating or being in actual physical control of a motor vehicle while having  
1530 any measurable controlled substance or metabolite of a controlled substance in the  
1531 person's body in violation of Section 41-6a-517;  
1532 (xiv) operating or being in actual physical control of a motor vehicle while having  
1533 any measurable or detectable amount of alcohol in the person's body in violation  
1534 of Section 41-6a-530;  
1535 (xv) engaging in a motor vehicle speed contest or exhibition of speed on a highway in  
1536 violation of Section 41-6a-606;  
1537 (xvi) operating or being in actual physical control of a motor vehicle in this state  
1538 without an ignition interlock system in violation of Section 41-6a-518.2;  
1539 (xvii) refusal of a chemical test under Subsection 41-6a-520.1(1); or  
1540 (xviii) two or more offenses that:  
1541 (A) are committed within a period of one year;  
1542 (B) are enhanced under Section 76-3-203.17; and  
1543 (C) arose from separate incidents.
- 1544 (b) The division shall immediately revoke the license of a person upon receiving a  
1545 record of an adjudication under Section 80-6-701 for:  
1546 (i) a felony violation of Section [~~76-10-508~~] 76-11-209 or [~~76-10-508.1~~] 76-11-210  
1547 involving discharging or allowing the discharge of a firearm from a vehicle; or  
1548 (ii) using, allowing the use of, or causing to be used any explosive, chemical, or  
1549 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b).
- 1550 (c)(i) Except when action is taken under Section 53-3-219 for the same offense, upon  
1551 receiving a record of conviction, the division shall immediately suspend for six  
1552 months the license of the convicted person if the person was convicted of  
1553 violating any one of the following offenses while the person was an operator of a  
1554 motor vehicle, and the court finds that a driver license suspension is likely to  
1555 reduce recidivism and is in the interest of public safety:  
1556 (A) Title 58, Chapter 37, Utah Controlled Substances Act;  
1557 (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;  
1558 (C) Title 58, Chapter 37b, Imitation Controlled Substances Act;

- 1559 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act;
- 1560 (E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or
- 1561 (F) any criminal offense that prohibits possession, distribution, manufacture,
- 1562 cultivation, sale, or transfer of any substance that is prohibited under the acts
- 1563 described in Subsections (1)(c)(i)(A) through (E), or the attempt or conspiracy
- 1564 to possess, distribute, manufacture, cultivate, sell, or transfer any substance that
- 1565 is prohibited under the acts described in Subsections (1)(c)(i)(A) through (E).
- 1566 (ii) Notwithstanding the provisions in Subsection (1)(c)(i), the division shall reinstate
- 1567 a person's driving privilege before completion of the suspension period imposed
- 1568 under Subsection (1)(c)(i) if the reporting court notifies the Driver License
- 1569 Division, in a manner specified by the division, that the defendant is participating
- 1570 in or has successfully completed a drug court program as defined in Section
- 1571 78A-5-201.
- 1572 (iii) If a person's driving privilege is reinstated under Subsection (1)(c)(ii), the person
- 1573 is required to pay the license reinstatement fees under Subsection 53-3-105(26).
- 1574 (iv) The court shall notify the division, in a manner specified by the division, if a
- 1575 person fails to complete all requirements of the drug court program.
- 1576 (v) Upon receiving the notification described in Subsection (1)(c)(iv), the division
- 1577 shall suspend the person's driving privilege for a period of six months from the
- 1578 date of the notice, and no days shall be subtracted from the six-month suspension
- 1579 period for which a driving privilege was previously suspended under Subsection
- 1580 (1)(c)(i).
- 1581 (d)(i) The division shall immediately suspend a person's driver license for conviction
- 1582 of the offense of theft of motor vehicle fuel under Section 76-6-404.7 if the
- 1583 division receives:
- 1584 (A) an order from the sentencing court requiring that the person's driver license be
- 1585 suspended; and
- 1586 (B) a record of the conviction.
- 1587 (ii) An order of suspension under this section is at the discretion of the sentencing
- 1588 court, and may not be for more than 90 days for each offense.
- 1589 (e)(i) The division shall immediately suspend for one year the license of a person
- 1590 upon receiving a record of:
- 1591 (A) conviction for the first time for a violation under Section 32B-4-411; or
- 1592 (B) an adjudication under Section 80-6-701 for a violation under Section

- 1593 32B-4-411.
- 1594 (ii) The division shall immediately suspend for a period of two years the license of a  
1595 person upon receiving a record of:
- 1596 (A)(I) conviction for a second or subsequent violation under Section 32B-4-411;  
1597 and
- 1598 (II) the violation described in Subsection (1)(e)(ii)(A)(I) is within 10 years of a  
1599 prior conviction for a violation under Section 32B-4-411; or
- 1600 (B)(I) a second or subsequent adjudication under Section 80-6-701 for a  
1601 violation under Section 32B-4-411; and
- 1602 (II) the adjudication described in Subsection (1)(e)(ii)(B)(I) is within 10 years  
1603 of a prior adjudication under Section 80-6-701 for a violation under Section  
1604 32B-4-411.
- 1605 (iii) Upon receipt of a record under Subsection (1)(e)(i) or (ii), the division shall:
- 1606 (A) for a conviction or adjudication described in Subsection (1)(e)(i):
- 1607 (I) impose a suspension for one year beginning on the date of conviction; or  
1608 (II) if the person is under the age of eligibility for a driver license, impose a  
1609 suspension that begins on the date of conviction and continues for one year  
1610 beginning on the date of eligibility for a driver license; or
- 1611 (B) for a conviction or adjudication described in Subsection (1)(e)(ii):
- 1612 (I) impose a suspension for a period of two years; or  
1613 (II) if the person is under the age of eligibility for a driver license, impose a  
1614 suspension that begins on the date of conviction and continues for two years  
1615 beginning on the date of eligibility for a driver license.
- 1616 (iv) Upon receipt of the first order suspending a person's driving privileges under  
1617 Section 32B-4-411, the division shall reduce the suspension period under  
1618 Subsection (1)(e)(i) if ordered by the court in accordance with Subsection  
1619 32B-4-411(3)(a).
- 1620 (v) Upon receipt of the second or subsequent order suspending a person's driving  
1621 privileges under Section 32B-4-411, the division shall reduce the suspension  
1622 period under Subsection (1)(e)(ii) if ordered by the court in accordance with  
1623 Subsection 32B-4-411(3)(b).
- 1624 (f) The division shall immediately suspend a person's driver license for the conviction of  
1625 an offense that is enhanced under Section 76-3-203.17 if the division receives:
- 1626 (i) an order from the sentencing court requiring the person's driver license to be



- 1627                   suspended; and
- 1628                   (ii) a record of the conviction.
- 1629       (2) The division shall extend the period of the first denial, suspension, revocation, or
- 1630           disqualification for an additional like period, to a maximum of one year for each
- 1631           subsequent occurrence, upon receiving:
- 1632           (a) a record of the conviction of any person on a charge of driving a motor vehicle while
- 1633                 the person's license is denied, suspended, revoked, or disqualified;
- 1634           (b) a record of a conviction of the person for any violation of the motor vehicle law in
- 1635                 which the person was involved as a driver;
- 1636           (c) a report of an arrest of the person for any violation of the motor vehicle law in which
- 1637                 the person was involved as a driver; or
- 1638           (d) a report of an accident in which the person was involved as a driver.
- 1639       (3) When the division receives a report under Subsection (2)(c) or (d) that a person is
- 1640           driving while the person's license is denied, suspended, disqualified, or revoked, the
- 1641           person is entitled to a hearing regarding the extension of the time of denial, suspension,
- 1642           disqualification, or revocation originally imposed under Section 53-3-221.
- 1643       (4)(a) The division may extend to a person the limited privilege of driving a motor
- 1644           vehicle to and from the person's place of employment or within other specified limits
- 1645           on recommendation of the judge in any case where a person is convicted of any of
- 1646           the offenses referred to in Subsections (1) and (2) except:
- 1647                 (i) those offenses referred to in Subsections (1)(a)(i), (ii), (iii), (xi), (xii), (xiii), (1)(b),
- 1648                         and (1)(c)(i); and
- 1649                 (ii) those offenses referred to in Subsection (2) when the original denial, suspension,
- 1650                         revocation, or disqualification was imposed because of a violation of Section
- 1651                         41-6a-502, 41-6a-517, a local ordinance that complies with the requirements of
- 1652                         Subsection 41-6a-510(1), Section 41-6a-520, 41-6a-520.1, 76-5-102.1, or 76-5-207,
- 1653                         or a criminal prohibition that the person was charged with violating as a result of a
- 1654                         plea bargain after having been originally charged with violating one or more of
- 1655                         these sections or ordinances, unless:
- 1656                         (A) the person has had the period of the first denial, suspension, revocation, or
- 1657                                 disqualification extended for a period of at least three years;
- 1658                         (B) the division receives written verification from the person's primary care
- 1659                                 physician or physician assistant that:
- 1660                                 (I) to the physician's or physician assistant's knowledge the person has not used

- 1661 any narcotic drug or other controlled substance except as prescribed by a  
1662 licensed medical practitioner within the last three years; and
- 1663 (II) the physician or physician assistant is not aware of any physical,  
1664 emotional, or mental impairment that would affect the person's ability to  
1665 operate a motor vehicle safely; and
- 1666 (C) for a period of one year prior to the date of the request for a limited driving  
1667 privilege:
- 1668 (I) the person has not been convicted of a violation of any motor vehicle law in  
1669 which the person was involved as the operator of the vehicle;
- 1670 (II) the division has not received a report of an arrest for a violation of any  
1671 motor vehicle law in which the person was involved as the operator of the  
1672 vehicle; and
- 1673 (III) the division has not received a report of an accident in which the person  
1674 was involved as an operator of a vehicle.
- 1675 (b)(i) Except as provided in Subsection (4)(b)(ii), the discretionary privilege  
1676 authorized in this Subsection (4):
- 1677 (A) is limited to when undue hardship would result from a failure to grant the  
1678 privilege; and
- 1679 (B) may be granted only once to any person during any single period of denial,  
1680 suspension, revocation, or disqualification, or extension of that denial,  
1681 suspension, revocation, or disqualification.
- 1682 (ii) The discretionary privilege authorized in Subsection (4)(a)(ii):
- 1683 (A) is limited to when the limited privilege is necessary for the person to commute  
1684 to school or work; and
- 1685 (B) may be granted only once to any person during any single period of denial,  
1686 suspension, revocation, or disqualification, or extension of that denial,  
1687 suspension, revocation, or disqualification.
- 1688 (c) A limited CDL may not be granted to a person disqualified under Part 4, Uniform  
1689 Commercial Driver License Act, or whose license has been revoked, suspended,  
1690 cancelled, or denied under this chapter.

1691 Section 14. Section **53-5a-101.5** is enacted to read:

1692 **CHAPTER 5a. FIREARM LAWS**

1693 **Part 1. General Firearm Laws**

1694 **53-5a-101.5 . Definitions.**1695 As used in this part:1696 (1) "Ammunition" means the same as that term is defined in Section 53-5d-102.1697 (2)(a) "Antique firearm" means:1698 (i) a firearm, including a firearm with a matchlock, flintlock, percussion cap, or  
1699 similar type of ignition system, manufactured in or before 1898;1700 (ii) a firearm that is a replica of a firearm described in this Subsection (2)(a), if the  
1701 replica:1702 (A) is not designed or redesigned for using rimfire or conventional centerfire fixed  
1703 ammunition; or1704 (B) uses rimfire or centerfire fixed ammunition which is no longer manufactured  
1705 in the United States and is not readily available in ordinary channels of  
1706 commercial trade; or1707 (iii) a firearm that:1708 (A) is a muzzle loading rifle, shotgun, or pistol; and1709 (B) is designed to use black powder, or a black powder substitute, and cannot use  
1710 fixed ammunition.1711 (b) "Antique firearm" does not include:1712 (i) a weapon that incorporates a firearm frame or receiver;1713 (ii) a firearm that is converted into a muzzle loading weapon; or1714 (iii) a muzzle loading weapon that can be readily converted to fire fixed ammunition  
1715 by replacing the:1716 (A) barrel;1717 (B) bolt;1718 (C) breechblock; or1719 (D) any combination of Subsection (2)(b)(iii)(A), (B), or (C).1720 (3) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201  
1721 within the department.1722 (4)(a) "Concealed firearm" means a firearm that is:1723 (i) covered, hidden, or secreted in a manner that the public would not be aware of the  
1724 firearm's presence; and1725 (ii) readily accessible for immediate use.1726 (b) "Concealed firearm" does not include a firearm that is unloaded and securely encased.1727 (5) "Court commissioner" means an individual appointed under Section 78A-5-107.

- 1728 (6) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
- 1729 (7) "Directive" means the same as that term is defined in Section 78B-6-2301.
- 1730 (8) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle or short
- 1731 barreled rifle, or a device that could be used as a dangerous weapon from which is
- 1732 expelled a projectile by action of an explosive.
- 1733 (9) "Firearm accessory" means the same as that term is defined in Section 53-5a-401.
- 1734 (10) "Handgun" means a pistol, revolver, or other firearm of any description, from which a
- 1735 shot, bullet, or other missile can be discharged, the length of which, not including any
- 1736 revolving, detachable, or magazine breech, does not exceed 12 inches.
- 1737 (11) "Judge" means the same as that term is defined in Section 53-5a-311.
- 1738 (12) "Law enforcement official" means the same as that term is defined in Section
- 1739 53-5a-311.
- 1740 (13) "Local or state governmental entity" means the same as that term is defined in Section
- 1741 78B-6-2301.
- 1742 (14) "Readily accessible for immediate use" means that a firearm or other dangerous
- 1743 weapon is carried on the person or within such close proximity and in such a manner
- 1744 that the weapon can be retrieved and used as readily as if carried on the person.
- 1745 (15) "Securely encased firearm" means the same as that term is defined in Section
- 1746 76-11-201.
- 1747 (16) "Short barreled rifle" means the same as that term is defined in Section 53-5a-601.
- 1748 (17) "Short barreled shotgun" means the same as that term is defined in Section 53-5a-601.
- 1749 (18) "Shotgun" means the same as that term is defined in Section 53-5a-601.
- 1750 (19) "Slug" means the same as that term is defined in Section 53-5a-601.
- 1751 Section 15. Section **53-5a-102** is amended to read:
- 1752 **53-5a-102 . Uniform firearms laws.**
- 1753 [(1) As used in this section:]
- 1754 [(a) "Ammunition" means the same as that term is defined in Section 53-5d-102.]
- 1755 [(b) "Dangerous weapon" means the same as that term is defined in Section 76-10-501.]
- 1756 [(c) "Firearm" means:]
- 1757 [(i) a pistol, revolver, shotgun, short barreled shotgun, rifle or short barreled rifle, or a
- 1758 device that could be used as a dangerous weapon from which is expelled a
- 1759 projectile by action of an explosive;]
- 1760 [(ii) ammunition; and]
- 1761 [(iii) a firearm accessory.]

- 1762 [(d) "Firearm accessory" means the same as that term is defined in Section 53-5b-103.]  
 1763 [(e) "Local or state governmental entity" means the same as that term is defined in  
 1764 Section 78B-6-2301.]  
 1765 [(f) "Short barreled shotgun" or "short barreled rifle" means the same as that term is  
 1766 defined in Section 76-10-501.]  
 1767 [(g) "Shotgun" means the same as that term is defined in Section 76-10-501.]  
 1768 [(2)] (1) The individual right to keep and bear arms being a constitutionally protected right  
 1769 under Utah Constitution, Article I, Section 6[~~of the Utah Constitution~~] , and the Second  
 1770 Amendment to the United States Constitution, the Legislature finds the need to provide  
 1771 uniform civil and criminal firearm laws throughout the state and declares that the  
 1772 Legislature occupies the whole field of state regulation of firearms.  
 1773 [(3)] (2) Except as specifically provided by state law, a local or state governmental entity  
 1774 may not:  
 1775 (a) prohibit an individual from owning, possessing, purchasing, selling, transferring,  
 1776 transporting, or keeping a firearm, ammunition, or a firearm accessory at the  
 1777 individual's place of residence, property, business, or in any vehicle [~~lawfully in the~~  
 1778 ~~individual's possession or lawfully under the individual's control~~] in which the  
 1779 individual is lawfully present; or  
 1780 (b) require an individual to have a permit or license to purchase, own, possess, transport,  
 1781 or keep a firearm, ammunition, or a firearm accessory.  
 1782 [(4)] (3) [~~In conjunction with Title 76, Chapter 10, Part 5, Weapons, this section is~~] This part  
 1783 and Title 76, Chapter 11, Weapons, are uniformly applicable throughout [~~this~~] the state  
 1784 and in all the [~~state's~~] political subdivisions of the state.  
 1785 [(5)] (4) Authority to regulate firearms, ammunition, and firearm accessories is reserved to  
 1786 the state except where the Legislature specifically delegates responsibility to local or  
 1787 state governmental entities.  
 1788 [(6)] (5) Unless specifically authorized by the Legislature by statute, a local or state  
 1789 governmental entity may not enact, establish, or enforce [~~any ordinance, regulation, rule,~~  
 1790 ~~or policy~~] a directive pertaining to firearms, ammunition, or firearm accessories that in  
 1791 any way inhibits or restricts the possession, ownership, purchase, sale, transfer,  
 1792 transport, or use of firearms, ammunition, or firearm accessories on either public or  
 1793 private property.  
 1794 [(7)] (6) This section does not restrict or expand private property rights.  
 1795 [(8)] (7) A violation of this section is subject to Title 78B, Chapter 6, Part 23, Firearm

1796 Preemption Enforcement Act.

1797 Section 16. Section **53-5a-102.1** is enacted to read:

1798 **53-5a-102.1 . When a firearm is deemed to be loaded.**

1799 For the purpose of this chapter, a firearm is considered to be loaded if the firearm meets  
1800 the conditions described in Subsection 76-11-102(1).

1801 Section 17. Section **53-5a-102.2** is enacted to read:

1802 **53-5a-102.2 . Open and concealed carry of a firearm outside of an individual's**  
1803 **residence.**

1804 (1) To effectuate the Second Amendment to the United States Constitution and Utah  
1805 Constitution, Article I, Section 6, that prohibit the infringement of the right of the people  
1806 of Utah to keep and bear arms for security and defense of self, family, others, property,  
1807 or the state, as well as for other lawful purposes, and consistent with the Legislature's  
1808 ability to define the lawful use of arms:

1809 (a) subject to Subsections (2)(a) and (b), an individual 18 years old or older but younger  
1810 than 21 years old may carry, in an open manner:

1811 (i) an unloaded firearm that is not a handgun in a vehicle in which the individual is  
1812 lawfully present;

1813 (ii) an unloaded or loaded handgun in a vehicle in which the individual is lawfully  
1814 present;

1815 (iii) an unloaded firearm that the individual may otherwise lawfully carry, on a public  
1816 street; and

1817 (iv) a loaded or unloaded firearm that the individual may otherwise lawfully carry, in  
1818 an open manner in any other place not prohibited by, or pursuant to, state statute  
1819 or federal law;

1820 (b) subject to Subsections (2)(a) and (b), an individual 21 years old or older may open or  
1821 conceal carry, without a conceal carry permit:

1822 (i) an unloaded or loaded firearm:

1823 (A) on a public street; or

1824 (B) in any other place not prohibited by, or pursuant to, state statute or federal law;

1825 (ii) an unloaded or loaded handgun in a vehicle in which the individual is lawfully  
1826 present; and

1827 (iii) an unloaded firearm that is not a handgun in a vehicle in which the individual is  
1828 lawfully present;

1829 (c) subject to Subsections (2)(c) and (d), an individual with a concealed carry permit

- 1830 issued under Section 53-5a-303, a temporary concealed carry permit issued under  
1831 Section 53-5a-304, a provisional concealed carry permit issued under Section  
1832 53-5a-305, or a concealed carry permit lawfully issued by or in another state, may  
1833 carry a loaded or unloaded concealed firearm:
- 1834 (i) in a vehicle in which the individual is lawfully present;
  - 1835 (ii) on a public street; or
  - 1836 (iii) in any other place not prohibited by, or pursuant to, state statute or federal law.
- 1837 (2)(a) An individual openly carrying a firearm under Subsection (1)(a) or (b) may not  
1838 carry the firearm in any manner:
- 1839 (i) in a secure area established in accordance with Section 76-8-311.1 in which  
1840 dangerous weapons are prohibited and notice of the prohibition is posted;
  - 1841 (ii) on or about the premises of a public or private elementary school or secondary  
1842 school as described in Section 76-11-205;
  - 1843 (iii) on or about the premises of a daycare as described in Section 76-11-206;
  - 1844 (iv) in an airport secure area as described in Section 76-11-218;
  - 1845 (v) in a house of worship or in any private residence where dangerous weapons are  
1846 prohibited as described in Section 76-11-219; or
  - 1847 (vi) in any other place prohibited by, or pursuant to, another state statute or federal  
1848 law; or
- 1849 (b) An individual 21 years old or older concealing a firearm without a concealed carry  
1850 permit under Subsection (1)(b) may not carry the firearm:
- 1851 (i) in a secure area established in accordance with Section 76-8-311.1 in which  
1852 dangerous weapons are prohibited and notice of the prohibition is posted;
  - 1853 (ii) on or about the school premises of a public or private elementary school or  
1854 secondary school as described in Section 76-11-205;
  - 1855 (iii) on or about a daycare premises as described in Section 76-11-206;
  - 1856 (iv) in an airport secure area as described in Section 76-11-218;
  - 1857 (v) in a house of worship or in any private residence where dangerous weapons are  
1858 prohibited as described in Section 76-11-219; or
  - 1859 (vi) in any other place prohibited by, or pursuant to, another state statute or federal  
1860 law.
- 1861 (c) Subject to Subsection (2)(d), an individual concealing a firearm with a concealed  
1862 carry permit under Subsection (1)(c) may not carry the firearm in any manner:
- 1863 (i) in a secure area established in accordance with Section 76-8-311.1 in which

- 1864 dangerous weapons are prohibited and notice of the prohibition posted;  
 1865 (ii) in an airport secure area as described in Section 76-11-218;  
 1866 (iii) in a house of worship or in any private residence where dangerous weapons are  
 1867 prohibited as described in Section 76-11-219; or  
 1868 (iv) in any other place prohibited by, or pursuant to, another state statute or federal  
 1869 law.
- 1870 (d) In addition to the locations described in Subsection (2)(c):  
 1871 (i) an individual 18 years old but younger than 21 years old concealing a firearm with  
 1872 a provisional concealed carry permit under Section 53-5a-304 may not carry the  
 1873 firearm in any manner on or about the premises of a public or private elementary  
 1874 school or secondary school as described in Section 76-11-205; and  
 1875 (ii) an individual concealing a firearm with a concealed carry permit lawfully issued  
 1876 by or in another state may not carry the firearm in any manner:  
 1877 (A) on or about the premises of a public or private elementary school or secondary  
 1878 school as described in Section 76-11-205; or  
 1879 (B) on or about the premises of a daycare as described in Section 76-11-206.
- 1880 (3) This section does not prohibit:  
 1881 (a) the owner or lawful possessor of a vehicle from prohibiting another individual from  
 1882 carrying a firearm in the owner or lawful possessor's vehicle; or  
 1883 (b) except as provided in Section 53-5a-102.3, the owner or lawful lessee of private real  
 1884 property from prohibiting another individual from possessing a firearm on the  
 1885 property.
- 1886 (4) An individual is lawfully present in a vehicle while carrying a firearm under this section  
 1887 if:  
 1888 (a) the vehicle is in the lawful possession of the individual; or  
 1889 (b) the individual has the consent of the person lawfully in possession of the vehicle to  
 1890 carry the firearm in the vehicle.

1891 Section 18. Section **53-5a-102.3**, which is renumbered from Section 76-10-511 is renumbered  
 1892 and amended to read:

1893 **[76-10-511] 53-5a-102.3 . Possession of a firearm at a residence or on real**  
 1894 **property.**

- 1895 (1) Except for ~~[persons described in Section 76-10-503 and]~~ an individual categorized  
 1896 as a restricted person under Section 76-11-302, Section 76-11-303, or 18 U.S.C. Sec.  
 1897 922(g)[and as-] , or an individual otherwise [prescribed in this part, a person] prohibited



1898 by law, an individual 18 years old or older may have, and cannot be restricted from  
 1899 having, a loaded or unloaded firearm:

1900 [~~(1)~~] (a) at the [~~person's~~] individual's place of residence[~~, including any temporary~~  
 1901 ~~residence or camp~~]; or

1902 [~~(2)~~] (b) on the [~~person's~~] individual's real property.

1903 (2) An individual's place of residence described in Subsection (2)(a) includes:

1904 (a) a temporary residence or camp; or

1905 (b) a residence that the individual has been granted the lawful right of possession to rent  
 1906 or lease.

1907 Section 19. Section **53-5a-103** is amended to read:

1908 **53-5a-103 . Discharge of a firearm on private property -- Liability.**

1909 (1) As used in this section:

1910 (a) "Firearm possessor" means an individual who may lawfully possess a firearm.

1911 (b) "Property occupant" means:

1912 (i) a private property owner; or

1913 (ii) [~~a person~~] an individual who has the right to occupy a private property under an  
 1914 agreement.

1915 (2) Except as provided under Subsection (3), a property occupant, who knowingly allows a  
 1916 firearm possessor to lawfully bring a firearm onto the property occupant's property, is  
 1917 not civilly or criminally liable for any damage or harm resulting from the discharge of  
 1918 the firearm by the firearm possessor while on the property occupant's property.

1919 (3) Subsection (2) does not apply if the property occupant solicits, requests, commands,  
 1920 encourages, or intentionally aids the firearm possessor in discharging the firearm while  
 1921 on the property occupant's property for a purpose other than the lawful defense of an  
 1922 individual on the property.

1923 (4) This section does not alter the responsibilities a tenant owes to a landlord under the  
 1924 terms of the lease agreement entered into between the tenant and landlord.

1925 Section 20. Section **53-5a-105**, which is renumbered from Section 76-10-520 is renumbered  
 1926 and amended to read:

1927 [~~76-10-520~~] **53-5a-105 . Number or mark assigned to a handgun by the**  
 1928 **department.**

1929 (1) The [~~Department of Public Safety~~] department, upon request, may assign a  
 1930 distinguishing number or mark of identification to [~~any pistol or revolver~~] a handgun  
 1931 whenever it is without a manufacturer's number, or other mark of identification or

1932 whenever the manufacturer's number or other mark of identification or the  
 1933 distinguishing number or mark assigned by the [~~Department of Public Safety~~] department  
 1934 has been destroyed or obliterated.

1935 (2) Except as provided in Subsection (3), an individual who places or stamps a mark of  
 1936 identification or distinguishing number on a handgun except one assigned to the  
 1937 handgun by the department is guilty of a class A misdemeanor.

1938 (3) This section does not:

1939 (a) prohibit restoration by the owner of the name of the maker, model, or of the original  
 1940 manufacturer's number or other mark of identification when the restoration is  
 1941 authorized by the department;

1942 (b) prohibit a manufacturer from placing in the ordinary course of business the name of  
 1943 the make, model, manufacturer's number, or other mark of identification upon a new  
 1944 handgun; or

1945 (c) apply to a handgun that is an antique firearm.

1946 Section 21. Section **53-5a-106**, which is renumbered from Section 76-10-522 is renumbered  
 1947 and amended to read:

1948 **[76-10-522] 53-5a-106 . Alteration of number or mark on a handgun.**

1949 (1) [~~Any person who changes, alters, removes, or obliterates~~] An individual may not  
 1950 change, alter, remove, or obliterate the name of the maker, the model, manufacturer's  
 1951 number, or other mark of identification, including any distinguishing number or mark  
 1952 assigned by the [~~Department of Public Safety~~] department, on [~~any pistol or revolver~~] a  
 1953 handgun, without first having secured written permission from the [~~Department of~~  
 1954 ~~Public Safety~~] department to make the change, alteration, [~~or~~] removal, [~~is guilty of a~~  
 1955 ~~class A misdemeanor~~] or obliteration.

1956 (2) Except as provided in Subsection (3), a violation of Subsection (1) is a class A  
 1957 misdemeanor.

1958 (3) This section does not apply to a handgun that is an antique firearm.

1959 Section 22. Section **53-5a-107**, which is renumbered from Section 76-10-523.5 is renumbered  
 1960 and amended to read:

1961 **[76-10-523.5] 53-5a-107 . Compliance with firearms prohibitions in secure**  
 1962 **facilities.**

1963 [~~Any person~~] An individual, including [~~a person licensed to carry~~] an individual with a  
 1964 concealed firearm permit issued under [Title 53, Chapter 5, Part 7, Concealed Firearm Act] Part  
 1965 3, Concealed Firearm Permits, or possessing a concealed firearm without a permit in

1966 accordance with Section 53-5a-102.2, shall comply with any rule established for [secure  
 1967 facilities] a secure facility pursuant to [Sections 53B-3-103,] Section 76-8-311.1[, 76-8-311.3,  
 1968 and 78A-2-203] and [shall be] is subject to any penalty provided [in those sections] for violating  
 1969 the established rule.

1970 Section 23. Section **53-5a-108**, which is renumbered from Section 76-10-523 is renumbered  
 1971 and amended to read:

1972 **[76-10-523] 53-5a-108 . Individuals who are exempt from certain weapons laws.**

1973 (1) Except [for Sections 76-10-506, 76-10-508, and 76-10-508.1, this part and Title 53,  
 1974 Chapter 5, Part 7, Concealed Firearm Act,] as provided in Subsections (2) and (3), this  
 1975 part, Part 3, Concealed Firearm Permits, and Title 76, Chapter 11, Weapons, do not  
 1976 apply to any of the following:

- 1977 (a) a United States marshal;
- 1978 (b) a federal official required to carry a firearm;
- 1979 (c) a peace officer of [this or] any [other] jurisdiction;
- 1980 (d) a law enforcement official [as defined and qualified under Section 53-5-711];
- 1981 (e) a judge [as defined and qualified under Section 53-5-711];
- 1982 (f) a court commissioner [as defined and qualified under Section 53-5-711]; or
- 1983 (g) a common carrier while engaged in the regular and ordinary transport of firearms as  
 1984 merchandise.

1985 (2) Subsection (1) does not apply to Section 76-11-207, 76-11-209, or 76-11-210.

1986 [(2)] (3) Notwithstanding Subsection (1), the provisions of Section [76-10-528] 76-11-217  
 1987 apply to any individual listed in Subsection (1) who is not employed by a state or federal  
 1988 agency or political subdivision that has adopted a policy or rule regarding the use of  
 1989 dangerous weapons.

1990 [(3) Subsections 76-10-504(1) and (2), and Section 76-10-505 do not apply to:]

1991 [(a) an individual to whom a permit to carry a concealed firearm has been issued:]

1992 [(i) pursuant to Section 53-5-704; or]

1993 [(ii) by another state or county; or]

1994 [(b) a person who is issued a protective order under Subsection 78B-7-603(1)(b) or  
 1995 78B-7-404(1)(b), unless the person is a restricted person as described in Subsection  
 1996 76-10-503(1), for a period of 120 days after the day on which the person is issued the  
 1997 protective order.]

1998 [(4) Except for Sections 76-10-503, 76-10-506, 76-10-508, and 76-10-508.1, this part and  
 1999 Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to a nonresident

2000 traveling in or through the state, provided that any firearm is:]

2001 [(a) unloaded; and]

2002 [(b) securely encased as defined in Section 76-10-501.]

2003 [(5) Subsections 76-10-504(1) and (2), and 76-10-505(1)(b) do not apply to a person 21

2004 years old or older who may otherwise lawfully possess a firearm.]

2005 Section 24. Section **53-5a-202** is amended to read:

2006 **53-5a-202 . Definitions.**

2007 As used in this part:

2008 (1)(a) "Federal regulation" means a federal executive order, rule, or regulation that  
 2009 infringes upon, prohibits, restricts, or requires individual licensure for, or registration  
 2010 of, the purchase, ownership, possession, transfer, or use of a firearm, ammunition, or  
 2011 firearm accessory.

2012 (b) "Federal regulation" does not include:

2013 (i) a federal firearm statute; or

2014 (ii) a federal executive order, rule, or regulation that is incorporated into the Utah  
 2015 Code by reference.

2016 (2) "Firearm" means the same as that term is defined in Section ~~[76-10-501]~~ 76-11-101.

2017 (3) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.

2018 (4) "Political subdivision" means a city, town, county, special district, or water conservancy  
 2019 district.

2020 Section 25. Section **53-5a-301**, which is renumbered from Section 53-5-702 is renumbered  
 2021 and amended to read:

2022 **Part 3. Concealed Firearm Permits**

2023 ~~[53-5-702]~~ **53-5a-301 . Definitions.**

2024 ~~[In addition to the definitions in Section 76-10-501, as]~~ As used in this part:

2025 (1) "Active duty service member" means ~~[a person]~~ an individual on active military duty  
 2026 with the United States military and includes full time military active duty, military  
 2027 reserve active duty, and national guard military active duty service members stationed in  
 2028 Utah.

2029 (2) "Active duty service member spouse" means ~~[a person]~~ an individual recognized by the  
 2030 military as the spouse of an active duty service member and who resides with the active  
 2031 duty service member in Utah.

2032 (3) "Board" means the Concealed Firearm Review Board created in Section ~~[53-5-703]~~  
 2033 53-5a-302.

- 2034 (4) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201  
 2035 within the [~~Department of Public Safety~~] department.
- 2036 (5) "Concealed firearm" means the same as that term is defined in Section 53-5a-102.1.  
 2037 [~~(5) "Commissioner" means the commissioner of the Department of Public Safety.~~]
- 2038 (6) "Conviction" means criminal conduct [~~where~~] in which the filing of a criminal charge  
 2039 has resulted in:  
 2040 (a) a finding of guilt based on evidence presented to a judge or jury;  
 2041 (b) a guilty plea;  
 2042 (c) a plea of nolo contendere;  
 2043 (d) a plea of guilty or nolo contendere [~~which~~] that is held in abeyance pending the  
 2044 successful completion of probation;  
 2045 (e) a pending diversion agreement; or  
 2046 (f) a conviction [~~which~~] that has been reduced in accordance with Section 76-3-402.
- 2047 (7) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
- 2048 (8) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 2049 (9) "Firearm" means the same as that term is defined in Section 53-5a-102.1.
- 2050 [~~(7)~~] (10)(a) "School employee" means an employee of a public school district, charter  
 2051 school, or private school whose duties, responsibilities, or assignments require the  
 2052 employee to be physically present on a school's campus at least half of the days on  
 2053 which school is held during a school year.  
 2054 (b) "School employee" also means a substitute teacher, as defined in Section 53E-6-901.
- 2055 [~~(8)~~] (11) "School year" means the period of time designated by a local school board, charter  
 2056 school governing board, or private school as the school year for high school, middle  
 2057 school, or elementary school students.
- 2058 Section 26. Section **53-5a-302**, which is renumbered from Section 53-5-703 is renumbered  
 2059 and amended to read:
- 2060 **[~~53-5-703~~] 53-5a-302 . Concealed Firearm Review Board -- Membership --**  
 2061 **Compensation -- Terms -- Duties.**
- 2062 (1) There is created within the bureau the Concealed Firearm Review Board.
- 2063 (2)(a) The board is comprised of not more than five members appointed by the  
 2064 commissioner on a bipartisan basis.
- 2065 (b) The board shall include a member representing law enforcement and at least two  
 2066 citizens, one of whom represents sporting interests.
- 2067 (3)(a) Except as required by Subsection (3)(b), as terms of current board members

2068 expire, the commissioner shall appoint each new member or reappointed member to a  
2069 four-year term.

2070 (b) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at  
2071 the time of appointment or reappointment, adjust the length of terms to ensure that  
2072 the terms of board members are staggered so that approximately half of the board is  
2073 appointed every two years.

2074 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
2075 appointed for the unexpired term.

2076 (5) A member may not receive compensation or benefits for the member's service, but may  
2077 receive per diem and travel expenses in accordance with:

2078 (a) Section 63A-3-106;

2079 (b) Section 63A-3-107; and

2080 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2081 63A-3-107.

2082 (6) The board shall meet at least quarterly, unless the board has no business to conduct  
2083 during that quarter.

2084 (7) The board, upon receiving a timely filed petition for review, shall review within a  
2085 reasonable time the denial, suspension, or revocation of a permit or a temporary permit  
2086 to carry a concealed firearm.

2087 Section 27. Section **53-5a-303**, which is renumbered from Section 53-5-704 is renumbered  
2088 and amended to read:

2089 **[53-5-704] 53-5a-303 . Bureau duties -- Permit to carry concealed firearm --**  
2090 **Certification for concealed firearms instructor -- Requirements for issuance -- Violation**  
2091 **-- Denial, suspension, or revocation -- Appeal procedure.**

2092 (1)(a) Except as provided in Subsection (1)(b), the bureau shall issue a concealed carry  
2093 permit ~~[to carry]~~ allowing the carrying of a concealed firearm for lawful self defense  
2094 to an applicant who is 21 years old or older within 60 days after receiving an  
2095 application, unless the bureau finds proof that the applicant is not qualified to hold a  
2096 permit under Subsection (2) or (3).

2097 (b)(i) Within 90 days before the day on which a provisional permit holder under  
2098 Section ~~[53-5-704.5]~~ 53-5a-304 reaches 21 years old, the provisional permit holder  
2099 may apply under this section for a permit to carry a concealed firearm for lawful  
2100 self defense.

2101 (ii) The bureau shall issue a permit for an applicant under Subsection (1)(b)(i) within

- 2102 60 days after receiving an application, unless the bureau finds proof that the  
 2103 applicant is not qualified to hold a permit under Subsection (2) or (3).
- 2104 (iii) A permit issued under this Subsection (1)(b):  
 2105 (A) is not valid until an applicant is 21 years old; and  
 2106 (B) requires a \$10 application fee.
- 2107 (iv) ~~[A person]~~ An individual who applies for a permit under this Subsection (1)(b) is  
 2108 not required to retake the firearms training described in Subsection ~~[53-5-704(8)]~~  
 2109 53-5a-303(8).
- 2110 (c) ~~[The]~~ A concealed firearm permit issued in accordance with this section is valid  
 2111 throughout the state for five years, without restriction, except as otherwise provided  
 2112 by Section ~~[53-5-710]~~ 53-5a-102.2.
- 2113 ~~[(d) The provisions of Subsections 76-10-504(1) and (2), and Section 76-10-505 do not~~  
 2114 ~~apply to an individual issued a permit under Subsection (1)(a) or (b).]~~
- 2115 ~~[(e)]~~ (d) Subsection (4)(a) does not apply to a nonresident:  
 2116 (i) active duty service member, who presents to the bureau orders requiring the active  
 2117 duty service member to report for duty in this state; or  
 2118 (ii) active duty service member's spouse, stationed with the active duty service  
 2119 member, who presents to the bureau the active duty service member's orders  
 2120 requiring the service member to report for duty in this state.
- 2121 (2)(a) The bureau may deny, suspend, or revoke a concealed firearm permit if the  
 2122 applicant or permit holder:  
 2123 (i) has been or is convicted of a felony;  
 2124 (ii) has been or is convicted of a crime of violence;  
 2125 (iii) has been or is convicted of an offense involving the use of alcohol;  
 2126 (iv) has been or is convicted of an offense involving the unlawful use of narcotics or  
 2127 other controlled substances;  
 2128 (v) has been or is convicted of an offense involving moral turpitude;  
 2129 (vi) has been or is convicted of an offense involving domestic violence;  
 2130 (vii) has been or is adjudicated by a state or federal court as mentally incompetent,  
 2131 unless the adjudication has been withdrawn or reversed; ~~[and]~~ or  
 2132 (viii) is not qualified to purchase and possess a firearm pursuant ~~[to Section~~  
 2133 76-10-503 and] Title 76, Chapter 11, Part 3, Persons Restricted Regarding  
 2134 Dangerous Weapons, or federal law.
- 2135 (b) In determining whether an applicant or permit holder is qualified to hold a concealed

2136 firearm permit under Subsection (2)(a), the bureau shall consider mitigating  
2137 circumstances.

2138 (3)(a) The bureau may deny, suspend, or revoke a concealed firearm permit if [it] the  
2139 bureau has reasonable cause to believe that the applicant or concealed firearm permit  
2140 holder has been or is a danger to self or others as demonstrated by evidence,  
2141 including:

- 2142 (i) past pattern of behavior involving unlawful violence or threats of unlawful  
2143 violence;
- 2144 (ii) past participation in incidents involving unlawful violence or threats of unlawful  
2145 violence; or
- 2146 (iii) conviction of an offense in [~~violation of Title 76, Chapter 10, Part 5, Weapons~~]  
2147 Title 76, Chapter 11, Weapons.

2148 (b) The bureau may not deny, suspend, or revoke a concealed firearm permit solely for a  
2149 single conviction of an infraction violation of [~~Title 76, Chapter 10, Part 5, Weapons~~]  
2150 an offense in Title 76, Chapter 11, Weapons.

2151 (c) In determining whether the applicant or concealed firearm permit holder has been or  
2152 is a danger to self or others, the bureau may inspect:

- 2153 (i) expunged records of arrests and convictions of adults as provided in Section  
2154 77-40a-403; and
- 2155 (ii) juvenile court records as provided in Section 78A-6-209.

2156 (d)(i) The bureau shall suspend a concealed firearm permit if [a] the permit holder  
2157 becomes a temporarily restricted person in accordance with Section [~~53-5e-301~~]  
2158 53-5a-504.

2159 (ii) Upon removal from the temporary restricted list described in Section 53-5a-504,  
2160 the concealed firearm permit holder's permit shall be reinstated unless:  
2161 (A) the concealed firearm permit has been revoked, been suspended for a reason  
2162 other than the restriction described in Subsection (3)(d)(i), or expired; or  
2163 (B) the concealed firearm permit holder has become a restricted person under  
2164 Section [~~76-10-503~~] 76-11-302 or 76-11-303.

2165 (4)(a) In addition to meeting the other qualifications for the issuance of a concealed  
2166 firearm permit under this section, a nonresident applicant who resides in a state that  
2167 recognizes the validity of the Utah permit or has reciprocity with Utah's concealed  
2168 firearm permit law shall:

- 2169 (i) hold a current concealed firearm or concealed weapon permit issued by the



- 2170 appropriate permitting authority of the nonresident applicant's state of residency;  
2171 and
- 2172 (ii) submit a photocopy or electronic copy of the nonresident applicant's current  
2173 concealed firearm or concealed weapon permit referred to in Subsection (4)(a)(i).
- 2174 (b) A nonresident applicant who knowingly and willfully provides false information to  
2175 the bureau under Subsection (4)(a) is prohibited from holding a Utah concealed  
2176 firearm permit for a period of 10 years.
- 2177 (c) Subsection (4)(a) applies to:
- 2178 (i) ~~[-]all applications for the issuance of a concealed firearm permit [that are-]received~~  
2179 ~~by the bureau[-after May 10, 2011.] ; and~~
- 2180 ~~[(d) Beginning January 1, 2012, Subsection (4)(a) also applies to]~~
- 2181 (ii) ~~[-]an application for renewal of a concealed firearm permit by a nonresident.~~
- 2182 (5) The bureau shall issue a concealed firearm permit to a former peace officer who departs  
2183 full-time employment as a peace officer, in an honorable manner, within five years of  
2184 that departure if the officer meets the requirements of this section.
- 2185 (6) Except as provided in Subsection (7), the bureau shall also require the applicant to  
2186 provide:
- 2187 (a) the address of the applicant's permanent residence;
- 2188 (b) one recent dated photograph;
- 2189 (c) one set of fingerprints; and
- 2190 (d) evidence of general familiarity with the types of firearms to be concealed as defined  
2191 in Subsection (8).
- 2192 (7) An applicant who is a law enforcement officer under Section 53-13-103 may provide a  
2193 letter of good standing from the officer's commanding officer in place of the evidence  
2194 required by Subsection (6)(d).
- 2195 (8)(a) General familiarity with the types of firearms to be concealed includes training in:
- 2196 (i) the safe loading, unloading, storage, and carrying of the types of firearms to be  
2197 concealed; and
- 2198 (ii) current laws defining lawful use of a firearm by a private citizen, including lawful  
2199 self-defense, use of force by a private citizen, including use of deadly force,  
2200 transportation, and concealment.
- 2201 (b) An applicant may satisfy the general familiarity requirement of Subsection (8)(a) by  
2202 one of the following:
- 2203 (i) completion of a course of instruction conducted by a national, state, or local

- 2204 firearms training organization approved by the bureau;
- 2205 (ii) certification of general familiarity by an individual who has been certified by the
- 2206 bureau, which may include a law enforcement officer, military or civilian firearms
- 2207 instructor, or hunter safety instructor; or
- 2208 (iii) equivalent experience with a firearm through participation in an organized
- 2209 shooting competition, law enforcement, or military service.
- 2210 (c) Instruction taken by a student under this Subsection (8) shall be in person and not
- 2211 through electronic means.
- 2212 (d) [~~A person~~] An individual applying for a renewal permit is not required to retake the
- 2213 firearms training described in this Subsection [~~53-5-704(8)~~] (8) if the [~~person~~]
- 2214 individual:
- 2215 (i) has an unexpired permit; or
- 2216 (ii) has a permit that expired less than one year before the date on which the renewal
- 2217 application was submitted.
- 2218 (9)(a) An applicant for certification as a Utah concealed firearms instructor shall:
- 2219 (i) be at least 21 years old;
- 2220 (ii) be currently eligible to possess a firearm under Section [~~76-10-503~~] 76-11-302 or
- 2221 76-11-303;
- 2222 (iii) have:
- 2223 (A) completed a firearm instruction training course from the National Rifle
- 2224 Association or another nationally recognized firearm training organization that
- 2225 customarily offers firearm safety and firearm law instructor training or the
- 2226 Department of Public Safety, Division of Peace Officer Safety Standards and
- 2227 Training; or
- 2228 (B) received training equivalent to one of the courses referred to in Subsection
- 2229 (9)(a)(iii)(A) as determined by the bureau;
- 2230 (iv) have taken a course of instruction and passed a certification test as described in
- 2231 Subsection (9)(c); and
- 2232 (v) possess a Utah concealed firearm permit.
- 2233 (b) An instructor's certification is valid for three years from the date of issuance, unless
- 2234 revoked by the bureau.
- 2235 (c)(i) In order to obtain initial certification or renew a certification, an instructor shall
- 2236 attend an instructional course and pass a test under the direction of the bureau.
- 2237 (ii)(A) The bureau shall provide or contract to provide the course referred to in

- 2238 Subsection (9)(c)(i) twice every year.
- 2239 (B) The course shall include instruction on current Utah law related to firearms,  
2240 including concealed carry statutes and rules, and the use of deadly force by  
2241 private citizens.
- 2242 (d)(i) Each applicant for certification under this Subsection (9) shall pay a fee of  
2243 \$50.00 at the time of application for initial certification.
- 2244 (ii) The renewal fee for the certificate is \$25.
- 2245 (iii) The bureau may use a fee paid under Subsections (9)(d)(i) and (ii) as a dedicated  
2246 credit to cover the cost incurred in maintaining and improving the instruction  
2247 program required for concealed firearm instructors under this Subsection (9).
- 2248 (10) A certified concealed firearms instructor shall provide each of the instructor's students  
2249 with the required course of instruction outline approved by the bureau.
- 2250 (11)(a)(i) A concealed firearms instructor shall provide a signed certificate to an  
2251 individual successfully completing the offered course of instruction.
- 2252 (ii) The instructor shall sign the certificate with the exact name indicated on the  
2253 instructor's certification issued by the bureau under Subsection (9).
- 2254 (iii)(A) The certificate shall also have affixed to it the instructor's official seal,  
2255 which is the exclusive property of the instructor and may not be used by any  
2256 other individual.
- 2257 (B) The instructor shall destroy the seal upon revocation or expiration of the  
2258 instructor's certification under Subsection (9).
- 2259 (C) The bureau shall determine the design and content of the seal to include at  
2260 least the following:
- 2261 (I) the instructor's name as it appears on the instructor's certification;
- 2262 (II) the words "Utah Certified Concealed Firearms Instructor," "state of Utah,"  
2263 and "my certification expires on (the instructor's certification expiration  
2264 date)"; and
- 2265 (III) the instructor's business or residence address.
- 2266 (D) The seal shall be affixed to each student certificate issued by the instructor in  
2267 a manner that does not obscure or render illegible any information or  
2268 signatures contained in the document.
- 2269 (b) The applicant shall provide the certificate to the bureau in compliance with  
2270 Subsection (6)(d).
- 2271 (12) The bureau may deny, suspend, or revoke the certification of an applicant or a

- 2272 concealed firearms instructor if it has reason to believe the applicant or the instructor has:
- 2273 (a) become ineligible to possess a firearm under Section [~~76-10-503~~] 76-11-302 or
- 2274 76-11-303, or federal law; or
- 2275 (b) knowingly and willfully provided false information to the bureau.
- 2276 (13) An applicant for certification or a concealed firearms instructor has the same appeal
- 2277 rights as described in Subsection (16).
- 2278 (14) In providing instruction and issuing a permit under this part, the concealed firearms
- 2279 instructor and the bureau are not vicariously liable for damages caused by the permit
- 2280 holder.
- 2281 (15) An individual who knowingly and willfully provides false information on an
- 2282 application filed under this part is guilty of a class B misdemeanor, and the application
- 2283 may be denied, or the permit may be suspended or revoked.
- 2284 (16)(a) In the event of a denial, suspension, or revocation of a permit, the applicant or
- 2285 permit holder may file a petition for review with the board within 60 days from the
- 2286 date the denial, suspension, or revocation is received by the applicant or permit
- 2287 holder by certified mail, return receipt requested.
- 2288 (b) The bureau's denial of a permit shall be in writing and shall include the general
- 2289 reasons for the action.
- 2290 (c) If an applicant or permit holder appeals the denial to the review board, the applicant
- 2291 or permit holder may have access to the evidence upon which the denial is based in
- 2292 accordance with Title 63G, Chapter 2, Government Records Access and Management
- 2293 Act.
- 2294 (d) On appeal to the board, the bureau has the burden of proof by a preponderance of the
- 2295 evidence.
- 2296 (e)(i) Upon a ruling by the board on the appeal of a denial, the board shall issue a
- 2297 final order within 30 days stating the board's decision.
- 2298 (ii) The final order shall be in the form prescribed by Subsection 63G-4-203(1)(i).
- 2299 (iii) The final order is final bureau action for purposes of judicial review under
- 2300 Section 63G-4-402.
- 2301 (17) The commissioner may make rules in accordance with Title 63G, Chapter 3, Utah
- 2302 Administrative Rulemaking Act, necessary to administer this chapter.
- 2303 Section 28. Section **53-5a-304**, which is renumbered from Section 53-5-704.5 is renumbered
- 2304 and amended to read:
- 2305 **[~~53-5-704.5~~] 53-5a-304 . Provisional permit to carry concealed firearm.**

- 2306 (1)(a) The bureau shall issue a provisional permit to carry a concealed firearm for lawful  
2307 self-defense to an applicant who is 18 years [~~of age, but is no older than 20 years of~~  
2308 ~~age] old but younger than 21 years old, within 60 days after receiving an application,  
2309 unless the bureau finds proof that the applicant does not meet the qualifications set  
2310 forth in Subsection [~~53-5-704(2)] 53-5a-303(2).~~~~
- 2311 (b) [~~The] Except as provided in Subsection (2), a provisional concealed carry permit is  
2312 valid throughout the state until the applicant reaches the age of 21, without  
2313 restriction, except as otherwise provided by Section [~~53-5-710] 53-5a-102.2.~~~~
- 2314 (2) The bureau may deny, suspend, or revoke a provisional concealed carry permit issued  
2315 under this section as [~~set forth] described in Subsections [~~53-5-704(2) and (3)]  
2316 53-5a-303(2) and (3).~~~~
- 2317 (3)(a) In addition to meeting the other qualifications for the issuance of a provisional  
2318 concealed carry permit under this section, a nonresident applicant who resides in a  
2319 state that recognizes the validity of the Utah provisional concealed carry permit or  
2320 has reciprocity with Utah's provisional concealed firearm permit law shall:
- 2321 (i) hold a current applicable concealed firearm or concealed weapon permit issued by  
2322 the appropriate permitting authority of the nonresident applicant's state of  
2323 residency; and
- 2324 (ii) submit a photocopy or electronic copy of the nonresident applicant's current  
2325 concealed firearm or concealed weapon permit referred to in Subsection (3)(a)(i).
- 2326 (b) A nonresident applicant who knowingly and willfully provides false information to  
2327 the bureau under Subsection (3)(a) is prohibited from holding a Utah concealed  
2328 firearm permit of any kind for a period of 10 years.
- 2329 (4) The bureau shall also require the applicant to provide:
- 2330 (a) the address of the applicant's permanent residence;
- 2331 (b) one recent dated photograph;
- 2332 (c) one set of fingerprints; and
- 2333 (d) evidence of general familiarity with the types of firearms to be concealed as defined  
2334 in [~~Subsection 53-5-704(8)] Section 53-5-303.~~
- 2335 (5) In the event of a decision to deny, suspend, or revoke a provisional concealed firearm  
2336 permit, the applicant or permit holder under this section may appeal the decision through  
2337 the same process set forth in Subsection [~~53-5-704(16)] 53-5a-303(16).~~
- 2338 (6) The applicant or permit holder of the provisional concealed firearm permit under this  
2339 section must meet the eligibility requirements of another state, including age

2340 requirements, to carry a concealed firearm in that state.

2341 Section 29. Section **53-5a-305**, which is renumbered from Section 53-5-705 is renumbered  
2342 and amended to read:

2343 **[53-5-705] 53-5a-305 . Temporary permit to carry concealed firearm -- Denial,**  
2344 **suspension, or revocation -- Appeal.**

2345 (1) The bureau or [its] the bureau's designated agent may issue a temporary permit to carry a  
2346 concealed firearm to [a person] an individual who:

2347 (a) has applied for a permit under Section [~~53-5-704~~] 53-5a-303;

2348 (b) has applied for a temporary permit under this section; and

2349 (c) meets the criteria required in Subsections (2) and (3).

2350 (2) To receive a temporary permit under this section, the applicant shall demonstrate in  
2351 writing to the satisfaction of the bureau extenuating circumstances that would justify  
2352 issuing a temporary permit.

2353 (3) A temporary permit may not be issued under this section until preliminary record  
2354 checks regarding the applicant have been made with the National Crime Information  
2355 Center and the bureau to determine any criminal history.

2356 (4)[~~(a)~~] A temporary permit is valid only for a maximum of 90 days or any lesser period  
2357 specified by the bureau, or until a permit under Section 53-5-704 is issued to the  
2358 holder of the temporary permit, whichever period is shorter.

2359 [~~(b) The provisions of Subsections 76-10-504(1) and (2) and Section 76-10-505 do not~~  
2360 ~~apply to a person issued a temporary permit under this section during the time period~~  
2361 ~~for which the temporary permit is valid.]~~

2362 (5) The bureau may deny, suspend, or revoke a temporary permit prior to expiration if the  
2363 commissioner determines:

2364 (a) the circumstances justifying the temporary permit no longer exist; or

2365 (b) the holder of the temporary permit does not meet the requirements for a permit under  
2366 Section [~~53-5-704~~] 53-5a-303.

2367 (6)(a) The denial, suspension, or revocation of a temporary permit shall be in writing  
2368 and shall include the reasons for the action.

2369 (b) The bureau's decision to deny, suspend, or revoke a temporary permit may not be  
2370 appealed to the board.

2371 (c) Denial, suspension, or revocation under this subsection is final action for purposes of  
2372 judicial review under Section 63G-4-402.

2373 Section 30. Section **53-5a-306**, which is renumbered from Section 53-5-706 is renumbered

2374 and amended to read:

2375 **[53-5-706] 53-5a-306 . Permit -- Fingerprints transmitted to bureau -- Report**  
 2376 **from bureau.**

2377 (1)(a) Except as provided in Subsection (2), the fingerprints of each applicant for a  
 2378 permit under Section ~~[53-5-707] 53-5a-307~~ or ~~[53-5-707.5] 53-5a-308~~ shall be taken  
 2379 on a form prescribed by the bureau.

2380 (b) Upon receipt of the fingerprints, the applicant fingerprint card fee prescribed in  
 2381 Section 53-10-108, and the fee prescribed in Section ~~[53-5-707] 53-5a-307~~ or [  
 2382 ~~53-5-707.5] 53-5a-308~~, the bureau shall conduct a search of ~~[its] the bureau's~~ files for  
 2383 criminal history information pertaining to the applicant, and shall request the Federal  
 2384 Bureau of Investigation to conduct a similar search through ~~[its] the Federal Bureau of~~  
 2385 ~~Investigation's~~ files.

2386 (c) If the fingerprints are insufficient for the Federal Bureau of Investigation to conduct  
 2387 a search of ~~[its] the Federal Bureau of Investigation's~~ files for criminal history  
 2388 information, the application or concealed firearm permit may be denied, suspended,  
 2389 or revoked until sufficient fingerprints are submitted by the applicant.

2390 (2)(a) If the permit applicant has previously applied to the bureau for a permit to carry  
 2391 concealed firearms, the bureau shall note the previous identification numbers and  
 2392 other data ~~[which] that~~ would provide positive identification in the files of the bureau  
 2393 on the copy of any subsequent permit submitted to the bureau in accordance with this  
 2394 section.

2395 (b) No additional application form, fingerprints, or fee are required under this  
 2396 Subsection (2).

2397 Section 31. Section **53-5a-307**, which is renumbered from Section 53-5-707 is renumbered  
 2398 and amended to read:

2399 **[53-5-707] 53-5a-307 . Concealed firearm permit -- Fees -- Concealed Weapons**  
 2400 **Account.**

2401 (1)(a) An applicant for a concealed firearm permit shall pay a fee of \$25 at the time of  
 2402 filing an application.

2403 (b) A nonresident applicant shall pay an additional \$10 for the additional cost of  
 2404 processing a nonresident application.

2405 (c) The bureau shall waive the initial fee for an applicant who is:

2406 (i) a law enforcement officer under Section 53-13-103;

2407 (ii) an active duty service member;

- 2408 (iii) the spouse of an active duty service member; or  
 2409 (iv) a school employee.
- 2410 (2)(a) The renewal fee for the permit is \$20.
- 2411 (b) A nonresident shall pay an additional \$5 for the additional cost of processing a  
 2412 nonresidential renewal.
- 2413 (3) The replacement fee for the permit is \$10.
- 2414 (4)(a) The late fee for the renewal permit is \$7.50.
- 2415 (b) As used in this section, "late fee" means the fee charged by the bureau for a renewal  
 2416 submitted on a permit that has been expired for more than 30 days but less than one  
 2417 year.
- 2418 (5)(a) There is created a restricted account within the General Fund known as the  
 2419 "Concealed Weapons Account."
- 2420 (b) The account shall be funded from fees collected under this section and Section [  
 2421 ~~53-5-707.5~~] 53-5a-308.
- 2422 (c) Funds in the account may only be used to cover costs relating to:  
 2423 (i) the issuance of concealed firearm permits under this part; or  
 2424 (ii) the programs described in Subsection 26B-5-102(3) and Section 26B-5-611.
- 2425 (d) No later than 90 days after the end of the fiscal year, 50% of the fund balance shall  
 2426 be transferred to the Suicide Prevention and Education Fund, created in Section  
 2427 26B-1-326.
- 2428 (6)(a) The bureau may collect any fees charged by an outside agency for additional  
 2429 services required by statute as a prerequisite for issuance of a permit.
- 2430 (b) The bureau shall promptly forward any fees collected under Subsection (6)(a) to the  
 2431 appropriate agency.
- 2432 (7) The bureau shall make an annual report in writing to the Legislature's Law Enforcement  
 2433 and Criminal Justice Interim Committee on the amount and use of the fees collected  
 2434 under this section and Section ~~53-5-707.5~~.
- 2435 Section 32. Section **53-5a-308**, which is renumbered from Section ~~53-5-707.5~~ is renumbered  
 2436 and amended to read:
- 2437 **~~[53-5-707.5]~~ 53-5a-308 . Provisional concealed firearm permit -- Fees --**
- 2438 **Disposition of fees.**
- 2439 (1)(a) An applicant for a provisional concealed firearm permit, as described in Section [  
 2440 ~~53-5-704.5~~] 53-5a-304, shall pay a fee of \$25 at the time of filing an application.
- 2441 (b) A nonresident applicant shall pay an additional \$10 for the additional cost of



2442 processing a nonresident application.

2443 (2) The replacement fee for the permit is \$10.

2444 (3) Fees collected under this section shall be remitted to the Concealed Weapons Account,  
2445 as described in [~~Subsection 53-5-707(5)~~] Section 53-5a-307.

2446 (4)(a) The bureau may collect any fees charged by an outside agency for additional  
2447 services required by statute as a prerequisite for issuance of a permit.

2448 (b) The bureau shall promptly forward any fees collected under Subsection (4)(a) to the  
2449 appropriate agency.

2450 Section 33. Section **53-5a-309**, which is renumbered from Section 53-5-707.6 is renumbered  
2451 and amended to read:

2452 **[~~53-5-707.6~~] 53-5a-309 . Concealed firearm permit renewal -- Firearm safety and**  
2453 **suicide prevention video.**

2454 (1) The bureau, in conjunction with the Division of Integrated Healthcare created in Section  
2455 26B-1-204, shall create a firearm safety and suicide prevention video that:

2456 (a) is [~~web-accessible~~] Internet-accessible;

2457 (b) is no longer than 10 minutes in length; and

2458 (c) includes information about:

2459 (i) safe handling, storage, and use of firearms in a home environment;

2460 (ii) at-risk individuals and individuals who are legally prohibited from possessing  
2461 firearms; and

2462 (iii) suicide prevention awareness.

2463 (2) Before renewing a firearm permit, an individual shall view the firearm safety and  
2464 suicide prevention video and submit proof in the form required by the bureau.

2465 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2466 bureau shall make rules that establish procedures for:

2467 (a) producing and distributing the firearm safety and suicide prevention video; and

2468 (b) providing access to the video to an applicant seeking renewal of a firearm permit.

2469 Section 34. Section **53-5a-310**, which is renumbered from Section 53-5-708 is renumbered  
2470 and amended to read:

2471 **[~~53-5-708~~] 53-5a-310 . Permit -- Names private.**

2472 (1)(a) The bureau shall maintain a record in [~~its~~] the bureau's office of any permit issued  
2473 under this part.

2474 (b) Notwithstanding the requirements of Subsection 63G-2-301(2)(b), the names,  
2475 addresses, telephone numbers, dates of birth, and [~~Social Security~~] social security

- 2476 numbers of ~~[persons]~~ individuals receiving permits are protected records under  
2477 Subsection 63G-2-305(11).
- 2478 (c) Notwithstanding Section 63G-2-206, ~~[a person]~~ an individual may not share any of  
2479 the information listed in Subsection (1)(b) with any office, department, division, or  
2480 other agency of the federal government unless:
- 2481 (i) the disclosure is necessary to conduct a criminal background check on the  
2482 individual who is the subject of the information;
- 2483 (ii) the disclosure of information is made pursuant to a court order directly associated  
2484 with an active investigation or prosecution of the individual who is the subject of  
2485 the information;
- 2486 (iii) the disclosure is made to a criminal justice agency in a criminal investigation or  
2487 prosecution;
- 2488 (iv) the disclosure is made by a law enforcement agency within the state to another  
2489 law enforcement agency in the state or in another state in connection with an  
2490 investigation, including a preliminary investigation, or a prosecution of the  
2491 individual who is the subject of the information;
- 2492 (v) the disclosure is made by a law enforcement agency within the state to an  
2493 employee of a federal law enforcement agency in the course of a combined law  
2494 enforcement effort involving the law enforcement agency within the state and the  
2495 federal law enforcement agency; or
- 2496 (vi) the disclosure is made in response to a routine request that a federal law  
2497 enforcement officer makes to obtain information on an individual whom the  
2498 federal law enforcement officer detains, including for a traffic stop, or questions  
2499 because of the individual's suspected violation of state law.
- 2500 (d) ~~[A person]~~ An individual is guilty of a class A misdemeanor if the ~~[person]~~ individual  
2501 knowingly:
- 2502 (i) discloses information listed in Subsection (1)(b) in violation of the provisions  
2503 under Title 63G, Chapter 2, Government Records Access and Management Act,  
2504 applicable to protected records; or
- 2505 (ii) shares information in violation of Subsection (1)(c).
- 2506 (e)(i) As used in this Subsection (1)(e), "governmental agency" means:
- 2507 (A) the state or any department, division, agency, or other instrumentality of the  
2508 state; or
- 2509 (B) a political subdivision of the state, including a county, city, town, school

2510 district, special district, and special service district.

2511 (ii) A governmental agency may not compel or attempt to compel an individual who  
2512 has been issued a concealed firearm permit to divulge whether the individual:

2513 (A) has been issued a concealed firearm permit; or

2514 (B) is carrying a concealed firearm.

2515 (iii) Subsection (1)(e)(ii) does not apply to a law enforcement officer.

2516 (2) The bureau shall immediately file a copy of each permit ~~[it]~~ the bureau issues under this  
2517 part.

2518 Section 35. Section **53-5a-311**, which is renumbered from Section 53-5-711 is renumbered  
2519 and amended to read:

2520 **~~[53-5-711]~~ 53-5a-311 . Law enforcement officials, judges, and court**  
2521 **commissioners exempt -- Training requirements -- Qualification -- Revocation.**

2522 (1) As used in this section~~[and Section 76-10-523]~~:

2523 (a) "Court commissioner" means an individual appointed under Section 78A-5-107.

2524 (b)(i) "Judge" means a judge or justice of a court of record or a court not of record.

2525 (ii) "Judge" does not include a judge pro tem or senior judge.

2526 (c) "Law enforcement official" means:

2527 (i) a member of the Board of Pardons and Parole;

2528 (ii) a district attorney, deputy district attorney, county attorney or deputy county  
2529 attorney of a county not in a prosecution district;

2530 (iii) the attorney general;

2531 (iv) an assistant attorney general designated as a criminal prosecutor; or

2532 (v) a city attorney or a deputy city attorney designated as a criminal prosecutor.

2533 (2) To qualify for an exemption in Section ~~[76-10-523]~~ 53-5a-108, a law enforcement  
2534 official, judge, or court commissioner shall complete the following training  
2535 requirements:

2536 (a) meet the requirements of Sections ~~[53-5-704, 53-5-706, and 53-5-707]~~ 53-5a-303,  
2537 53-5a-306, and 53-5a-307; and

2538 (b) successfully complete an additional course of training as established by the  
2539 commissioner ~~[of public safety]~~ designed to assist ~~[them while]~~ with carrying out [  
2540 ~~their~~] official law enforcement, judicial, or court commissioner duties as agents for  
2541 the state or ~~[its]~~ the state's political subdivisions.

2542 (3) Annual requalification requirements for law enforcement officials, judges, or court  
2543 commissioners shall be established by the commissioner ~~[of public safety]. Additional~~

- 2544 requalification requirements] and may be established by the:
- 2545 (a) Board of Pardons and Parole by rule for [its] the Board of Pardons and Parole's
- 2546 members;
- 2547 (b) Judicial Council by rule for judges and court commissioners; and
- 2548 (c) the district attorney, county attorney in a county not in a prosecution district, the
- 2549 attorney general, or city attorney by policy for prosecutors under their jurisdiction.
- 2550 (4) The bureau may:
- 2551 (a) issue a certificate of qualification to a judge, law enforcement official, or court
- 2552 commissioner who has completed the requirements of Subsection (2), which
- 2553 certificate of qualification is valid until revoked;
- 2554 (b) revoke the certificate of qualification of a judge, law enforcement official, or court
- 2555 commissioner who:
- 2556 (i) fails to meet the annual requalification criteria established pursuant to Subsection
- 2557 (3);
- 2558 (ii) would be subject to revocation of a concealed firearm permit under Subsection [
- 2559 53-5-704(2)(a)] 53-5a-303(2)(a); or
- 2560 (iii) is no longer employed as a judge, law enforcement official, or court
- 2561 commissioner as defined in Subsection (1); and
- 2562 (c) certify instructors for the training requirements of this section.

2563 Section 36. Section **53-5a-312**, which is renumbered from Section 53-5-712 is renumbered

2564 and amended to read:

2565 **[53-5-712] 53-5a-312 . Armed Forces -- Permit requirements -- Exemptions.**

2566 An active duty servicemember of the United States Armed Forces who possesses a Utah

2567 concealed firearm permit is exempt from the requirement in Subsection [53-5-704(4)(a)]

2568 53-5a-303(4)(a) when renewing a Utah concealed firearm permit.

2569 Section 37. Section **53-5a-401**, which is renumbered from Section 53-5b-103 is renumbered

2570 and amended to read:

2571 **Part 4. Utah State-Made Firearms Protections**

2572 **[53-5b-103] 53-5a-401 . Definitions.**

2573 As used in this [chapter] part:

- 2574 (1) "Firearm" means a device from which is expelled a projectile by action of an explosive.
- 2575 (2) "Firearm accessory" means an item that is used in conjunction with or mounted upon a
- 2576 firearm, firearm action, or firearm receiver but is not essential to the basic function of a
- 2577 firearm, including:

- 2578 (a) a telescopic or laser sight;
- 2579 (b) a magazine;
- 2580 (c) a flash or sound suppressor;
- 2581 (d) a folding or aftermarket stock or grip;
- 2582 (e) a speed-loader;
- 2583 (f) an ammunition carrier; and
- 2584 (g) a light for target illumination.
- 2585 (3) "Generic and insignificant parts:"
- 2586 (a) means parts that have other manufacturing or consumer product applications; and
- 2587 (b) includes:
- 2588 (i) springs;
- 2589 (ii) screws;
- 2590 (iii) nuts; and
- 2591 (iv) pins.
- 2592 (4) "Manufactured" means creating a firearm, a firearm action or receiver, a firearm
- 2593 accessory, or ammunition from basic materials for functional usefulness, including:
- 2594 (a) forging;
- 2595 (b) casting;
- 2596 (c) machining; and
- 2597 (d) another process for working materials.

2598 Section 38. Section **53-5a-402**, which is renumbered from Section 53-5b-102 is renumbered

2599 and amended to read:

2600 **~~[53-5b-102]~~ 53-5a-402 . Legal considerations.**

2601 In reviewing any matter covered by this [chapter] part, a court shall consider the

2602 following:

- 2603 (1) The Tenth Amendment to the United States Constitution guarantees to the state and its
- 2604 people all powers not granted to the federal government elsewhere in the Constitution
- 2605 and reserves to the state and people of Utah certain powers as they were understood at
- 2606 the time that Utah was admitted to statehood.
- 2607 (2) The guarantee of powers to the state and its people under the Tenth Amendment is a
- 2608 matter of contract between the state and people of Utah and the United States as of the
- 2609 time of statehood.
- 2610 (3) The Ninth Amendment to the United States Constitution guarantees to the people rights
- 2611 not granted in the Constitution and reserves to the people of Utah certain rights as they

- 2612 were understood at the time that Utah was admitted to statehood.
- 2613 (4) The guarantee of rights to the people under the Ninth Amendment is a matter of contract  
2614 between the state and people of Utah and the United States as of the time of statehood.
- 2615 (5) The regulation of intrastate commerce is vested in the state under the Ninth and Tenth  
2616 Amendments to the United States Constitution.
- 2617 (6) The Second Amendment to the United States Constitution reserves to the people the  
2618 right to keep and bear arms as that right was understood at the time that Utah was  
2619 admitted to statehood, and the guarantee of the right is a matter of contract between the  
2620 state and people of Utah and the United States as of the time of statehood.
- 2621 (7) The Utah Constitution clearly secures to Utah citizens, and prohibits government  
2622 interference with, the right of individual Utah citizens to keep and bear arms.
- 2623 (8) A personal firearm, a firearm action or receiver, a firearm accessory, or ammunition that  
2624 is manufactured commercially or privately in the state to be used or sold within the state  
2625 is not subject to federal law or federal regulation, including registration, under the  
2626 authority of congress to regulate interstate commerce.
- 2627 (9) The Legislature declares that a firearm, a firearm action or receiver, a firearm accessory,  
2628 and ammunition described in Subsection (8) does not travel in interstate commerce.
- 2629 (10) The importation into the state of generic and insignificant parts and those parts'  
2630 incorporation into a firearm, a firearm action or receiver, a firearm accessory, or  
2631 ammunition manufactured in the state does not subject the firearm, firearm accessory,  
2632 firearm action or receiver, or ammunition to federal law or regulation.
- 2633 (11) Basic materials, including unmachined steel and unshaped wood, are not firearms,  
2634 firearm actions or receivers, firearms accessories, or ammunition.
- 2635 (12) Trade in basic materials is not subject to congressional authority to regulate firearms,  
2636 firearm actions or receivers, firearms accessories, and ammunition as if the basic  
2637 materials were actually firearms, firearm actions or receivers, firearms accessories, or  
2638 ammunition.
- 2639 (13) Congress's authority to regulate interstate commerce in basic materials does not  
2640 include authority to regulate firearms, firearm actions or receivers, firearms accessories,  
2641 and ammunition made in the state from basic materials.
- 2642 (14) The attachment or use of firearms accessories in conjunction with a firearm  
2643 manufactured in the state does not subject the firearm to federal regulation under  
2644 Congress's power to regulate interstate commerce, without regard to whether the  
2645 firearms accessories are themselves subject to federal regulation.

2646 Section 39. Section **53-5a-403**, which is renumbered from Section 53-5b-201 is renumbered  
2647 and amended to read:

2648 **[53-5b-201] 53-5a-403 . Intrastate firearm manufacturing.**

2649 (1) This chapter applies to a firearm, a firearm action or receiver, a firearm accessory, or  
2650 ammunition that is manufactured in the state to remain in the state from basic materials  
2651 that can be manufactured without the inclusion of any significant parts imported into the  
2652 state.

2653 (2) This chapter does not apply to:

- 2654 (a) a firearm that cannot be carried and used by one ~~[person]~~ individual;
- 2655 (b) a firearm that has a bore diameter greater than 1-1/2 inches and that uses smokeless  
2656 powder, not black powder, as a propellant;
- 2657 (c) a firearm that discharges two or more projectiles with one activation of the trigger or  
2658 other firing device, other than a shotgun; or
- 2659 (d) ammunition with a projectile that explodes using an explosion of chemical energy  
2660 after the projectile leaves the firearm.

2661 Section 40. Section **53-5a-404**, which is renumbered from Section 53-5b-202 is renumbered  
2662 and amended to read:

2663 **[53-5b-202] 53-5a-404 . Required markings.**

2664 A firearm, firearm action, or firearm receiver manufactured or sold in Utah under this [  
-2665 chapter] part must have the words "Made in Utah" or "Made in UT" clearly stamped on a  
2666 central metallic part, such as the receiver or frame.

2667 Section 41. Section **53-5a-501**, which is renumbered from Section 53-5c-102 is renumbered  
2668 and amended to read:

2669 **Part 5. Firearms Safe Harbor**

2670 **[53-5e-102] 53-5a-501 . Definitions.**

2671 As used in this [~~chapter~~] part:

- 2672 (1) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201.
- 2673 (2) "Cohabitant" means an individual who:
- 2674 (a) is 18 years old or older;
- 2675 (b) resides in the same home with another individual; and
- 2676 (c)(i) is living as if a spouse of the individual;
- 2677 (ii) is related by blood or marriage to the individual;
- 2678 (iii) has one or more children in common with the individual; or
- 2679 (iv) has an interest in the safety and well-being of the individual.

- 2680 (3) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 2681 (4) "Firearm" means a pistol, revolver, shotgun, short barrel shotgun, rifle or short barrel  
2682 rifle, or a device that could be used as a dangerous weapon from which is expelled a  
2683 projectile by action of an explosive.
- 2684 (5) "Health care provider" means a person:
- 2685 (a) who provides health care or professional services related to health care; and
- 2686 (b) is acting within the scope of the person's license, certification, practice, education, or  
2687 training.
- 2688 (6) "Illegal firearm" means a firearm the ownership or possession of which is prohibited  
2689 under state or federal law.
- 2690 (7) "Jail release agreement" means the same as that term is defined in Section 78B-7-801.
- 2691 (8) "Jail release court order" means the same as that term is defined in Section 78B-7-801.
- 2692 (9) "Law enforcement agency" means a municipal or county police agency or an officer of  
2693 that agency.
- 2694 (10) "Owner cohabitant" means a cohabitant who:
- 2695 (a) is 18 years old or older; and
- 2696 (b) owns a firearm.

2697 Section 42. Section **53-5a-502**, which is renumbered from Section 53-5c-201 is renumbered  
2698 and amended to read:

2699 **[53-5c-201] 53-5a-502 . Voluntary commitment of a firearm by cohabitant -- Law**  
2700 **enforcement to hold firearm.**

- 2701 (1)(a) A cohabitant or owner cohabitant may voluntarily commit a firearm to a law  
2702 enforcement agency or request that a law enforcement officer receive a firearm for  
2703 safekeeping if the owner cohabitant or cohabitant believes that the owner cohabitant  
2704 or another cohabitant with access to the firearm is an immediate threat to:
- 2705 (i) a cohabitant;
- 2706 (ii) the owner cohabitant; or
- 2707 (iii) another individual.
- 2708 (b) Except as provided in Subsection (2), if the owner of a firearm requests return of the  
2709 firearm in person at the law enforcement agency's office, the law enforcement agency:
- 2710 (i) may not hold the firearm under this section; and
- 2711 (ii) shall return the firearm to the owner.
- 2712 (2) A law enforcement agency may not return a firearm to an owner under Subsection (1)(b)  
2713 if the owner of the firearm:



- 2714 (a) is a restricted person under Section [~~76-10-503~~] 76-11-302 or 76-11-303; or  
2715 (b)(i) has been arrested and booked into a county jail on a class A misdemeanor or  
2716 felony domestic violence offense;  
2717 (ii) has had a court:  
2718 (A) review the probable cause statement detailing the incident leading to the  
2719 owner's arrest; and  
2720 (B) determine that probable cause existed for the arrest; and  
2721 (iii) is subject to a jail release agreement or a jail release court order arising out of the  
2722 domestic violence offense.
- 2723 (3) Unless a firearm is an illegal firearm subject to Section [~~53-5e-202~~] 53-5a-503, a law  
2724 enforcement agency that receives a firearm in accordance with this chapter shall:  
2725 (a) record:  
2726 (i) the owner cohabitant's name, address, and phone number;  
2727 (ii) the firearm serial number and the make and model of each firearm committed; and  
2728 (iii) the date that the firearm was voluntarily committed;  
2729 (b) require the cohabitant to sign a document attesting that the cohabitant resides in the  
2730 home;  
2731 (c) hold the firearm in safe custody:  
2732 (i) for 60 days after the day on which the firearm is voluntarily committed; or  
2733 (ii)(A) for an owner described in Subsection (2)(b), during the time the jail release  
2734 agreement or jail release court order is in effect; and  
2735 (B) for 60 days after the day on which the jail release agreement or jail release  
2736 court order expires; and  
2737 (d) upon proof of identification, return the firearm to:  
2738 (i)(A) the owner cohabitant after the expiration of the 60-day period; or  
2739 (B) if the owner cohabitant requests return of the firearm before the expiration of  
2740 the 60-day period, at the time of the request; or  
2741 (ii) an owner other than the owner cohabitant in accordance with Section [~~53-5e-202~~]  
2742 53-5a-503.
- 2743 (4) The law enforcement agency shall hold the firearm for an additional 60 days:  
2744 (a) if the initial 60-day period expires; and  
2745 (b) the cohabitant or owner cohabitant requests that the law enforcement agency hold the  
2746 firearm for an additional 60 days.
- 2747 (5) A law enforcement agency may not request or require that the owner cohabitant provide

2748 the name or other information of the cohabitant who poses an immediate threat or any  
2749 other cohabitant.

2750 (6) Notwithstanding an ordinance or policy to the contrary adopted in accordance with  
2751 Section 63G-2-701, a law enforcement agency shall destroy a record created under  
2752 Subsection (3), Subsection [~~53-5e-202(3)(b)(iii)~~] 53-5a-503(3)(b)(iii), or any other  
2753 record created in the application of this chapter immediately, if practicable, but no later  
2754 than five days after immediately upon the:

2755 (a) return of a firearm in accordance with Subsection (3)(d); or

2756 (b) disposal of the firearm in accordance with Section [~~53-5e-202~~] 53-5a-503.

2757 (7) Unless otherwise provided, the provisions of Title 77, Chapter 11d, Lost or Mislaid  
2758 Property, do not apply to a firearm received by a law enforcement agency in accordance  
2759 with this [~~chapter~~] part.

2760 (8) A law enforcement agency shall adopt a policy for the safekeeping of a firearm held in  
2761 accordance with this [~~chapter~~] part.

2762 (9) The department shall create a pamphlet to be distributed by a law enforcement officer  
2763 under Section 77-36-2.1 that includes information about a cohabitant's or owner  
2764 cohabitant's ability to have the owner cohabitant's firearm committed to a law  
2765 enforcement agency for safekeeping in accordance with this section.

2766 Section 43. Section **53-5a-503**, which is renumbered from Section 53-5c-202 is renumbered  
2767 and amended to read:

2768 **[~~53-5e-202~~] 53-5a-503 . Illegal firearms confiscated -- Disposition of unclaimed**  
2769 **firearm.**

2770 (1) If a law enforcement agency receives a firearm in accordance with Section 53-5c-201,  
2771 and the firearm is an illegal firearm, the law enforcement agency shall:

2772 (a) notify the owner cohabitant attempting to voluntarily commit the firearm that the  
2773 firearm is an illegal firearm; and

2774 (b) confiscate the firearm and dispose of the firearm in accordance with Section  
2775 77-11a-403.

2776 (2)(a) If a law enforcement agency cannot, after a reasonable attempt, locate an owner  
2777 cohabitant to return a firearm in accordance with Section [~~53-5e-201~~] 53-5a-502, the  
2778 law enforcement agency shall dispose of the firearm in accordance with Section  
2779 77-11a-403.

2780 (b) A law enforcement agency may not dispose of a firearm under Subsection (2)(a)  
2781 before one year after the day on which the cohabitant initially voluntarily committed

2782 the firearm in accordance with Section [~~53-5e-201~~] 53-5a-502.

2783 (3)(a) If [~~a person~~] an individual other than an owner cohabitant claims ownership of the  
2784 firearm, the [~~person~~] individual may:

2785 (i) request that the law enforcement agency return the firearm in accordance with  
2786 Subsection (3)(b); or

2787 (ii) petition the court for the firearm's return in accordance with Subsection (3)(c).

2788 (b) Except as provided in Section [~~53-5e-201~~] 53-5a-502, the law enforcement agency  
2789 shall return a firearm to [~~a person~~] an individual other than an owner cohabitant who  
2790 claims ownership of the firearm if:

2791 (i) the 60-day period described in Section [~~53-5e-201~~] 53-5a-502 has expired;

2792 (ii) the [~~person~~] individual provides identification; and

2793 (iii) the [~~person~~] individual signs a document attesting that the [~~person~~] individual has  
2794 an ownership interest in the firearm.

2795 (c) After sufficient notice is given to the prosecutor, the court may order that the firearm  
2796 be:

2797 (i) returned to the rightful owner as determined by the court; or

2798 (ii) disposed of in accordance with Section 77-11a-403.

2799 (d) A law enforcement agency shall return a firearm ordered returned to the rightful  
2800 owner as expeditiously as possible after a court determination.

2801 Section 44. Section **53-5a-504**, which is renumbered from Section 53-5c-301 is renumbered  
2802 and amended to read:

2803 **[~~53-5e-301~~] 53-5a-504 . Voluntary restrictions on firearm purchase and**  
2804 **possession.**

2805 (1) An individual who is not a restricted person under Section [~~76-10-503~~] 76-11-302 or  
2806 76-11-303 may voluntarily request to be restricted from the purchase or possession of  
2807 firearms.

2808 (2) An individual requesting to be restricted under Subsection (1) may request placement on  
2809 one of the following restricted lists:

2810 (a) a restricted list that:

2811 (i) restricts the individual from purchasing or possessing a firearm for 180 days with  
2812 automatic removal of the individual from the restricted list at the end of the 180  
2813 days; and

2814 (ii) allows the individual to request removal 30 days after the day on which the  
2815 individual is added to the restricted list; or

- 2816 (b) a restricted list that:
- 2817 (i) restricts the individual from purchasing or possessing a firearm indefinitely; and
- 2818 (ii) allows the individual to request removal 90 days after the day on which the
- 2819 individual is added to the restricted list.
- 2820 (3)(a) Subject to Subsections (8) and (9), the bureau shall develop a process and forms
- 2821 for inclusion on, and removal from, a restricted list as described in Subsection (2) to
- 2822 be maintained by the bureau.
- 2823 (b) The bureau shall make the forms for inclusion and removal available by download
- 2824 through the bureau's website and require, at a minimum, the following information
- 2825 for the individual described in Subsection (1):
- 2826 (i) name;
- 2827 (ii) address;
- 2828 (iii) date of birth;
- 2829 (iv) contact information;
- 2830 (v) signature; and
- 2831 (vi)(A) if the individual is entered on the restricted list as described in Subsection
- 2832 (2)(a), an acknowledgment of the statement in Subsection (8)(a); or
- 2833 (B) if the individual is entered on the restricted list as described in Subsection
- 2834 (2)(b), an acknowledgment of the statement in Subsection (8)(b).
- 2835 (4)(a) An individual requesting inclusion on a restricted list under Subsection (2) shall:
- 2836 (i) deliver the completed form in person to a law enforcement agency; or
- 2837 (ii) direct the individual's health care provider under Section ~~[53-5e-302-]~~ 53-5a-505
- 2838 to electronically deliver the individual's request to the bureau.
- 2839 (b) The law enforcement agency described in Subsection (4)(a)(i):
- 2840 (i) shall verify the individual's identity before accepting the form;
- 2841 (ii) may not accept a form from someone other than the individual named on the
- 2842 form; and
- 2843 (iii) shall transmit the form electronically to the bureau through the Utah Criminal
- 2844 Justice Information System.
- 2845 (5) Upon receipt of a verified form provided under this section or Section ~~[53-5e-302-]~~
- 2846 53-5a-505 requesting inclusion on a restricted list, the bureau shall, within 24 hours, add
- 2847 the individual's name to the restricted list.
- 2848 (6)(a) For an individual added to the restricted list described in Subsection (2)(a):
- 2849 (i) the individual may not request removal from the restricted list unless the

- 2850 individual has been on the restricted list for at least 30 days;
- 2851 (ii) the bureau shall remove the individual from the restricted list 180 days after the
- 2852 day on which the individual was added to the restricted list, unless the individual:
- 2853 (A) requests to be removed from the restricted list after 30 days;
- 2854 (B) requests to remain on the restricted list; or
- 2855 (C) directs the individual's health care provider to request that the individual
- 2856 remain on the restricted list;
- 2857 (iii) a request for an extension shall be made in the same manner as the original
- 2858 request; and
- 2859 (iv) the individual may continue to request, or direct the individual's health care
- 2860 provider to continue to request, extensions every 180 days.
- 2861 (b) For an individual added to a restricted list under Subsection (2)(b), the individual:
- 2862 (i) may not request removal from the restricted list unless the individual has been on
- 2863 the restricted list for at least 90 days; and
- 2864 (ii) shall remain on the restricted list, unless the bureau receives a request from the
- 2865 individual to have the individual's name removed from the restricted list.
- 2866 (7) If an individual restricted under this section is a concealed firearm permit holder, the
- 2867 individual's permit shall be:
- 2868 (a) suspended upon entry on the restricted list; and
- 2869 (b) reinstated upon removal from the restricted list, unless:
- 2870 (i) the permit has been revoked, been suspended for a reason other than under this
- 2871 section, or has expired; or
- 2872 (ii) the individual has become a restricted person under Section [~~76-10-503~~] 76-11-302
- 2873 or 76-11-303.
- 2874 (8)(a) The form for an individual seeking to be placed on the restricted list described in
- 2875 Subsection (2)(a) shall have the following language prominently displayed before the signature:
- 2876 "ACKNOWLEDGMENT
- 2877 By presenting this completed form to a law enforcement agency, I understand that I am
- 2878 requesting that my name be placed on a restricted list that restricts my ability to purchase or
- 2879 possess firearms for a minimum of 30 days, and up to 6 months. I understand that by
- 2880 voluntarily making myself a temporarily restricted person, I may not have a firearm in my
- 2881 possession and any attempt to purchase a firearm while I am on the restricted list will be
- 2882 declined. I also understand that any time after 30 days, I may request removal from the
- 2883 restricted list and all previous rights will be restored. In addition, if I am in possession of a

2884 valid concealed firearm permit, my permit will be suspended during the time I am on the  
2885 restricted list, but will be reinstated upon my removal, unless the permit has expired, been  
2886 revoked, been suspended for another reason, or I become ineligible to possess a firearm.  
2887 Additionally, I acknowledge that if I possess a firearm or attempt to purchase a firearm while  
2888 outside Utah, I will be subject to the law of that location regarding restricted persons."

2889 (b) The form for an individual seeking to be placed on the restricted list described in  
2890 Subsection (2)(b) shall have the following language prominently displayed before the  
2891 signature:

2892 "ACKNOWLEDGMENT

2893 By presenting this completed form to a law enforcement agency, I understand that I am  
2894 requesting that my name be placed on a restricted list that restricts my ability to purchase or  
2895 possess firearms indefinitely. I understand that by voluntarily making myself a temporarily  
2896 restricted person, I may not have a firearm in my possession and any attempt to purchase a  
2897 firearm while I am on the restricted list will be declined. I also understand that any time after  
2898 90 days, I may request removal from the restricted list and all previous rights will be restored.  
2899 In addition, if I am in possession of a valid concealed firearm permit, my permit will be  
2900 suspended during the time I am on the restricted list, but will be reinstated upon my removal,  
2901 unless the permit has expired, been revoked, been suspended for another reason, or I become  
2902 ineligible to possess a firearm. Additionally, I acknowledge that if I possess a firearm or  
2903 attempt to purchase a firearm while outside Utah, I will be subject to the law of that location  
2904 regarding restricted persons."

2905 (9)(a) An individual requesting removal from a restricted list shall deliver a completed  
2906 removal form in person to:

- 2907 (i) the law enforcement agency that processed the inclusion form if the individual  
2908 was placed on the restricted list under Subsection (4)(a)(i); or  
2909 (ii) the individual's local law enforcement agency if the individual was placed on the  
2910 restricted list under Subsection (4)(a)(ii).

2911 (b) The law enforcement agency described in Subsection (9)(a):

- 2912 (i) shall verify the individual's identity before accepting the form;  
2913 (ii) may not accept a removal form from someone other than the individual named on  
2914 the form; and  
2915 (iii) shall transmit the removal form electronically to the bureau through the Utah  
2916 Criminal Justice Information System.

2917 (10) Upon receipt of a verified removal form, the bureau shall, after three business days,

2918 remove the individual from the restricted list and remove the information from the  
 2919 National Instant Criminal Background Check System.  
 2920 (11) For an individual added to the restricted list under Subsection (2)(a), within 30 days  
 2921 before the 180-day removal deadline, the bureau shall notify the individual at the  
 2922 address listed on the inclusion form described in Subsection (4) and, if applicable, the  
 2923 law enforcement agency that processed the inclusion form, that the individual is due to  
 2924 be removed from the restricted list, and the date on which the removal will occur, unless  
 2925 the individual requests an extension of up to 180 days.

2926 (12)(a) A law enforcement agency that receives a request for inclusion under Subsection  
 2927 (4)(a)(i) shall:

2928 (i) maintain the completed form and all subsequent completed forms in a separate  
 2929 file; and

2930 (ii) for an individual added to the restricted list under Subsection (2)(a), destroy the  
 2931 entire file within five days after the date indicated in the notification if the  
 2932 individual does not request an extension after notification in accordance with  
 2933 Subsection (11).

2934 (b) A law enforcement agency that receives a removal request under Subsection (9) shall  
 2935 destroy the entire file associated with the individual within five days after the day on  
 2936 which the information is transmitted to the bureau.

2937 (c) Upon removal of an individual from a restricted list, the bureau shall destroy all  
 2938 records related to the inclusion and removal of the individual within five days after  
 2939 the day on which the individual was removed.

2940 (d) All forms and records created in accordance with this section are classified as private  
 2941 records in accordance with Title 63G, Chapter 2, Government Records Access and  
 2942 Management Act.

2943 (13) The bureau may make rules in accordance with Title 63G, Chapter 3, Utah  
 2944 Administrative Rulemaking Act, to develop the process and forms to implement this  
 2945 section.

2946 Section 45. Section **53-5a-505**, which is renumbered from Section 53-5c-302 is renumbered  
 2947 and amended to read:

2948 **[53-5e-302] 53-5a-505 . Assistance from a health care provider -- Restricted list.**

2949 (1) An individual who is not a restricted person under Section [76-10-503] 76-11-302 or  
 2950 76-11-303 and is seeking inclusion on a restricted list under Section [53-5e-301]  
 2951 53-5a-504 may direct the individual's health care provider to electronically deliver the

2952 individual's inclusion request described in Section [~~53-5e-301~~] 53-5a-504 to the bureau.

2953 (2) In addition to the inclusion form described in Section [~~53-5e-301~~] 53-5a-504, the bureau  
2954 shall create a form, available by download through the bureau's website, for:

2955 (a) an individual who is directing a health care provider to electronically deliver the  
2956 individual's inclusion request and require, at a minimum, the following information:

2957 (i) the individual's signature;

2958 (ii) the name of the individual's health care provider; and

2959 (iii) the individual's acknowledgment of the statement in Subsection (4)(a); and

2960 (b) a health care provider who is delivering an individual's inclusion request and require,  
2961 at a minimum, the following information for the health care provider:

2962 (i) the health care provider's name;

2963 (ii) the name of the health care provider's organization;

2964 (iii) the health care provider's license or certification, including the license or  
2965 certification number;

2966 (iv) the health care provider's signature; and

2967 (v) the health care provider's acknowledgment of the statement in Subsection (4)(b).

2968 (3)(a) An individual who is directing a health care provider to electronically deliver the  
2969 individual's request to be included on a restricted list shall, in the presence of the  
2970 health care provider, complete the forms described in Section [~~53-5e-301~~] 53-5a-504  
2971 and Subsection (2)(a).

2972 (b) The health care provider:

2973 (i) shall verify the individual's identity before accepting the forms;

2974 (ii) may not accept forms from someone other than the individual named on the  
2975 forms;

2976 (iii) shall complete the form described in Subsection (2)(b); and

2977 (iv) shall deliver the request to the bureau electronically and maintain a copy of the  
2978 completed request in the individual's health record.

2979 (4)(a) The form described in Subsection (2)(a) shall have the following language prominently  
2980 displayed before the signature:

2981 "ACKNOWLEDGMENT

2982 By presenting this completed form to my health care provider, I understand that I am  
2983 requesting that my health care provider present my name to the Bureau of Criminal  
2984 Identification to be placed on a restricted list that restricts my ability to purchase or possess  
2985 firearms."



2986 (b) The form described in Subsection (2)(b) shall have the following language prominently  
2987 displayed before the signature:

2988 "ACKNOWLEDGMENT

2989 By presenting this completed form to the Bureau of Criminal Identification, I understand  
2990 that I am acknowledging that I have verified the identity of [name of individual seeking  
2991 inclusion on a restricted list] and have witnessed [name of individual] sign the form requesting  
2992 that [name of individual] be placed on a restricted list that restricts [name of individual]'s  
2993 ability to purchase or possess firearms. I affirm that [name of individual] is currently my  
2994 patient, and I am a licensed health care provider acting within the scope of my license,  
2995 certification, practice, education, or training."

2996 (5) The bureau may make rules in accordance with Title 63G, Chapter 3, Utah  
2997 Administrative Rulemaking Act, to develop the process and forms to implement this  
2998 section.

2999 Section 46. Section **53-5a-601** is enacted to read:

3000 **Part 6. Sale and Purchase of a Firearm**

3001 **53-5a-601 . Definitions.**

3002 As used in this part:

- 3003 (1) "Antique firearm" means the same as that term is defined in Section 53-5a-102.1.
- 3004 (2) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201  
3005 within the department.
- 3006 (3) "Criminal history background check" means a criminal background check conducted  
3007 through the bureau or a local law enforcement agency.
- 3008 (4) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
- 3009 (5) "Dealer" means a person who is:
- 3010 (a) licensed under 18 U.S.C. Sec. 923; and
- 3011 (b) engaged in the business of selling, leasing, or otherwise transferring a firearm,  
3012 whether the person is a retail or wholesale dealer, pawnbroker, or other type of  
3013 merchant or seller.
- 3014 (6) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 3015 (7) "Federal firearms licensee" means a person who:
- 3016 (a) holds a valid federal firearms license issued under 18 U.S.C. Sec. 923; and
- 3017 (b) is engaged in the activities authorized by the specific category of license held.
- 3018 (8)(a) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle, or short  
3019 barreled rifle, or a device that could be used as a dangerous weapon from which is

3020 expelled a projectile by action of an explosive.

3021 (b) "Firearm" does not include an antique firearm.

3022 (9) "NFA firearm" means the same as that term is defined in Section 76-11-201.

3023 (10)(a) "Short barreled rifle" means a rifle having a barrel or barrels of fewer than 16  
 3024 inches in length.

3025 (b) "Short barreled rifle" includes a dangerous weapon made from a rifle by alteration,  
 3026 modification, or otherwise, if the weapon as modified has an overall length of fewer  
 3027 than 26 inches.

3028 (11)(a) "Short barreled shotgun" means a shotgun having a barrel or barrels of fewer  
 3029 than 18 inches in length.

3030 (b) "Short barreled shotgun" includes a dangerous weapon made from a shotgun by  
 3031 alteration, modification, or otherwise, if the weapon as modified has an overall length  
 3032 of fewer than 26 inches.

3033 (12) "Shotgun" means a smooth bore firearm designed to fire cartridges containing pellets  
 3034 or a single slug.

3035 (13) "Slug" means a single projectile discharged from a shotgun shell.

3036 Section 47. Section **53-5a-602**, which is renumbered from Section 76-10-526 is renumbered  
 3037 and amended to read:

3038 **[76-10-526] 53-5a-602 . Criminal background check prior to purchase of a**  
 3039 **firearm -- Fee -- Exemption for concealed firearm permit holders and law enforcement**  
 3040 **officers.**

3041 ~~[(1) For purposes of this section, "valid permit to carry a concealed firearm" does not~~  
 3042 ~~include a temporary permit issued under Section 53-5-705.]~~

3043 ~~[(2)]~~ (1)(a) To establish personal identification and residence in this state for purposes of  
 3044 this part, a dealer shall require an individual receiving a firearm to present one photo  
 3045 identification on a form issued by a governmental agency of the state.

3046 (b) A dealer may not accept a driving privilege card issued under Section 53-3-207 as  
 3047 proof of identification for the purpose of establishing personal identification and  
 3048 residence in this state as required under this Subsection ~~[(2)]~~ (1).

3049 ~~[(3)]~~ (2)(a) A criminal history background check is required for the sale of a firearm by a  
 3050 licensed firearm dealer in the state.

3051 (b) Subsection ~~[(3)(a)]~~ (2)(a) does not apply to the sale or transfer of a firearm to:

3052 (i) ~~[-]~~a Federal Firearms Licensee; or

3053 (ii) an individual who has received an approved application for the sale or transfer of

3054 an NFA firearm from the Bureau of Alcohol, Tobacco, Firearms, and Explosives  
3055 within 30 days after the day on which the application was approved by the Bureau  
3056 of Alcohol, Tobacco, Firearms, and Explosives.

3057 [(4)] (3)(a) An individual purchasing a firearm from a dealer shall consent in writing to a  
3058 criminal background check, on a form provided by the bureau.

3059 (b) The form shall contain the following information:

3060 (i) the dealer identification number;

3061 (ii) the name and address of the individual receiving the firearm;

3062 (iii) the date of birth, height, weight, eye color, and hair color of the individual  
3063 receiving the firearm; and

3064 (iv) the social security number or any other identification number of the individual  
3065 receiving the firearm.

3066 [(5)] (4)(a) The dealer shall send the information required by Subsection [(4)] (3) to the  
3067 bureau immediately upon its receipt by the dealer.

3068 (b) A dealer may not sell or transfer a firearm to an individual until the dealer has  
3069 provided the bureau with the information in Subsection [(4)] (3) and has received  
3070 approval from the bureau under Subsection [(7)] (6).

3071 [(6)] (5) The dealer shall make a request for criminal history background information by  
3072 telephone or other electronic means to the bureau and shall receive approval or denial of  
3073 the inquiry by telephone or other electronic means.

3074 [(7)] (6) When the dealer calls for or requests a criminal history background check, the  
3075 bureau shall:

3076 (a) review the criminal history files, including juvenile court records, and the temporary  
3077 restricted file created under Section [53-5e-301] 53-5a-504, to determine if the  
3078 individual is prohibited from purchasing, possessing, or transferring a firearm by  
3079 state or federal law;

3080 (b) inform the dealer that:

3081 (i) the records indicate the individual is prohibited; or

3082 (ii) the individual is approved for purchasing, possessing, or transferring a firearm;

3083 (c) provide the dealer with a unique transaction number for that inquiry; and

3084 (d) provide a response to the requesting dealer during the call for a criminal background  
3085 check, or by return call, or other electronic means, without delay, except in case of  
3086 electronic failure or other circumstances beyond the control of the bureau, the bureau  
3087 shall advise the dealer of the reason for the delay and give the dealer an estimate of

- 3088 the length of the delay.
- 3089 ~~[(8)]~~ (7)(a) The bureau may not maintain any records of the criminal history background  
3090 check longer than 20 days from the date of the dealer's request, if the bureau  
3091 determines that the individual receiving the firearm is not prohibited from  
3092 purchasing, possessing, or transferring the firearm under state or federal law.
- 3093 (b) However, the bureau shall maintain a log of requests containing the dealer's federal  
3094 firearms number, the transaction number, and the transaction date for a period of 12  
3095 months.
- 3096 ~~[(9)]~~ (8)(a) If the criminal history background check discloses information indicating that  
3097 the individual attempting to purchase the firearm is prohibited from purchasing,  
3098 possessing, or transferring a firearm, the bureau shall:
- 3099 (i) within 24 hours after determining that the purchaser is prohibited from purchasing,  
3100 possessing, or transferring a firearm, notify the law enforcement agency in the  
3101 jurisdiction where the dealer is located; and
- 3102 (ii) inform the law enforcement agency in the jurisdiction where the individual  
3103 resides.
- 3104 (b) Subsection ~~[(9)(a)]~~ (8)(a) does not apply to an individual prohibited from purchasing  
3105 a firearm solely due to placement on the temporary restricted list under Section [  
3106 ~~53-5e-301~~] 53-5a-504.
- 3107 (c) A law enforcement agency that receives information from the bureau under  
3108 Subsection ~~[(9)(a)]~~ (8)(a) shall provide a report before August 1 of each year to the  
3109 bureau that includes:
- 3110 (i) based on the information the bureau provides to the law enforcement agency under  
3111 Subsection ~~[(9)(a)]~~ (8)(a), the number of cases that involve an individual who is  
3112 prohibited from purchasing, possessing, or transferring a firearm as a result of a  
3113 conviction for an offense involving domestic violence; and
- 3114 (ii) of the cases described in Subsection ~~[(9)(e)(i)]~~ (8)(c)(i):
- 3115 (A) the number of cases the law enforcement agency investigates; and  
3116 (B) the number of cases the law enforcement agency investigates that result in a  
3117 criminal charge.
- 3118 (d) The bureau shall:
- 3119 (i) compile the information from the reports described in Subsection ~~[(9)(e)]~~ (8)(c);  
3120 (ii) omit or redact any identifying information in the compilation; and  
3121 (iii) submit the compilation to the Law Enforcement and Criminal Justice Interim

3122 Committee before November 1 of each year.

3123 [(10)] (9) If an individual is denied the right to purchase a firearm under this section, the  
3124 individual may review the individual's criminal history information and may challenge  
3125 or amend the information as provided in Section 53-10-108.

3126 [(11)] (10) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah  
3127 Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of  
3128 all records provided by the bureau under this part are in conformance with the  
3129 requirements of the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107  
3130 Stat. 1536 (1993).

3131 [(12)] (11)(a) A dealer shall collect a criminal history background check fee for the sale  
3132 of a firearm under this section.

3133 (b) The fee described under Subsection [(12)(a)] (11)(a) remains in effect until changed  
3134 by the bureau through the process described in Section 63J-1-504.

3135 (c)(i) The dealer shall forward at one time all fees collected for criminal history  
3136 background checks performed during the month to the bureau by the last day of  
3137 the month following the sale of a firearm.

3138 (ii) The bureau shall deposit the fees in the General Fund as dedicated credits to  
3139 cover the cost of administering and conducting the criminal history background  
3140 check program.

3141 [(13)] (12)(a) An individual with a concealed firearm permit issued under Section  
3142 53-5a-303 or a provisional concealed firearm permit issued under [Title 53, Chapter  
3143 5, Part 7, Concealed Firearm Act,] Section 53-5a-304 is exempt from the background  
3144 check and corresponding fee required in this section for the purchase of a firearm if:

3145 [(a)] (i) the individual presents the individual's concealed firearm permit to the dealer  
3146 prior to purchase of the firearm; and

3147 [(b)] (ii) the dealer verifies with the bureau that the individual's concealed firearm  
3148 permit is valid.

3149 (b) An individual with a temporary permit to carry a concealed firearm issued under  
3150 Section 53-5a-305 is not exempt from a background check and the corresponding fee  
3151 required in this section for the purchase of a firearm.

3152 [(14)] (13)(a) A law enforcement officer, as defined in Section 53-13-103, is exempt  
3153 from the background check fee required in this section for the purchase of a personal  
3154 firearm to be carried while off-duty if the law enforcement officer verifies current  
3155 employment by providing a letter of good standing from the officer's commanding

3156 officer and current law enforcement photo identification.

3157 (b) Subsection [(14)(a)] (13)(a) may only be used by a law enforcement officer to  
3158 purchase a personal firearm once in a 24-month period.

3159 [(15)] (14) A dealer engaged in the business of selling, leasing, or otherwise transferring a  
3160 firearm shall:

3161 (a) make the firearm safety brochure described in Subsection 26B-5-211(3) available to  
3162 a customer free of charge; and

3163 (b) at the time of purchase, distribute a cable-style gun lock provided to the dealer under  
3164 Subsection 26B-5-211(3) to a customer purchasing a shotgun, short barreled shotgun,  
3165 short barreled rifle, rifle, or another firearm that federal law does not require be  
3166 accompanied by a gun lock at the time of purchase.

3167 Section 48. Section **53-5a-603**, which is renumbered from Section 76-10-526.1 is renumbered  
3168 and amended to read:

3169 **[76-10-526.1] 53-5a-603 . Information check before private sale of firearm.**

3170 (1) As used in this section:

3171 (a) "Governmental entity" means the state and the state's political subdivisions.

3172 (b) "Law enforcement agency" means the same as that term is defined in Section  
3173 53-1-102.

3174 (c) "Personally identifiable information" means the same as that term is defined in  
3175 Section 63D-2-102.

3176 (2) Subject to Subsections (3) and (4), the bureau shall create an online process that allows  
3177 an individual who is selling or purchasing a firearm to voluntarily determine:

3178 (a) if the other individual involved in the sale of the firearm has a valid concealed carry  
3179 permit issued under Section 53-5a-303, a provisional concealed carry permit issued  
3180 under Section 53-5a-304, or a temporary concealed carry permit issued under Section  
3181 53-5a-305; or

3182 (b) based on the serial number of the firearm, if the firearm is reported as stolen.

3183 (3) Subsection (2) does not apply to a federal firearms licensee or dealer.

3184 (4) The bureau may not:

3185 (a) provide information related to a request under Subsection (2) to a law enforcement  
3186 agency; or

3187 (b) collect a user's personally identifiable information under Subsection (2).

3188 (5) A governmental entity may not require an individual who is selling or purchasing a  
3189 firearm to use the process under Subsection (2).

3190 (6) If an individual uses the process under Subsection (2), the individual is not required,  
 3191 based on the information the individual receives from the bureau, to make a report to a  
 3192 law enforcement agency.

3193 (7) After responding to a request under Subsection (2), the bureau shall immediately  
 3194 dispose of all information related to the request.

3195 (8)(a) This section does not create a civil cause of action arising from the sale or  
 3196 purchase of a firearm under this section.

3197 (b) An individual's failure to use the process under Subsection (2) is not evidence of the  
 3198 individual's negligence in a civil cause of action.

3199 Section 49. Section **53-5a-604**, which is renumbered from Section 76-10-527 is renumbered  
 3200 and amended to read:

3201 **[76-10-527] 53-5a-604 . Penalties.**

3202 (1) A dealer is guilty of a class A misdemeanor [~~who~~] if the dealer willfully and  
 3203 intentionally:

3204 (a) requests, obtains, or seeks to obtain criminal history background information under  
 3205 false pretenses;

3206 (b) disseminates criminal history background information; or

3207 (c) violates Section [~~76-10-526~~] 53-5a-602.

3208 (2) [~~A person~~] An individual who purchases or transfers a firearm is guilty of a [~~felony of~~  
 3209 ~~the~~] third degree felony if the [~~person~~] individual willfully and intentionally makes a  
 3210 false statement of the information required for a criminal background check in Section [~~76-10-526~~]  
 3211 53-5a-602.

3212 (3) Except as otherwise provided in Subsection (1), a dealer is guilty of a [~~felony of the~~]  
 3213 third degree felony if the dealer willfully and intentionally sells or transfers a firearm in  
 3214 violation of this part or Title 76, Chapter 11, Weapons.

3215 (4) [~~A person~~] An individual is guilty of a [~~felony of the~~]third degree felony if the [~~person~~]  
 3216 individual purchases a firearm with the intent to:

3217 (a) resell or otherwise provide a firearm to [~~a person~~] an individual who is ineligible to  
 3218 purchase or receive a firearm from a dealer; or

3219 (b) transport a firearm out of this state to be resold to an ineligible [~~person~~] individual.

3220 Section 50. Section **53-5a-605**, which is renumbered from Section 76-10-524 is renumbered  
 3221 and amended to read:

3222 **[76-10-524] 53-5a-605 . Purchase of firearms pursuant to federal law.**

3223 This part [~~will allow purchases~~] allows the purchase of firearms and ammunition

3224 pursuant to U.S.C. Title 18 Chapter 44 Sec. 922b(3).

3225 Section 51. Section **53-5d-102** is amended to read:

3226 **53-5d-102 . Definitions.**

3227 As used in this chapter:

3228 (1) "Ammunition" means a bullet, a cartridge case, primer, propellant powder, or other  
3229 ammunition designed for use in any firearm, either as an individual component part or in  
3230 a completely assembled cartridge.

3231 (2) "Manufacturer" means, with respect to a qualified product, a person who is engaged in  
3232 the business of manufacturing a qualified product and who is licensed to engage in  
3233 business as a manufacturer under 18 U.S.C. Chapter 44.

3234 (3) "Negligent entrustment" means the supplying of a qualified product by a seller for use  
3235 by another person when the seller knows, or reasonably should know, the person to  
3236 whom the product is supplied is likely to, and does, use the product in a manner  
3237 involving unreasonable risk of physical injury to the person or others.

3238 (4) "Person" means the same as that term is defined in Section 68-3-12.5.

3239 (5)(a) "Qualified civil liability action" means a civil action or proceeding or an  
3240 administrative proceeding brought by any person against a manufacturer or seller of a  
3241 qualified product, or a trade association, for damages, punitive damages, injunctive or  
3242 declaratory relief, abatement, restitution, fines, or penalties, or other relief, resulting  
3243 from the criminal or unlawful misuse of a qualified product by the person or a third  
3244 party.

3245 (b) "Qualified civil liability action" does not include:

3246 (i) an action brought against a transferor convicted under 18 U.S.C. Sec. 924(h) or  
3247 Section 76-10-503 by a party directly harmed by the conduct of which the  
3248 transferee was convicted;

3249 (ii) an action brought against a seller for negligent entrustment or negligence per se;

3250 (iii) an action in which a manufacturer or seller of a qualified product knowingly  
3251 violated a state or federal statute applicable to the sale or marketing of the  
3252 product, and the violation was a proximate cause of the harm for which relief is  
3253 sought, including:

3254 (A) any incident in which the manufacturer or seller knowingly made any false  
3255 entry in, or failed to make appropriate entry in, any record required to be kept  
3256 under federal or state law with respect to the qualified product, or aided,  
3257 abetted, or conspired with any person in making any false or fictitious oral or



- 3258 written statement with respect to any fact material to the lawfulness of the sale  
 3259 or other disposition of a qualified product; or
- 3260 (B) any case in which the manufacturer or seller aided, abetted, or conspired with  
 3261 any other person to sell or otherwise dispose of a qualified product, knowing,  
 3262 or having reasonable cause to believe, that the actual buyer of the qualified  
 3263 product was prohibited from possessing or receiving a firearm or ammunition  
 3264 under 18 U.S.C. Sec. 922(g) or (n) or [~~Section 76-10-503~~] Title 76, Chapter 11,  
 3265 Part 3, Persons Restricted Regarding Dangerous Weapons;
- 3266 (iv) an action for breach of contract or warranty in connection with the purchase of  
 3267 the product;
- 3268 (v) an action for death, physical injuries, or property damage resulting directly from a  
 3269 defect in design or manufacture of the product, when used as intended or in a  
 3270 reasonably foreseeable manner, except that where the discharge of the product  
 3271 was caused by a volitional act that constituted a criminal offense, then the act shall  
 3272 be considered the sole proximate cause of any resulting death, personal injuries, or  
 3273 property damage; or
- 3274 (vi) an action or proceeding commenced to enforce the provisions of 18 U.S.C.  
 3275 Chapter 44, 26 U.S.C. Chapter 53, or [~~Title 76, Chapter 10, Part 5, Weapons~~] Title  
 3276 76, Chapter 11, Weapons.
- 3277 (6) "Qualified product" means a firearm or antique firearm, as defined in Section [~~76-10-501~~]  
 3278 76-11-101, ammunition, or a component part of a firearm or ammunition.
- 3279 (7) "Seller" means, with respect to a qualified product, a federal firearms licensee, as  
 3280 defined in Section [~~76-10-501~~] 53-5a-601.
- 3281 (8) "Trade association" means:
- 3282 (a) any corporation, unincorporated association, federation, business league, or  
 3283 professional or business organization not organized or operated for profit and no part  
 3284 of the net earnings of which inures to the benefit of any private shareholder or  
 3285 individual;
- 3286 (b) an organization described in 26 U.S.C. Sec. 501(c)(6) and exempt from tax under 26  
 3287 U.S.C. Sec. 501(a); and
- 3288 (c) an organization, two or more members of which are manufacturers or sellers of a  
 3289 qualified product.
- 3290 (9) "Unlawful misuse" means conduct that violates a statute, ordinance, or regulation as it  
 3291 relates to the use of a qualified product.

3292 Section 52. Section **53-10-202** is amended to read:

3293 **53-10-202 . Criminal identification -- Duties of bureau.**

3294 The bureau shall:

- 3295 (1) procure and file information relating to identification and activities of persons who:
- 3296 (a) are fugitives from justice;
- 3297 (b) are wanted or missing;
- 3298 (c) have been arrested for or convicted of a crime under the laws of any state or nation;
- 3299 and
- 3300 (d) are believed to be involved in racketeering, organized crime, or a dangerous offense;
- 3301 (2) establish a statewide uniform crime reporting system that shall include:
- 3302 (a) statistics concerning general categories of criminal activities;
- 3303 (b) statistics concerning crimes that exhibit evidence of prejudice based on race,
- 3304 religion, ancestry, national origin, ethnicity, or other categories that the division finds
- 3305 appropriate;
- 3306 (c) statistics concerning the use of force by law enforcement officers in accordance with
- 3307 the Federal Bureau of Investigation's standards; and
- 3308 (d) other statistics required by the Federal Bureau of Investigation;
- 3309 (3) make a complete and systematic record and index of the information obtained under this
- 3310 part;
- 3311 (4) subject to the restrictions in this part, establish policy concerning the use and
- 3312 dissemination of data obtained under this part;
- 3313 (5) publish an annual report concerning the extent, fluctuation, distribution, and nature of
- 3314 crime in Utah;
- 3315 (6) establish a statewide central register for the identification and location of missing
- 3316 persons, which may include:
- 3317 (a) identifying data including fingerprints of each missing person;
- 3318 (b) identifying data of any missing person who is reported as missing to a law
- 3319 enforcement agency having jurisdiction;
- 3320 (c) dates and circumstances of any persons requesting or receiving information from the
- 3321 register; and
- 3322 (d) any other information, including blood types and photographs found necessary in
- 3323 furthering the purposes of this part;
- 3324 (7) publish a quarterly directory of missing persons for distribution to persons or entities
- 3325 likely to be instrumental in the identification and location of missing persons;

- 3326 (8) list the name of every missing person with the appropriate nationally maintained  
 3327 missing persons lists;
- 3328 (9) establish and operate a 24-hour communication network for reports of missing persons  
 3329 and reports of sightings of missing persons;
- 3330 (10) coordinate with the National Center for Missing and Exploited Children and other  
 3331 agencies to facilitate the identification and location of missing persons and the  
 3332 identification of unidentified persons and bodies;
- 3333 (11) receive information regarding missing persons as provided in Sections 26B-8-130 and  
 3334 53G-6-602, and stolen vehicles, vessels, and outboard motors, as provided in Section  
 3335 41-1a-1401;
- 3336 (12) adopt systems of identification, including the fingerprint system, to be used by the  
 3337 division to facilitate law enforcement;
- 3338 (13) assign a distinguishing number or mark of identification to any pistol or revolver, as  
 3339 provided in Section [~~76-10-520~~] 53-5a-105;
- 3340 (14) check certain criminal records databases for information regarding motor vehicle  
 3341 salesperson applicants, maintain a separate file of fingerprints for motor vehicle  
 3342 salespersons, and inform the Motor Vehicle Enforcement Division when new entries are  
 3343 made for certain criminal offenses for motor vehicle salespersons in accordance with the  
 3344 requirements of Section 41-3-205.5;
- 3345 (15) check certain criminal records databases for information regarding driving privilege  
 3346 card applicants or cardholders and maintain a separate file of fingerprints for driving  
 3347 privilege applicants and cardholders and inform the federal Immigration and Customs  
 3348 Enforcement Agency of the United States Department of Homeland Security when new  
 3349 entries are made in accordance with the requirements of Section 53-3-205.5;
- 3350 (16) review and approve or disapprove applications for license renewal that meet the  
 3351 requirements for renewal; and
- 3352 (17) forward to the board those applications for renewal under Subsection (16) that do not  
 3353 meet the requirements for renewal.

3354 Section 53. Section **53-10-202.5** is amended to read:

3355 **53-10-202.5 . Bureau services -- Fees.**

3356 The bureau shall collect fees for the following services:

- 3357 (1) applicant fingerprint card as determined by Section 53-10-108;
- 3358 (2) bail enforcement licensing as determined by Section 53-11-115;
- 3359 (3) concealed firearm permit as determined by Section [~~53-5-707~~] 53-5a-307;

- 3360 (4) provisional concealed firearm permit as determined by Section [~~53-5-707.5~~] 53-5a-308;  
3361 (5) a certificate of eligibility for expungement as described in Section 77-40a-304;  
3362 (6) firearm purchase background check as determined by Section [~~76-10-526~~] 53-5a-602;  
3363 (7) name check as determined by Section 53-10-108;  
3364 (8) private investigator licensing as determined by Section 53-9-111; and  
3365 (9) right of access as determined by Section 53-10-108.

3366 Section 54. Section **53-10-208.1** is amended to read:

3367 **53-10-208.1 . Magistrates and court clerks to supply information.**

- 3368 (1) Every magistrate or clerk of a court responsible for court records in this state shall,  
3369 within 30 days after the day of the disposition and on forms and in the manner provided  
3370 by the division, furnish the division with information pertaining to:
- 3371 (a) all dispositions of criminal matters, including:
- 3372 (i) guilty pleas;
  - 3373 (ii) convictions;
  - 3374 (iii) dismissals;
  - 3375 (iv) acquittals;
  - 3376 (v) pleas in abeyance;
  - 3377 (vi) judgments of not guilty by reason of insanity;
  - 3378 (vii) judgments of guilty with a mental condition;
  - 3379 (viii) finding of mental incompetence to stand trial; and
  - 3380 (ix) probations granted;
- 3381 (b) orders of civil commitment under the terms of Section 26B-5-332;
- 3382 (c) the issuance, recall, cancellation, or modification of all warrants of arrest or  
3383 commitment as described in Rule 6, Utah Rules of Criminal Procedure and Section  
3384 78B-6-303, within one day of the action and in a manner provided by the division;  
3385 and
- 3386 (d) protective orders issued after notice and hearing, pursuant to:
- 3387 (i) Title 77, Chapter 36, Cohabitant Abuse Procedures Act;
  - 3388 (ii) Title 78B, Chapter 7, Part 4, Dating Violence Protective Orders;
  - 3389 (iii) Title 78B, Chapter 7, Part 5, Sexual Violence Protective Orders;
  - 3390 (iv) Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders; or
  - 3391 (v) Title 78B, Chapter 7, Part 8, Criminal Protective Orders.
- 3392 (2) When transmitting information on a criminal matter under Subsection (1)(a)(i), (ii), (v),  
3393 or (vii) for a conviction of misdemeanor assault under Section 76-5-102, the magistrate

- 3394 or clerk of a court shall include available information regarding whether the conviction  
 3395 for assault resulted from an assault against an individual:
- 3396 (a) who is included in at least one of the relationship categories described in Subsection [  
 3397 ~~76-10-503(1)(b)(xii)] 76-11-303(13); or~~
- 3398 (b) with whom none of the relationships described in Subsection [~~76-10-503(1)(b)(xii)]  
 3399 76-11-303(13) apply.~~
- 3400 (3) The court in the county where a determination or finding was made shall transmit a  
 3401 record of the determination or finding to the bureau no later than 48 hours after the  
 3402 determination is made, excluding Saturdays, Sundays, and legal holidays, if an  
 3403 individual is:
- 3404 (a) adjudicated as a mental defective; or
- 3405 (b) involuntarily committed to a mental institution in accordance with Subsection  
 3406 26B-5-332(16).
- 3407 (4) The record described in Subsection (3) shall include:
- 3408 (a) an agency record identifier;
- 3409 (b) the individual's name, sex, race, and date of birth; and
- 3410 (c) the individual's social security number, government issued driver license or  
 3411 identification number, alien registration number, government passport number, state  
 3412 identification number, or FBI number.
- 3413 Section 55. Section **53-10-403** is amended to read:
- 3414 **53-10-403 . DNA specimen analysis -- Application to offenders, including minors.**
- 3415 (1) Sections 53-10-403.6, 53-10-404, 53-10-404.5, 53-10-405, and 53-10-406 apply to:
- 3416 (a) a person who has pled guilty to or has been convicted of any of the offenses under  
 3417 Subsection (2)(a) or (b) on or after July 1, 2002;
- 3418 (b) a person who has pled guilty to or has been convicted by any other state or by the  
 3419 United States government of an offense which if committed in this state would be  
 3420 punishable as one or more of the offenses listed in Subsection (2)(a) or (b) on or after  
 3421 July 1, 2003;
- 3422 (c) a person who has been booked on or after January 1, 2011, through December 31,  
 3423 2014, for any offense under Subsection (2)(c);
- 3424 (d) a person who has been booked:
- 3425 (i) by a law enforcement agency that is obtaining a DNA specimen on or after May  
 3426 13, 2014, through December 31, 2014, under Subsection 53-10-404(4)(b) for any  
 3427 felony offense; or

- 3428 (ii) on or after January 1, 2015, for any felony offense; or  
3429 (e) a minor:
- 3430 (i)(A) who is adjudicated by the juvenile court for an offense described in  
3431 Subsection (2) that is within the jurisdiction of the juvenile court on or after  
3432 July 1, 2002; or
- 3433 (B) who is adjudicated by the juvenile court for an offense described in  
3434 Subsection (2) and is in the legal custody of the Division of Juvenile Justice  
3435 and Youth Services for the offense on or after July 1, 2002; and
- 3436 (ii) who is 14 years old or older at the time of the commission of the offense  
3437 described in Subsection (2).
- 3438 (2) Offenses referred to in Subsection (1) are:
- 3439 (a) any felony or class A misdemeanor under the Utah Code;
- 3440 (b) any offense under Subsection (2)(a):
- 3441 (i) for which the court enters a judgment for conviction to a lower degree of offense  
3442 under Section 76-3-402; or
- 3443 (ii) regarding which the court allows the defendant to enter a plea in abeyance as  
3444 defined in Section 77-2a-1; or
- 3445 (c)(i) any violent felony as defined in Section 53-10-403.5;
- 3446 (ii) sale or use of body parts, Section 26B-8-315;
- 3447 (iii) failure to stop at an accident that resulted in death, Section 41-6a-401.5;
- 3448 (iv) operating a motor vehicle with any amount of a controlled substance in an  
3449 individual's body and causing serious bodily injury or death, as codified before  
3450 May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection 58-37-8  
3451 (2)(g);
- 3452 (v) a felony violation of enticing a minor, Section 76-4-401;
- 3453 (vi) negligently operating a vehicle resulting in injury, Subsection 76-5-102.1(2)(b);
- 3454 (vii) a felony violation of propelling a substance or object at a correctional officer, a  
3455 peace officer, or an employee or a volunteer, including health care providers,  
3456 Section 76-5-102.6;
- 3457 (viii) automobile homicide, Subsection 76-5-207(2)(b);
- 3458 (ix) aggravated human trafficking, Section 76-5-310, and aggravated human  
3459 smuggling, Section 76-5-310.1;
- 3460 (x) a felony violation of unlawful sexual activity with a minor, Section 76-5-401;
- 3461 (xi) a felony violation of sexual abuse of a minor, Section 76-5-401.1;

- 3462 (xii) unlawful sexual contact with a 16 or 17-year old, Section 76-5-401.2;
- 3463 (xiii) sale of a child, Section 76-7-203;
- 3464 (xiv) aggravated escape, Section 76-8-309.3;
- 3465 (xv) a felony violation of threatened or attempted assault on an elected official,
- 3466 Section 76-8-313;
- 3467 (xvi) threat with intent to impede, intimidate, interfere, or retaliate against a judge or
- 3468 a member of the Board of Pardons and Parole or acting against a family member
- 3469 of a judge or a member of the Board of Pardons and Parole, Section 76-8-316;
- 3470 (xvii) assault with intent to impede, intimidate, interfere, or retaliate against a judge
- 3471 or a member of the Board of Pardons and Parole or acting against a family
- 3472 member of a judge or a member of the Board of Pardons and Parole, Section
- 3473 76-8-316.2;
- 3474 (xviii) aggravated assault with intent to impede, intimidate, interfere, or retaliate
- 3475 against a judge or a member of the Board of Pardons and Parole or acting against
- 3476 a family member of a judge or a member of the Board of Pardons and Parole,
- 3477 Section 76-8-316.4;
- 3478 (xix) attempted murder with intent to impede, intimidate, interfere, or retaliate
- 3479 against a judge or a member of the Board of Pardons and Parole or acting against
- 3480 a family member of a judge or a member of the Board of Pardons and Parole,
- 3481 Section 76-8-316.6;
- 3482 (xx) advocating criminal syndicalism or sabotage, Section 76-8-902;
- 3483 (xxi) assembling for advocating criminal syndicalism or sabotage, Section 76-8-903;
- 3484 (xxii) a felony violation of sexual battery, Section 76-9-702.1;
- 3485 (xxiii) a felony violation of lewdness involving a child, Section 76-9-702.5;
- 3486 (xxiv) a felony violation of abuse or desecration of a dead human body, Section
- 3487 76-9-704;
- 3488 (xxv) manufacture, possession, sale, or use of a weapon of mass destruction, Section
- 3489 76-10-402;
- 3490 (xxvi) manufacture, possession, sale, or use of a hoax weapon of mass destruction,
- 3491 Section 76-10-403;
- 3492 (xxvii) possession of a concealed firearm in the commission of a violent felony,
- 3493 Subsection [~~76-10-504(4)~~] 76-11-202(3)(c);
- 3494 (xxviii) assault with the intent to commit bus hijacking with a dangerous weapon,
- 3495 Subsection 76-10-1504(3);

3496 (xxix) commercial obstruction, Subsection 76-10-2402(2);  
3497 (xxx) a felony violation of failure to register as a sex or kidnap offender, Section  
3498 77-41-107;  
3499 (xxxi) repeat violation of a protective order, Subsection 77-36-1.1(4); or  
3500 (xxxii) violation of condition for release after arrest under Section 78B-7-802.

3501 Section 56. Section **53-11-108** is amended to read:

3502 **53-11-108 . Licensure -- Basic qualifications.**

3503 An applicant for licensure under this chapter shall meet the following qualifications:

3504 (1) An applicant shall be:

- 3505 (a) at least 21 years of age;  
3506 (b) a citizen or legal resident of the United States; and  
3507 (c) of good moral character.

3508 (2) An applicant may not:

- 3509 (a) have been convicted of:  
3510 (i) a felony;  
3511 (ii) any act involving illegally using, carrying, or possessing a dangerous weapon;  
3512 (iii) any act of personal violence or force on any person or convicted of threatening to  
3513 commit any act of personal violence or force against another person;  
3514 (iv) any act constituting dishonesty or fraud;  
3515 (v) impersonating a peace officer; or  
3516 (vi) any act involving moral turpitude;  
3517 (b) be on probation, parole, community supervision, or named in an outstanding arrest  
3518 warrant; or  
3519 (c) be employed as a peace officer.

3520 (3) If previously or currently licensed in another state or jurisdiction, the applicant shall be  
3521 in good standing within that state or jurisdiction.

3522 (4)(a) The applicant shall also have completed a training program of not less than 16  
3523 hours that is approved by the board and includes:

- 3524 (i) instruction on the duties and responsibilities of a licensee under this chapter,  
3525 including:  
3526 (A) search, seizure, and arrest procedure;  
3527 (B) pursuit, arrest, detainment, and transportation of a bail bond suspect; and  
3528 (C) specific duties and responsibilities regarding entering an occupied structure to  
3529 carry out functions under this chapter;



- 3530 (ii) the laws and rules relating to the bail bond business;
- 3531 (iii) the rights of the accused; and
- 3532 (iv) ethics.
- 3533 (b) The program may be completed after the licensure application is submitted, but shall
- 3534 be completed before a license may be issued under this chapter.
- 3535 (5) If the applicant desires to carry a firearm as a licensee, the applicant shall:
- 3536 (a) successfully complete a course regarding the specified types of weapons he plans to
- 3537 carry. The course shall:
- 3538 (i) be not less than 16 hours;
- 3539 (ii) be conducted by any national, state, or local firearms training organization
- 3540 approved by the Criminal Investigations and Technical Services Division created
- 3541 in Section 53-10-103; and
- 3542 (iii) provide training regarding general familiarity with the types of firearms to be
- 3543 carried, including:
- 3544 (A) the safe loading, unloading, storage, and carrying of the types of firearms to
- 3545 be concealed; and
- 3546 (B) current laws defining lawful use of a firearm by a private citizen, including
- 3547 lawful self-defense, use of deadly force, transportation, and concealment; and
- 3548 (b) shall hold a valid license to carry a concealed weapon, issued under Section [
- 3549 ~~53-5-704~~] 53-5a-303.
- 3550 Section 57. Section **53-13-116** is amended to read:
- 3551 **53-13-116 . Report required after pointing a firearm at an individual.**
- 3552 (1) As used in this section:
- 3553 (a) "Conductive energy device" means a weapon that uses electrical current to disrupt
- 3554 voluntary control of muscles.
- 3555 (b) "Firearm" means the same as that term is defined in Section [~~76-10-501~~] 76-11-101.
- 3556 (c) "Law enforcement officer" means the same as that term is defined in Section
- 3557 53-13-103.
- 3558 (d) "Officer-involved critical incident" means the same as that term is defined in Section
- 3559 76-2-408.
- 3560 (2) A law enforcement officer shall file a report described in Subsection (3) if, during the
- 3561 performance of the officer's duties:
- 3562 (a) the officer points a firearm at an individual; or
- 3563 (b) the officer aims a conductive energy device at an individual and displays the

3564 electrical current.

3565 (3)(a) A report described in Subsection (2) shall include:

3566 (i) a description of the incident;

3567 (ii) the identification of the individuals involved in the incident; and

3568 (iii) any other information required by the law enforcement agency.

3569 (b) A law enforcement officer shall submit a report required under Subsection (2) to the  
3570 officer's law enforcement agency within 48 hours after the incident.

3571 (4) A supervisory law enforcement officer shall review a report submitted under Subsection  
3572 (3)(b).

3573 (5) This section does not apply to:

3574 (a) law enforcement training exercises; or

3575 (b) an officer who, as part of an officer-involved critical incident, engaged in conduct  
3576 described under Subsection (2)(a) or (2)(b).

3577 Section 58. Section **53-22-105** is amended to read:

3578 **53-22-105 . School guardian program.**

3579 (1) As used in this section:

3580 (a) "Annual training" means an annual four-hour training that:

3581 (i) a county security chief or a designee administers;

3582 (ii) the state security chief approves;

3583 (iii) can be tailored to local needs;

3584 (iv) allows an individual to practice and demonstrate firearms proficiency at a

3585 firearms range using the firearm the individual carries for self defense and defense  
3586 of others;

3587 (v) includes the following components:

3588 (A) firearm safety, including safe storage of a firearm;

3589 (B) de-escalation tactics;

3590 (C) the role of mental health in incidents; and

3591 (D) disability awareness and interactions; and

3592 (vi) contains other training needs as determined by the state security chief.

3593 (b) "Biannual training" means a twice-yearly training that:

3594 (i) is at least four hours, unless otherwise approved by the state security chief;

3595 (ii) a county security chief or a designee administers;

3596 (iii) the state security chief approves;

3597 (iv) can be tailored to local needs; and

- 3598 (v) through which a school guardian at a school or simulated school environment:  
3599 (A) receives training on the specifics of the building or buildings of the school,  
3600 including the location of emergency supplies and security infrastructure; and  
3601 (B) participates in a live-action practice plan with school administrators in  
3602 responding to active threats at the school; and  
3603 (vi) shall be taken with at least three months in between the two trainings.
- 3604 (c) "Firearm" means the same as that term is defined in Section [~~76-10-501~~] 76-11-101.
- 3605 (d) "Initial training" means an in-person training that:  
3606 (i) a county security chief or a designee administers;  
3607 (ii) the state security chief approves;  
3608 (iii) can be tailored to local needs; and  
3609 (iv) provides:  
3610 (A) training on general familiarity with the types of firearms that can be concealed  
3611 for self-defense and defense of others;  
3612 (B) training on the safe loading, unloading, storage, and carrying of firearms in a  
3613 school setting;  
3614 (C) training at a firearms range with instruction regarding firearms fundamentals,  
3615 marksmanship, the demonstration and explanation of the difference between  
3616 sight picture, sight alignment, and trigger control, and a recognized pistol  
3617 course;  
3618 (D) current laws dealing with the lawful use of a firearm by a private citizen,  
3619 including laws on self-defense, defense of others, transportation of firearms,  
3620 and concealment of firearms;  
3621 (E) coordination with law enforcement officers in the event of an active threat;  
3622 (F) basic trauma first aid;  
3623 (G) the appropriate use of force, emphasizing the de-escalation of force and  
3624 alternatives to using force; and  
3625 (H) situational response evaluations, including:  
3626 (I) protecting and securing a crime or accident scene;  
3627 (II) notifying law enforcement;  
3628 (III) controlling information; and  
3629 (IV) other training that the county sheriff, designee, or department deems  
3630 appropriate.
- 3631 (e) "Program" means the school guardian program created in this section.

- 3632 (f)(i) "School employee" means an employee of a school whose duties and  
3633 responsibilities require the employee to be physically present at a school's campus  
3634 while school is in session.
- 3635 (ii) "School employee" does not include a principal, teacher, or individual whose  
3636 primary responsibilities require the employee to be primarily present in a  
3637 classroom to teach, care for, or interact with students, unless:
- 3638 (A) the principal, teacher, or individual is employed at a school with 100 or fewer  
3639 students;
- 3640 (B) the principal, teacher, or individual is employed at a school with adjacent  
3641 campuses as determined by the state security chief; or
- 3642 (C) as provided in Subsection 53G-8-701.5(3).
- 3643 (g) "School guardian" means a school employee who meets the requirements of  
3644 Subsection (3).
- 3645 (2)(a)(i) There is created within the department the school guardian program[;] .
- 3646 (ii) [~~the~~] The state security chief shall oversee the school guardian program[;] .
- 3647 (iii) [~~the~~] The applicable county security chief shall administer the school guardian  
3648 program in each county.
- 3649 (b) The state security chief shall ensure that the school guardian program includes:
- 3650 (i) initial training;
- 3651 (ii) biannual training; and
- 3652 (iii) annual training.
- 3653 (c) A county sheriff may partner or contract with:
- 3654 (i) another county sheriff to support the respective county security chiefs in jointly  
3655 administering the school guardian program in the relevant counties; and
- 3656 (ii) a local law enforcement agency of relevant jurisdiction to provide the:
- 3657 (A) initial training;
- 3658 (B) biannual training; and
- 3659 (C) annual training.
- 3660 (3)(a) A school employee that volunteers to participate is eligible to join the program as  
3661 a school guardian if:
- 3662 (i) the school administrator approves the volunteer school employee to be designated  
3663 as a school guardian;
- 3664 (ii) the school employee satisfactorily completes initial training within six months  
3665 before the day on which the school employee joins the program;

- 3666 (iii) the school employee holds a valid concealed carry permit issued under [~~Title 53,~~  
3667 ~~Chapter 5, Part 7, Concealed Firearm Act~~] Title 53, Chapter 5a, Part 3, Concealed  
3668 Firearm Permits;
- 3669 (iv) the school employee certifies to the sheriff of the county where the school is  
3670 located that the school employee has undergone the training in accordance with  
3671 Subsection (3)(a)(ii) and intends to serve as a school guardian; and
- 3672 (v) the school employee successfully completes a mental health screening selected by  
3673 the state security chief in collaboration with the Office of Substance Abuse and  
3674 Mental Health established in Section 26B-5-102.
- 3675 (b) After joining the program a school guardian shall complete annual training and  
3676 biannual training to retain the designation of a school guardian in the program.
- 3677 (4) The state security chief shall:
- 3678 (a) for each school that participates in the program, track each school guardian at the  
3679 school by collecting the photograph and the name and contact information for each  
3680 guardian;
- 3681 (b) make the information described in Subsection (4)(a) readily available to each law  
3682 enforcement agency in the state categorized by school; and
- 3683 (c) provide each school guardian with a one-time stipend of \$500.
- 3684 (5) A school guardian:
- 3685 (a) may store the school guardian's firearm on the grounds of a school only if:
- 3686 (i) the firearm is stored in a biometric gun safe;
- 3687 (ii) the biometric gun safe is located in the school guardian's office; and
- 3688 (iii) the school guardian is physically present on the grounds of the school while the  
3689 firearm is stored in the safe;
- 3690 (b) shall carry the school guardian's firearm in a concealed manner; and
- 3691 (c) may not, unless during an active threat, display or open carry a firearm while on  
3692 school grounds.
- 3693 (6) Except as provided in Subsection (5)(c), this section does not prohibit an individual who  
3694 has a valid concealed carry permit but is not participating in the program from carrying a  
3695 firearm on the grounds of a public school or charter school under Subsection [  
3696 ~~76-10-505.5(4)~~] 76-11-205(4).
- 3697 (7) A school guardian:
- 3698 (a) does not have authority to act in a law enforcement capacity; and
- 3699 (b) may, at the school where the school guardian is employed:

- 3700 (i) take actions necessary to prevent or abate an active threat; and  
3701 (ii) temporarily detain an individual when the school guardian has reasonable cause  
3702 to believe the individual has committed or is about to commit a forcible felony, as  
3703 that term is defined in Section 76-2-402.
- 3704 (8) A school may designate a single volunteer or multiple volunteers to participate in the  
3705 school guardian program to satisfy the school safety personnel requirements of Section  
3706 53G-8-701.5.
- 3707 (9) The department may adopt, according to Title 63G, Chapter 3, Utah Administrative  
3708 Rulemaking Act, rules to administer this section.
- 3709 (10) A school guardian who has active status in the guardian program is not liable for any  
3710 civil damages or penalties if the school guardian:  
3711 (a) when carrying or storing a firearm:  
3712 (i) is acting in good faith; and  
3713 (ii) is not grossly negligent; or  
3714 (b) threatens, draws, or otherwise uses a firearm reasonably believing the action to be  
3715 necessary in compliance with Section 76-2-402.
- 3716 (11) A school guardian shall file a report described in Subsection (12) if, during the  
3717 performance of the school guardian's duties, the school guardian points a firearm at an  
3718 individual.
- 3719 (12)(a) A report described in Subsection (11) shall include:  
3720 (i) a description of the incident;  
3721 (ii) the identification of the individuals involved in the incident; and  
3722 (iii) any other information required by the state security chief.
- 3723 (b) A school guardian shall submit a report required under Subsection (11) to the school  
3724 administrator, school safety and security director, and the state security chief within  
3725 48 hours after the incident.
- 3726 (c) The school administrator, school safety and security director, and the state security  
3727 chief shall consult and review the report submitted under Subsection (12)(b).
- 3728 (13) The requirements of Subsections (11) and (12) do not apply to a training exercise.
- 3729 (14) A school guardian may have the designation of school guardian revoked at any time by  
3730 the school principal, county sheriff, or state security chief.
- 3731 (15)(a) Any information or record created detailing a school guardian's participation in  
3732 the program is:  
3733 (i) a private, controlled, or protected record under Title 63G, Chapter 2, Government

- 3734 Records Access and Management Act; and
- 3735 (ii) available only to:
- 3736 (A) the state security chief;
- 3737 (B) administrators at the school guardian's school;
- 3738 (C) if applicable, other school safety personnel described in Section 53G-8-701.5;
- 3739 (D) a local law enforcement agency that would respond to the school in case of an
- 3740 emergency; and
- 3741 (E) the individual designated by the county sheriff in accordance with Section
- 3742 53-22-103 of the county of the school where the school guardian in the
- 3743 program is located.
- 3744 (b) The information or record described in Subsection (15)(a) includes information
- 3745 related to the school guardian's identity and activity within the program as described
- 3746 in this section and any personal identifying information of a school guardian
- 3747 participating in the program collected or obtained during initial training, annual
- 3748 training, and biannual training.
- 3749 (c) An individual who intentionally or knowingly provides the information described in
- 3750 Subsection (15)(a) to an individual or entity not listed in Subsection (15)(a)(ii) is
- 3751 guilty of a class B misdemeanor.
- 3752 Section 59. Section **53-22-107** is amended to read:
- 3753 **53-22-107 . Educator-Protector Program.**
- 3754 (1) As used in this section:
- 3755 (a) "Annual classroom response training" means a training for a teacher:
- 3756 (i) that is held at least once a year and is administered, at no cost to a teacher, by the
- 3757 individual identified by the county sheriff as described in Section 53-22-103; and
- 3758 (ii) where the teacher is trained:
- 3759 (A) on how to defend a classroom against active threats emphasizing the teacher's
- 3760 role in stationary defense; and
- 3761 (B) on the safe loading, unloading, storage, and carrying of firearms in a school
- 3762 setting.
- 3763 (b) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201.
- 3764 (c) "Local education agency" means the same as that term is defined in Section
- 3765 53E-1-102.
- 3766 (d) "Program" means the Educator-Protector Program created under this section.
- 3767 (e) "Teacher" means an individual employed by a local education agency who has an

- 3768 assignment to teach in a classroom.
- 3769 (2) There is created the Educator-Protector Program to incentivize a teacher to responsibly  
3770 secure or carry a firearm on the grounds of the school where the teacher is employed.
- 3771 (3)(a) To participate in the program, a teacher shall:
- 3772 (i) have completed an annual classroom response training within six months before  
3773 the day on which the teacher joins the program;
- 3774 (ii) have a valid concealed carry permit issued under [~~Title 53, Chapter 5, Part 7,~~  
3775 ~~Concealed Firearm Act~~] Title 53, Chapter 5a, Part 3, Concealed Firearm Permits;  
3776 and
- 3777 (iii) certify to the department that:
- 3778 (A) the teacher satisfies the requirements described in Subsections (3)(a)(i) and  
3779 (3)(a)(ii); and
- 3780 (B) if applicable, intends to securely store or carry a firearm on the grounds of a  
3781 school where the teacher is employed.
- 3782 (b) After joining the program, to retain the teacher's active status in the program, a  
3783 teacher shall:
- 3784 (i) participate in annual classroom response training; and  
3785 (ii) comply with any rules established by the department in accordance with  
3786 Subsection (10).
- 3787 (4)(a) The state security chief shall:
- 3788 (i) track each teacher that participates in the program by collecting a photograph,  
3789 name, and contact information for each teacher;
- 3790 (ii) make the information described in Subsection (4)(a) readily available to each law  
3791 enforcement agency in the state; and
- 3792 (iii) provide reasonable reimbursement, using funds appropriated by the Legislature,  
3793 to a county sheriff for providing a teacher with annual classroom response training.
- 3794 (b) The state security chief shall categorize the information described in Subsection  
3795 (4)(a)(i) by school.
- 3796 (5) A teacher participating in the program:
- 3797 (a) may store the teacher's firearm on the grounds of a school only if:
- 3798 (i) the firearm is stored in a biometric gun safe;
- 3799 (ii) the biometric gun safe is located in the teacher's classroom or office; and  
3800 (iii) the teacher is physically present on the grounds of the school while the firearm is  
3801 stored in the biometric gun safe; and



- 3802 (b) shall carry the teacher's firearm in a concealed manner unless during an active threat.
- 3803 (6) This section does not prohibit an individual who has a valid concealed carry permit but
- 3804 is not participating in the program from carrying firearms on the grounds of a school as
- 3805 described in Subsection [~~76-10-505.5(4)~~] 76-11-205(4).
- 3806 (7)(a) A teacher who has active status in the program is not liable for any civil damages
- 3807 or penalties if the teacher:
- 3808 (i) when carrying or storing a firearm:
- 3809 (A) is acting in good faith; and
- 3810 (B) is not grossly negligent; or
- 3811 (ii) threatens, draws, or otherwise uses a firearm reasonably believing the action to be
- 3812 necessary in compliance with Section 76-2-402.
- 3813 (b) A local education agency is not liable for civil damages or penalties resulting from a
- 3814 teacher who is participating in the program carrying, using, or storing a firearm at a
- 3815 school.
- 3816 (8) A local education agency may not prevent a teacher from participating in the program
- 3817 under this section.
- 3818 (9)(a) Any information or record created detailing a teacher's participation in the
- 3819 program is:
- 3820 (i) a private, controlled, or protected record under Title 63G, Chapter 2, Government
- 3821 Records Access and Management Act; and
- 3822 (ii) available only to:
- 3823 (A) the state security chief;
- 3824 (B) a local law enforcement agency that would respond to the school in case of an
- 3825 emergency; and
- 3826 (C) the individual identified by the county sheriff as described in Section
- 3827 53-22-103.
- 3828 (b) The information or record described in Subsection (9)(a) includes the information
- 3829 described in Subsection (4)(a)(i) and any personal identifying information of a
- 3830 teacher participating in the program collected or obtained during annual classroom
- 3831 response training.
- 3832 (c) An individual who intentionally or knowingly provides the information described in
- 3833 Subsection (9)(a) to an individual or entity not listed in Subsection (9)(a)(ii) is guilty
- 3834 of a class A misdemeanor.
- 3835 (10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

3836 department may adopt rules to administer this section.

3837 Section 60. Section **53-25-103** is amended to read:

3838 **53-25-103 . Airport dangerous weapon possession reporting requirements.**

3839 (1) As used in this section, "commission" means the State Commission on Criminal and  
3840 Juvenile Justice created in Section 63M-7-201.

3841 (2) Beginning on January 1, 2026, a law enforcement agency having law enforcement  
3842 jurisdiction over an airport shall annually, on or before April 30, submit a report to the  
3843 commission detailing:

3844 (a) for an offense described in Subsection [~~76-10-529(2)(a)(i)~~] 76-11-218(2)(a):

3845 (i) the number of issued written warnings;

3846 (ii) the number of issued citations;

3847 (iii) the number of referrals to a detective; and

3848 (iv) the number of referrals to a prosecutor; and

3849 (b) for an offense described in Subsection [~~76-10-529(2)(a)(ii)~~] 76-11-218(2)(b):

3850 (i) the number of issued written warnings; and

3851 (ii) if applicable, the number of issued citations, including the number of individuals  
3852 who have received more than one citation for the offense.

3853 (3) The commission shall:

3854 (a) develop a standardized format for reporting the data described in Subsection (2);

3855 (b) compile the data submitted under Subsection (2); and

3856 (c) annually on or before August 1, publish a report of the data described in Subsection  
3857 (2) on the commission's website.

3858 Section 61. Section **53-25-501** is amended to read:

3859 **53-25-501 . Reporting requirements for seized firearms.**

3860 (1) As used in this section:

3861 (a) "Commission" means the State Commission on Criminal and Juvenile Justice created  
3862 in Section 63M-7-201.

3863 (b) "Firearm" means the same as that term is defined in Section [~~76-10-501~~] 76-11-101.

3864 (c) "Restricted person" means a Category I or Category II restricted person [~~as defined~~  
3865 ~~in Section 76-10-503~~] under Section 76-11-302 or 76-11-303.

3866 (2) Beginning on July 1, 2026, a law enforcement agency, not including the Department of  
3867 Corrections, shall annually on or before April 30 report to the commission the following  
3868 data for the previous calendar year:

3869 (a) the number of firearms the law enforcement agency lawfully seized from restricted

- 3870 persons;
- 3871 (b) the types of firearms the law enforcement agency lawfully seized from restricted
- 3872 persons;
- 3873 (c) information on where the restricted persons obtained the firearms seized by the law
- 3874 enforcement agency if the information is known or discoverable by the law
- 3875 enforcement agency; and
- 3876 (d) the reasons under Subsection 76-10-503(1)(a) or (b) that made the individuals who
- 3877 had weapons seized restricted persons.

3878 Section 62. Section **53B-3-103** is amended to read:

3879 **53B-3-103 . Power of board and institutions to adopt rules and enact regulations.**

- 3880 (1) As used in this section[;] :
- 3881 (a) "Face covering" means the same as that term is defined in Section 53G-9-210.
- 3882 (b) [~~"institution"~~] "Institution" means an institution listed in Section 53B-1-102.
- 3883 (2)(a) The board may enact regulations governing the conduct of university and college
- 3884 students, faculty, and employees.
- 3885 (b) A president in consultation with the board of trustees, may enact policies governing
- 3886 the conduct of university and college students, faculty, and employees.
- 3887 (3)(a) An institution may enact traffic, parking, and related policies governing all
- 3888 individuals on campus and facilities owned or controlled by the institution.
- 3889 (b)(i) The board and an institution may not require proof of vaccination as a
- 3890 condition for enrollment or attendance within the system of higher education
- 3891 unless the board or an institution allows for the following exemptions:
- 3892 (A) a medical exemption if the student provides to the institution a statement that
- 3893 the claimed exemption is for a medical reason; and
- 3894 (B) a personal exemption if the student provides to the institution a statement that
- 3895 the claimed exemption is for a personal or religious belief.
- 3896 (ii) An institution that offers both remote and in-person learning options may not
- 3897 deny a student who is exempt from a requirement to receive a vaccine under
- 3898 Subsection [~~(2)(b)(i)-~~] (3)(b)(i) to participate in an in-person learning option based
- 3899 upon the student's vaccination status.
- 3900 (iii) Subsections [~~(2)(b)(i)-~~] (3)(b)(i) and (ii) do not apply to a student studying in a
- 3901 medical setting at an institution of higher education.
- 3902 (iv) Nothing in this section restricts a state or local health department from acting
- 3903 under applicable law to contain the spread of an infectious disease.

3904                   ~~[(e)(i) For purposes of this Subsection (2)(e), "face covering" means the same as that~~  
 3905                   ~~term is defined in Section 53G-9-210.]~~

3906           ~~[(ii)]~~ (c)(i) The board or an institution may not require an individual to wear a face  
 3907           covering as a condition of attendance for in-person instruction,  
 3908           institution-sponsored athletics, institution-sponsored extracurricular activities, in  
 3909           dormitories, or in any other place on a campus of an institution within the system  
 3910           of higher education at any time after the end of the spring semester in 2021.

3911           ~~[(iii)]~~ (ii) Subsection ~~[(2)(e)(ii)]~~ (3)(c)(i) does not apply to an individual in a medical  
 3912           setting at an institution of higher education.

3913           (4) The board shall enact regulations that require all testimony be given under oath during  
 3914           an employee grievance hearing for a non-faculty employee of an institution of higher  
 3915           education if the grievance hearing relates to the non-faculty employee's:

- 3916           (a) demotion; or
- 3917           (b) termination.

3918           (5) Acknowledging that the Legislature has the authority to regulate, by law, firearms at  
 3919           higher education institutions, the board may:

- 3920           (a) authorize higher education institutions to establish no more than one secure area at  
 3921           each institution as a hearing room in accordance with Section 76-8-311.1, but not  
 3922           otherwise restrict the lawful possession or carrying of firearms; and
- 3923           (b) authorize a higher education institution to make a policy that allows a resident of a  
 3924           dormitory located at the institution to request only roommates who ~~[are not licensed~~  
 3925           ~~to carry a concealed firearm under Section 53-5-704 or 53-5-705]~~ choose not to  
 3926           lawfully possess firearms in the resident's dormitory as allowed in Section  
 3927           53-5a-102.3.

3928           (6) In addition to the requirements and penalty prescribed in Sections 76-8-311.1 and  
 3929           76-8-311.2, the board shall make rules to ensure:

- 3930           (a) the use of reasonable means such as mechanical, electronic, x-ray, or similar devices,  
 3931           to detect firearms, ammunition, or dangerous weapons contained in the personal  
 3932           property of or on the person of any individual attempting to enter a secure area  
 3933           hearing room;
- 3934           (b) that an individual required or requested to attend a hearing in a secure area hearing  
 3935           room is notified in writing of the requirements related to entering a secure area  
 3936           hearing room under this Subsection (6)(b) and Section 76-8-311.1;
- 3937           (c) that the restriction of firearms, ammunition, or dangerous weapons in the secure area

- 3938 hearing room is in effect only during the time the secure area hearing room is in use  
 3939 for hearings and for a reasonable time before and after the hearing; and  
 3940 (d) the application of reasonable space limitations to the secure area hearing room as the  
 3941 number of individuals involved in a typical hearing warrants.
- 3942 (7) The board and institutions may enforce the rules, regulations, and policies described in  
 3943 this section in any reasonable manner, including the assessment of fees, fines, and  
 3944 forfeitures, through:
- 3945 (a) withholding from money owed the violator;  
 3946 (b) the imposition of probation, suspension, or expulsion from the institution;  
 3947 (c) the revocation of privileges;  
 3948 (d) the refusal to issue certificates, degrees, and diplomas;  
 3949 (e) judicial process; or  
 3950 (f) any reasonable combination of the alternatives described in this Subsection (7).

3951 Section 63. Section **53G-8-701.8** is amended to read:

3952 **53G-8-701.8 . School safety and security director.**

- 3953 (1) Except as provided in Subsection 53G-8-701.5(3), an LEA shall designate a school  
 3954 safety and security director as the LEA point of contact for the county security chief,  
 3955 local law enforcement, and the state security chief.
- 3956 (2) A school safety and security director shall:
- 3957 (a) participate in and satisfy the training requirements, including the annual and biannual  
 3958 requirements, described in:
- 3959 (i) Section 53-22-105 for school guardians;  
 3960 (ii) Section 53G-8-702 for school resource officers; and  
 3961 (iii) Section 53G-8-704 for armed school security guards;
- 3962 (b) have a valid concealed carry permit issued under [~~Title 53, Chapter 5, Part 7,~~  
 3963 ~~Concealed Firearm Act~~] Title 53, Chapter 5a, Part 3, Concealed Firearm Permits;
- 3964 (c) if the designee is an employee of an LEA, participate on the multidisciplinary team  
 3965 the LEA establishes;
- 3966 (d) coordinate security responses among, if applicable, the following individuals in the  
 3967 LEA that employs the school safety and security director:
- 3968 (i) school safety and security specialists;  
 3969 (ii) school resource officers;  
 3970 (iii) armed school security guards; and  
 3971 (iv) school guardians; and

- 3972 (e) collaborate and maintain effective communications with local law enforcement, a  
 3973 county security chief, the LEA, and school-based behavioral and mental health  
 3974 professionals to ensure adherence with all policies, procedures, protocols, rules, and  
 3975 regulations relating to school safety and security.
- 3976 (3) A school safety and security director:
- 3977 (a) does not have authority to act in a law enforcement capacity; and
- 3978 (b) may, at the LEA that employs the director:
- 3979 (i) take actions necessary to prevent or abate an active threat; and
- 3980 (ii) temporarily detain an individual when the school safety and security director has  
 3981 reasonable cause to believe the individual has committed or is about to commit a  
 3982 forcible felony, as that term is defined in Section 76-2-402[;] .
- 3983 (4) Notwithstanding Subsection [~~76-10-505.5(4)~~] 76-11-205(4), if a school safety and  
 3984 security director is carrying a firearm, the school safety and security director shall carry  
 3985 the school safety and security director's firearm in a concealed manner and may not,  
 3986 unless during an active threat, display or open carry a firearm while on school grounds.
- 3987 (5) A school may use the services of the school safety and security director on a temporary  
 3988 basis to satisfy the school safety personnel requirement of Subsection 53G-8-701.5(2).
- 3989 (6) The state security chief shall:
- 3990 (a) for each school safety and security director, track each school safety and security  
 3991 director by collecting the photograph and the name and contact information for each  
 3992 school safety and security director; and
- 3993 (b) make the information described in Subsection (6)(a) readily available to each law  
 3994 enforcement agency in the state categorized by LEA.
- 3995 Section 64. Section **53G-8-704** is amended to read:
- 3996 **53G-8-704 . Contracts between an LEA and a contract security company for**  
 3997 **armed school security guards.**
- 3998 (1) As used in this section:
- 3999 (a) "Armed private security officer" means the same as that term is defined in Section  
 4000 58-63-102.
- 4001 (b) "Armed school security guard" means an armed private security officer who is:
- 4002 (i) licensed as an armed private security officer under Title 58, Chapter 63, Security  
 4003 Personnel Licensing Act; and
- 4004 (ii) has met the requirements described in Subsection (4)(a).
- 4005 (c) "Contract security company" means the same as that term is defined in Section

- 4006 58-63-102.
- 4007 (d) "State security chief" means the same as that term is defined in Section 53-22-102.
- 4008 (2)(a) An LEA may use an armed school security guard to satisfy the school safety
- 4009 personnel requirements of Section 53G-8-701.5.
- 4010 (b) An LEA that uses an armed school security guard under Subsection (2)(a) shall
- 4011 contract with a contract security company to provide armed school security guards at
- 4012 each school within the LEA.
- 4013 (3) The contract described in Subsection (2)(b) shall include a detailed description of:
- 4014 (a) the rights of a student under state and federal law with regard to:
- 4015 (i) searches;
- 4016 (ii) questioning;
- 4017 (iii) arrests; and
- 4018 (iv) information privacy;
- 4019 (b) job assignment and duties of an armed school security guard, including:
- 4020 (i) the school to which an armed school security guard will be assigned;
- 4021 (ii) the hours an armed school security guard is present at the school;
- 4022 (iii) the point of contact at the school that an armed school security guard will contact
- 4023 in case of an emergency;
- 4024 (iv) specific responsibilities for providing and receiving information;
- 4025 (v) types of records to be kept, and by whom; and
- 4026 (vi) training requirements; and
- 4027 (c) other expectations of the contract security company in relation to school security at
- 4028 the LEA.
- 4029 (4)(a) In addition to the requirements for licensure under Title 58, Chapter 63, Security
- 4030 Personnel Licensing Act, an armed private security officer may only serve as an
- 4031 armed school security guard under a contract described in Subsection (2)(b) if the
- 4032 armed private security officer:
- 4033 (i) has a valid concealed carry permit issued under [~~Title 53, Chapter 5, Part 7,~~
- 4034 ~~Concealed Firearm Act~~] Title 53, Chapter 5a, Part 3, Concealed Firearm Permits;
- 4035 and
- 4036 (ii) has undergone training from a county security chief regarding:
- 4037 (A) the safe loading, unloading, storage, and carrying of firearms in a school
- 4038 setting;
- 4039 (B) the role of armed security guards in a school setting; and

4040 (C) coordination with law enforcement and school officials during an active threat.

4041 (b) An armed school security guard that meets the requirements of Subsection (4)(a)  
4042 shall, in order to remain eligible to be assigned as an armed school security guard at  
4043 any school under a contract described in Subsection (2)(b), participate in and satisfy  
4044 the training requirements of the initial, annual, and biannual trainings as defined in  
4045 Section 53-22-105.

4046 (5) An armed school security guard may conceal or openly carry a firearm at the school at  
4047 which the armed school security guard is employed under the contract described in  
4048 Subsection (2)(b).

4049 (6) An LEA that enters a contract under this section shall inform the state security chief and  
4050 the relevant county security chief of the contract and provide the contact information of  
4051 the contract security company employing the armed security guard for use during an  
4052 emergency.

4053 (7) The state security chief shall:

4054 (a) for each LEA that contracts with a contract security company under this section,  
4055 track each contract security company providing armed school security guards by  
4056 name and the contact information for use in case of an emergency; and

4057 (b) make the information described in Subsection (7)(a) readily available to each law  
4058 enforcement agency in the state by school.

4059 (8) An armed school security guard shall file a report described in Subsection (9) if, during  
4060 the performance of the armed school security guard's duties, the armed school security  
4061 guard:

4062 (a) points a firearm at an individual; or

4063 (b) aims a conductive energy device at an individual and displays the electrical current.

4064 (9)(a) A report described in Subsection (8) shall include:

4065 (i) a description of the incident;

4066 (ii) the identification of the individuals involved in the incident; and

4067 (iii) any other information required by the state security chief.

4068 (b) An armed school security guard shall submit a report required under Subsection (8)  
4069 to the school administrator, school safety and security director, and the state security  
4070 chief within 48 hours after the incident.

4071 (c) The school administrator, school safety and security director, and the state security  
4072 chief shall consult and review the report submitted under Subsection (9)(b).

4073 Section 65. Section **58-37-8** is amended to read:



4074 **58-37-8 . Prohibited acts -- Penalties.**

4075 (1) Prohibited acts A -- Penalties and reporting:

4076 (a) Except as authorized by this chapter, it is unlawful for a person to knowingly and  
4077 intentionally:4078 (i) produce, manufacture, or dispense, or to possess with intent to produce,  
4079 manufacture, or dispense, a controlled or counterfeit substance;4080 (ii) distribute a controlled or counterfeit substance, or to agree, consent, offer, or  
4081 arrange to distribute a controlled or counterfeit substance;

4082 (iii) possess a controlled or counterfeit substance with intent to distribute; or

4083 (iv) engage in a continuing criminal enterprise where:

4084 (A) the person participates, directs, or engages in conduct that results in a  
4085 violation of this chapter, Chapter 37a, Utah Drug Paraphernalia Act, Chapter  
4086 37b, Imitation Controlled Substances Act, Chapter 37c, Utah Controlled  
4087 Substance Precursor Act, or Chapter 37d, Clandestine Drug Lab Act, that is a  
4088 felony; and4089 (B) the violation is a part of a continuing series of two or more violations of this  
4090 chapter, Chapter 37a, Utah Drug Paraphernalia Act, Chapter 37b, Imitation  
4091 Controlled Substances Act, Chapter 37c, Utah Controlled Substance Precursor  
4092 Act, or Chapter 37d, Clandestine Drug Lab Act, on separate occasions that are  
4093 undertaken in concert with five or more persons with respect to whom the  
4094 person occupies a position of organizer, supervisor, or any other position of  
4095 management.

4096 (b) A person convicted of violating Subsection (1)(a) with respect to:

4097 (i) a substance or a counterfeit of a substance classified in Schedule I or II, a  
4098 controlled substance analog, or gammahydroxybutyric acid as listed in Schedule  
4099 III is guilty of a second degree felony, punishable by imprisonment for not more  
4100 than 15 years, and upon a second or subsequent conviction is guilty of a first  
4101 degree felony;4102 (ii) a substance or a counterfeit of a substance classified in Schedule III or IV, or  
4103 marijuana, or a substance listed in Section 58-37-4.2 is guilty of a third degree  
4104 felony, and upon a second or subsequent conviction is guilty of a second degree  
4105 felony; or4106 (iii) a substance or a counterfeit of a substance classified in Schedule V is guilty of a  
4107 class A misdemeanor and upon a second or subsequent conviction is guilty of a

4108 third degree felony.

4109 (c)(i) Except as provided in Subsection (1)(c)(ii), a person who has been convicted of  
4110 a violation of Subsection (1)(a)(ii) or (iii) may be sentenced to imprisonment for  
4111 an indeterminate term as described in Subsection (1)(b) and Title 76, Chapter 3,  
4112 Punishments.

4113 (ii) The court shall impose an indeterminate prison term for a person who has been  
4114 convicted of a violation of Subsection (1)(a)(ii) or (iii) that is a first degree felony  
4115 or a second degree felony if the trier of fact finds beyond a reasonable doubt that,  
4116 during the commission or furtherance of the violation, the person intentionally or  
4117 knowingly:

4118 (A) used, drew, or exhibited a dangerous weapon, as that term is defined in  
4119 Section ~~[76-10-501]~~ 76-11-101, that is not a firearm, in an angry, threatening,  
4120 intimidating, or coercive manner;

4121 (B) used a firearm, as that term is defined in Section 76-11-101, or had a firearm  
4122 readily accessible for immediate use, as ~~[those terms are]~~ that term is defined in  
4123 Section ~~[76-10-501]~~ 76-11-201; or

4124 (C) distributed a firearm, as that term is defined in Section ~~[76-10-501]~~ 76-11-101,  
4125 or possessed a firearm with intent to distribute the firearm.

4126 (iii) Notwithstanding Subsection (1)(c)(ii), a court may suspend the indeterminate  
4127 prison term for a person convicted under Subsection (1)(c)(ii) if the court:

4128 (A) details on the record the reasons why it is in the interests of justice not to  
4129 impose the indeterminate prison term;

4130 (B) makes a finding on the record that the person does not pose a significant  
4131 safety risk to the public; and

4132 (C) orders the person to complete the terms and conditions of supervised  
4133 probation provided by the Department of Corrections.

4134 (d)(i) A person convicted of violating Subsection (1)(a)(iv) is guilty of a first degree  
4135 felony punishable by imprisonment for an indeterminate term of not less than:

4136 (A) seven years and which may be for life; or

4137 (B) 15 years and which may be for life if the trier of fact determined that the  
4138 defendant knew or reasonably should have known that any subordinate under  
4139 Subsection (1)(a)(iv)(B) was under 18 years old.

4140 (ii) Imposition or execution of the sentence may not be suspended, and the person is  
4141 not eligible for probation.

- 4142 (iii) Subsection (1)(d)(i)(B) does not apply to any defendant who, at the time of the  
4143 offense, was under 18 years old.
- 4144 (e) The Administrative Office of the Courts shall report to the Division of Professional  
4145 Licensing the name, case number, date of conviction, and if known, the date of birth  
4146 of each person convicted of violating Subsection (1)(a).
- 4147 (2) Prohibited acts B -- Penalties and reporting:
- 4148 (a) It is unlawful:
- 4149 (i) for a person knowingly and intentionally to possess or use a controlled substance  
4150 analog or a controlled substance, unless it was obtained under a valid prescription  
4151 or order, directly from a practitioner while acting in the course of the person's  
4152 professional practice, or as otherwise authorized by this chapter;
- 4153 (ii) for an owner, tenant, licensee, or person in control of a building, room, tenement,  
4154 vehicle, boat, aircraft, or other place knowingly and intentionally to permit them  
4155 to be occupied by persons unlawfully possessing, using, or distributing controlled  
4156 substances in any of those locations; or
- 4157 (iii) for a person knowingly and intentionally to possess an altered or forged  
4158 prescription or written order for a controlled substance.
- 4159 (b) A person convicted of violating Subsection (2)(a)(i) with respect to:
- 4160 (i) marijuana, if the amount is 100 pounds or more, is guilty of a second degree  
4161 felony; or
- 4162 (ii) a substance classified in Schedule I or II, or a controlled substance analog, is  
4163 guilty of a class A misdemeanor on a first or second conviction, and on a third or  
4164 subsequent conviction if each prior offense was committed within seven years  
4165 before the date of the offense upon which the current conviction is based is guilty  
4166 of a third degree felony.
- 4167 (c) Upon a person's conviction of a violation of this Subsection (2) subsequent to a  
4168 conviction under Subsection (1)(a), that person shall be sentenced to a one degree  
4169 greater penalty than provided in this Subsection (2).
- 4170 (d) A person who violates Subsection (2)(a)(i) with respect to all other controlled  
4171 substances not included in Subsection (2)(b)(i) or (ii), including a substance listed in  
4172 Section 58-37-4.2, or marijuana, is guilty of a class B misdemeanor.
- 4173 (i) Upon a third conviction the person is guilty of a class A misdemeanor, if each  
4174 prior offense was committed within seven years before the date of the offense  
4175 upon which the current conviction is based.

- 4176 (ii) Upon a fourth or subsequent conviction the person is guilty of a third degree  
4177 felony if each prior offense was committed within seven years before the date of  
4178 the offense upon which the current conviction is based.
- 4179 (e) A person convicted of violating Subsection (2)(a)(i) while inside the exterior  
4180 boundaries of property occupied by a correctional facility as defined in Section  
4181 64-13-1 or a public jail or other place of confinement shall be sentenced to a penalty  
4182 one degree greater than provided in Subsection (2)(b), and if the conviction is with  
4183 respect to controlled substances as listed in:
- 4184 (i) Subsection (2)(b), the person may be sentenced to imprisonment for an  
4185 indeterminate term as provided by law, and:
- 4186 (A) the court shall additionally sentence the person convicted to a term of one year  
4187 to run consecutively and not concurrently; and
- 4188 (B) the court may additionally sentence the person convicted for an indeterminate  
4189 term not to exceed five years to run consecutively and not concurrently; and
- 4190 (ii) Subsection (2)(d), the person may be sentenced to imprisonment for an  
4191 indeterminate term as provided by law, and the court shall additionally sentence  
4192 the person convicted to a term of six months to run consecutively and not  
4193 concurrently.
- 4194 (f) A person convicted of violating Subsection (2)(a)(ii) or (iii) is:
- 4195 (i) on a first conviction, guilty of a class B misdemeanor;
- 4196 (ii) on a second conviction, guilty of a class A misdemeanor; and
- 4197 (iii) on a third or subsequent conviction, guilty of a third degree felony.
- 4198 (g) The Administrative Office of the Courts shall report to the Division of Professional  
4199 Licensing the name, case number, date of conviction, and if known, the date of birth  
4200 of each person convicted of violating Subsection (2)(a).
- 4201 (3) Prohibited acts C -- Penalties:
- 4202 (a) It is unlawful for a person knowingly and intentionally:
- 4203 (i) to use in the course of the manufacture or distribution of a controlled substance a  
4204 license number which is fictitious, revoked, suspended, or issued to another  
4205 person or, for the purpose of obtaining a controlled substance, to assume the title  
4206 of, or represent oneself to be, a manufacturer, wholesaler, apothecary, physician,  
4207 dentist, veterinarian, or other authorized person;
- 4208 (ii) to acquire or obtain possession of, to procure or attempt to procure the  
4209 administration of, to obtain a prescription for, to prescribe or dispense to a person

- 4210 known to be attempting to acquire or obtain possession of, or to procure the  
 4211 administration of a controlled substance by misrepresentation or failure by the  
 4212 person to disclose receiving a controlled substance from another source, fraud,  
 4213 forgery, deception, subterfuge, alteration of a prescription or written order for a  
 4214 controlled substance, or the use of a false name or address;
- 4215 (iii) to make a false or forged prescription or written order for a controlled substance,  
 4216 or to utter the same, or to alter a prescription or written order issued or written  
 4217 under the terms of this chapter; or
- 4218 (iv) to make, distribute, or possess a punch, die, plate, stone, or other thing designed  
 4219 to print, imprint, or reproduce the trademark, trade name, or other identifying  
 4220 mark, imprint, or device of another or any likeness of any of the foregoing upon  
 4221 any drug or container or labeling so as to render a drug a counterfeit controlled  
 4222 substance.
- 4223 (b)(i) A first or second conviction under Subsection (3)(a)(i), (ii), or (iii) is a class A  
 4224 misdemeanor.
- 4225 (ii) A third or subsequent conviction under Subsection (3)(a)(i), (ii), or (iii) is a third  
 4226 degree felony.
- 4227 (c) A violation of Subsection (3)(a)(iv) is a third degree felony.
- 4228 (4) Prohibited acts D -- Penalties:
- 4229 (a) Notwithstanding other provisions of this section, a person not authorized under this  
 4230 chapter who commits any act that is unlawful under Subsection (1)(a) or Section  
 4231 58-37b-4 is upon conviction subject to the penalties and classifications under this  
 4232 Subsection (4) if the trier of fact finds the act is committed:
- 4233 (i) in a public or private elementary or secondary school or on the grounds of any of  
 4234 those schools during the hours of 6 a.m. through 10 p.m.;
- 4235 (ii) in a public or private vocational school or postsecondary institution or on the  
 4236 grounds of any of those schools or institutions during the hours of 6 a.m. through  
 4237 10 p.m.;
- 4238 (iii) in or on the grounds of a preschool or child-care facility during the preschool's or  
 4239 facility's hours of operation;
- 4240 (iv) in a public park, amusement park, arcade, or recreation center when the public or  
 4241 amusement park, arcade, or recreation center is open to the public;
- 4242 (v) in or on the grounds of a house of worship as defined in Section ~~[76-10-501]~~  
 4243 76-11-201;

- 4244 (vi) in or on the grounds of a library when the library is open to the public;
- 4245 (vii) within an area that is within 100 feet of any structure, facility, or grounds
- 4246 included in Subsections (4)(a)(i) through (vi);
- 4247 (viii) in the presence of a person younger than 18 years old, regardless of where the
- 4248 act occurs; or
- 4249 (ix) for the purpose of facilitating, arranging, or causing the transport, delivery, or
- 4250 distribution of a substance in violation of this section to an inmate or on the
- 4251 grounds of a correctional facility as defined in Section 76-8-311.3.
- 4252 (b)(i) A person convicted under this Subsection (4) is guilty of a first degree felony
- 4253 and shall be imprisoned for a term of not less than five years if the penalty that
- 4254 would otherwise have been established but for this Subsection (4) would have
- 4255 been a first degree felony.
- 4256 (ii) Imposition or execution of the sentence may not be suspended, and the person is
- 4257 not eligible for probation.
- 4258 (c) If the classification that would otherwise have been established would have been less
- 4259 than a first degree felony but for this Subsection (4), a person convicted under this
- 4260 Subsection (4) is guilty of one degree more than the maximum penalty prescribed for
- 4261 that offense.
- 4262 (d)(i) If the violation is of Subsection (4)(a)(ix):
- 4263 (A) the person may be sentenced to imprisonment for an indeterminate term as
- 4264 provided by law, and the court shall additionally sentence the person convicted
- 4265 for a term of one year to run consecutively and not concurrently; and
- 4266 (B) the court may additionally sentence the person convicted for an indeterminate
- 4267 term not to exceed five years to run consecutively and not concurrently; and
- 4268 (ii) the penalties under this Subsection (4)(d) apply also to a person who, acting with
- 4269 the mental state required for the commission of an offense, directly or indirectly
- 4270 solicits, requests, commands, coerces, encourages, or intentionally aids another
- 4271 person to commit a violation of Subsection (4)(a)(ix).
- 4272 (e) It is not a defense to a prosecution under this Subsection (4) that:
- 4273 (i) the actor mistakenly believed the individual to be 18 years old or older at the time
- 4274 of the offense or was unaware of the individual's true age; or
- 4275 (ii) the actor mistakenly believed that the location where the act occurred was not as
- 4276 described in Subsection (4)(a) or was unaware that the location where the act
- 4277 occurred was as described in Subsection (4)(a).

- 4278 (5) A violation of this chapter for which no penalty is specified is a class B misdemeanor.
- 4279 (6)(a) For purposes of penalty enhancement under Subsections (1) and (2), a plea of  
4280 guilty or no contest to a violation or attempted violation of this section or a plea  
4281 which is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the  
4282 equivalent of a conviction, even if the charge has been subsequently reduced or  
4283 dismissed in accordance with the plea in abeyance agreement.
- 4284 (b) A prior conviction used for a penalty enhancement under Subsection (2) shall be a  
4285 conviction that is:
- 4286 (i) from a separate criminal episode than the current charge; and  
4287 (ii) from a conviction that is separate from any other conviction used to enhance the  
4288 current charge.
- 4289 (7) A person may be charged and sentenced for a violation of this section, notwithstanding  
4290 a charge and sentence for a violation of any other section of this chapter.
- 4291 (8)(a) A penalty imposed for violation of this section is in addition to, and not in lieu of,  
4292 a civil or administrative penalty or sanction authorized by law.
- 4293 (b) When a violation of this chapter violates a federal law or the law of another state,  
4294 conviction or acquittal under federal law or the law of another state for the same act  
4295 is a bar to prosecution in this state.
- 4296 (9) In any prosecution for a violation of this chapter, evidence or proof that shows a person  
4297 or persons produced, manufactured, possessed, distributed, or dispensed a controlled  
4298 substance or substances, is prima facie evidence that the person or persons did so with  
4299 knowledge of the character of the substance or substances.
- 4300 (10) This section does not prohibit a veterinarian, in good faith and in the course of the  
4301 veterinarian's professional practice only and not for humans, from prescribing,  
4302 dispensing, or administering controlled substances or from causing the substances to be  
4303 administered by an assistant or orderly under the veterinarian's direction and supervision.
- 4304 (11) Civil or criminal liability may not be imposed under this section on:
- 4305 (a) a person registered under this chapter who manufactures, distributes, or possesses an  
4306 imitation controlled substance for use as a placebo or investigational new drug by a  
4307 registered practitioner in the ordinary course of professional practice or research;
- 4308 (b) a law enforcement officer acting in the course and legitimate scope of the officer's  
4309 employment;\_or
- 4310 (c) a healthcare facility, substance use harm reduction services program, or drug  
4311 addiction treatment facility that temporarily possesses a controlled or counterfeit

4312 substance to conduct a test or analysis on the controlled or counterfeit substance to  
4313 identify or analyze the strength, effectiveness, or purity of the substance for a public  
4314 health or safety reason.

4315 (12)(a) Civil or criminal liability may not be imposed under this section on any Indian,  
4316 as defined in Section 58-37-2, who uses, possesses, or transports peyote for bona fide  
4317 traditional ceremonial purposes in connection with the practice of a traditional Indian  
4318 religion as defined in Section 58-37-2.

4319 (b) In a prosecution alleging violation of this section regarding peyote as defined in  
4320 Section 58-37-4, it is an affirmative defense that the peyote was used, possessed, or  
4321 transported by an Indian for bona fide traditional ceremonial purposes in connection  
4322 with the practice of a traditional Indian religion.

4323 (c)(i) The defendant shall provide written notice of intent to claim an affirmative  
4324 defense under this Subsection (12) as soon as practicable, but not later than 10  
4325 days before trial.

4326 (ii) The notice shall include the specific claims of the affirmative defense.

4327 (iii) The court may waive the notice requirement in the interest of justice for good  
4328 cause shown, if the prosecutor is not unfairly prejudiced by the lack of timely  
4329 notice.

4330 (d) The defendant shall establish the affirmative defense under this Subsection (12) by a  
4331 preponderance of the evidence. If the defense is established, it is a complete defense  
4332 to the charges.

4333 (13)(a) It is an affirmative defense that the person produced, possessed, or administered  
4334 a controlled substance listed in Section 58-37-4.2 if the person was:

4335 (i) engaged in medical research; and

4336 (ii) a holder of a valid license to possess controlled substances under Section 58-37-6.

4337 (b) It is not a defense under Subsection (13)(a) that the person prescribed or dispensed a  
4338 controlled substance listed in Section 58-37-4.2.

4339 (14) It is an affirmative defense that the person possessed, in the person's body, a controlled  
4340 substance listed in Section 58-37-4.2 if:

4341 (a) the person was the subject of medical research conducted by a holder of a valid  
4342 license to possess controlled substances under Section 58-37-6; and

4343 (b) the substance was administered to the person by the medical researcher.

4344 (15) The application of any increase in penalty under this section to a violation of  
4345 Subsection (2)(a)(i) may not result in any greater penalty than a second degree felony.



- 4346 This Subsection (15) takes precedence over any conflicting provision of this section.
- 4347 (16)(a) It is an affirmative defense to an allegation of the commission of an offense
- 4348 listed in Subsection (16)(b) that the person or bystander:
- 4349 (i) reasonably believes that the person or another person is experiencing an overdose
  - 4350 event due to the ingestion, injection, inhalation, or other introduction into the
  - 4351 human body of a controlled substance or other substance;
  - 4352 (ii) reports, or assists a person who reports, in good faith the overdose event to a
  - 4353 medical provider, an emergency medical service provider as defined in Section
  - 4354 53-2d-101, a law enforcement officer, a 911 emergency call system, or an
  - 4355 emergency dispatch system, or the person is the subject of a report made under
  - 4356 this Subsection (16);
  - 4357 (iii) provides in the report under Subsection (16)(a)(ii) a functional description of the
  - 4358 actual location of the overdose event that facilitates responding to the person
  - 4359 experiencing the overdose event;
  - 4360 (iv) remains at the location of the person experiencing the overdose event until a
  - 4361 responding law enforcement officer or emergency medical service provider
  - 4362 arrives, or remains at the medical care facility where the person experiencing an
  - 4363 overdose event is located until a responding law enforcement officer arrives;
  - 4364 (v) cooperates with the responding medical provider, emergency medical service
  - 4365 provider, and law enforcement officer, including providing information regarding
  - 4366 the person experiencing the overdose event and any substances the person may
  - 4367 have injected, inhaled, or otherwise introduced into the person's body; and
  - 4368 (vi) is alleged to have committed the offense in the same course of events from which
  - 4369 the reported overdose arose.
- 4370 (b) The offenses referred to in Subsection (16)(a) are:
- 4371 (i) the possession or use of less than 16 ounces of marijuana;
  - 4372 (ii) the possession or use of a scheduled or listed controlled substance other than
  - 4373 marijuana; and
  - 4374 (iii) any violation of Chapter 37a, Utah Drug Paraphernalia Act, or Chapter 37b,
  - 4375 Imitation Controlled Substances Act.
- 4376 (c) As used in this Subsection (16) and in Section 76-3-203.11, "good faith" does not
- 4377 include seeking medical assistance under this section during the course of a law
- 4378 enforcement agency's execution of a search warrant, execution of an arrest warrant,
- 4379 or other lawful search.

4380 (17) If any provision of this chapter, or the application of any provision to any person or  
 4381 circumstances, is held invalid, the remainder of this chapter shall be given effect without  
 4382 the invalid provision or application.

4383 (18) A legislative body of a political subdivision may not enact an ordinance that is less  
 4384 restrictive than any provision of this chapter.

4385 (19) If a minor who is under 18 years old is found by a court to have violated this section or  
 4386 Subsection 76-5-102.1(2)(b) or 76-5-207(2)(b), the court may order the minor to  
 4387 complete:

4388 (a) a screening as defined in Section 41-6a-501;

4389 (b) an assessment as defined in Section 41-6a-501 if the screening indicates an  
 4390 assessment to be appropriate; and

4391 (c) an educational series as defined in Section 41-6a-501 or substance use disorder  
 4392 treatment as indicated by an assessment.

4393 Section 66. Section **58-63-307** is amended to read:

4394 **58-63-307 . Use of firearms.**

4395 (1) An individual licensed as an armored car security officer or an armed private security  
 4396 officer may carry a firearm only while acting as an armored car security officer or an  
 4397 armed private security officer in accordance with this chapter and rules made under this  
 4398 chapter.

4399 (2) An individual licensed as an armored car security officer or an armed private security  
 4400 officer is exempt from the provisions of [~~Section 76-10-505 and Title 53, Chapter 5, Part~~  
 4401 ~~7, Concealed Firearm Act~~] Title 53, Chapter 5a, Part 3, Concealed Firearm Permits,  
 4402 while acting as an armored car security officer or an armed private security officer in  
 4403 accordance with this chapter and rules made under this chapter.

4404 Section 67. Section **63G-2-303** is amended to read:

4405 **63G-2-303 . Private information concerning certain government employees.**

4406 (1) As used in this section:

4407 (a) "At-risk government employee" means a current or former:

4408 (i) peace officer as specified in Section 53-13-102;

4409 (ii) state or federal judge of an appellate, district, justice, or juvenile court, or court  
 4410 commissioner;

4411 (iii) judge authorized by Title 39A, Chapter 5, Utah Code of Military Justice;

4412 (iv) judge authorized by Armed Forces, Title 10, United States Code;

4413 (v) federal prosecutor;

- 4414 (vi) prosecutor appointed pursuant to Armed Forces, Title 10, United States Code;
- 4415 (vii) law enforcement official as defined in Section [~~53-5-711~~] 53-5a-311;
- 4416 (viii) prosecutor authorized by Title 39A, Chapter 5, Utah Code of Military Justice; or
- 4417 (ix) state or local government employee who, because of the unique nature of the
- 4418 employee's regular work assignments or because of one or more recent credible
- 4419 threats directed to or against the employee, would be at immediate and substantial
- 4420 risk of physical harm if the employee's personal information is disclosed.
- 4421 (b) "Family member" means the spouse, child, sibling, parent, or grandparent of an
- 4422 at-risk government employee who is living with the employee.
- 4423 (c) "Personal information" means the employee's or the employee's family member's
- 4424 home address, home telephone number, personal mobile telephone number, personal
- 4425 pager number, personal email address, social security number, insurance coverage,
- 4426 marital status, or payroll deductions.
- 4427 (2)(a) Pursuant to Subsection 63G-2-302(1)(h), an at-risk government employee may
- 4428 file a written application that:
- 4429 (i) gives notice of the employee's status as an at-risk government employee to each
- 4430 agency of a government entity holding a record or a part of a record that would
- 4431 disclose the employee's personal information; and
- 4432 (ii) requests that the government agency classify those records or parts of records as
- 4433 private.
- 4434 (b) An at-risk government employee desiring to file an application under this section
- 4435 may request assistance from the government agency to identify the individual records
- 4436 containing personal information.
- 4437 (c) Each government agency shall develop a form that:
- 4438 (i) requires the at-risk government employee to designate each specific record or part
- 4439 of a record containing the employee's personal information that the applicant
- 4440 desires to be classified as private;
- 4441 (ii) affirmatively requests that the government entity holding those records classify
- 4442 them as private;
- 4443 (iii) informs the employee that by submitting a completed form the employee may
- 4444 not receive official announcements affecting the employee's property, including
- 4445 notices about proposed municipal annexations, incorporations, or zoning
- 4446 modifications; and
- 4447 (iv) contains a place for the signature required under Subsection (2)(d).

- 4448 (d) A form submitted by an employee under Subsection (2)(c) shall be signed by the  
4449 highest ranking elected or appointed official in the employee's chain of command  
4450 certifying that the employee submitting the form is an at-risk government employee.
- 4451 (3) A county recorder, county treasurer, county auditor, or a county tax assessor may fully  
4452 satisfy the requirements of this section by:
- 4453 (a) providing a method for the assessment roll and index and the tax roll and index that  
4454 will block public access to the home address, home telephone number, situs address,  
4455 and Social Security number; and
- 4456 (b) providing the at-risk government employee requesting the classification with a  
4457 disclaimer informing the employee that the employee may not receive official  
4458 announcements affecting the employee's property, including notices about proposed  
4459 annexations, incorporations, or zoning modifications.
- 4460 (4) A government agency holding records of an at-risk government employee classified as  
4461 private under this section may release the record or part of the record if:
- 4462 (a) the employee or former employee gives written consent;
- 4463 (b) a court orders release of the records;
- 4464 (c) the government agency receives a certified death certificate for the employee or  
4465 former employee; or
- 4466 (d) as it relates to the employee's voter registration record:
- 4467 (i) the person to whom the record or part of the record is released is a qualified  
4468 person under Subsection 20A-2-104(4)(n); and
- 4469 (ii) the government agency's release of the record or part of the record complies with  
4470 the requirements of Subsection 20A-2-104(4)(o).
- 4471 (5)(a) If the government agency holding the private record receives a subpoena for the  
4472 records, the government agency shall attempt to notify the at-risk government  
4473 employee or former employee by mailing a copy of the subpoena to the employee's  
4474 last-known mailing address together with a request that the employee either:
- 4475 (i) authorize release of the record; or
- 4476 (ii) within 10 days of the date that the copy and request are mailed, deliver to the  
4477 government agency holding the private record a copy of a motion to quash filed  
4478 with the court who issued the subpoena.
- 4479 (b) The government agency shall comply with the subpoena if the government agency  
4480 has:
- 4481 (i) received permission from the at-risk government employee or former employee to

- 4482                    comply with the subpoena;
- 4483                    (ii) not received a copy of a motion to quash within 10 days of the date that the copy
- 4484                    of the subpoena was mailed; or
- 4485                    (iii) received a court order requiring release of the records.

4486 (6)(a) Except as provided in Subsection (6)(b), a form submitted under this section

4487 remains in effect until the earlier of:

- 4488                    (i) four years after the date the employee signs the form, whether or not the
- 4489                    employee's employment terminates before the end of the four-year period; and
- 4490                    (ii) one year after the government agency receives official notice of the death of the
- 4491                    employee.

4492 (b) A form submitted under this section may be rescinded at any time by:

- 4493                    (i) the at-risk government employee who submitted the form; or
- 4494                    (ii) if the at-risk government employee is deceased, a member of the employee's
- 4495                    immediate family.

4496 Section 68. Section **63G-2-801** is amended to read:

4497 **63G-2-801 . Criminal penalties.**

- 4498 (1)(a) A public employee or other person who has lawful access to any private,
- 4499 controlled, or protected record under this chapter, and who intentionally discloses,
- 4500 provides a copy of, or improperly uses a private, controlled, or protected record
- 4501 knowing that the disclosure or use is prohibited under this chapter, is, except as
- 4502 provided in Subsection [53-5-708(1)(e)] 53-5a-310(1)(c), guilty of a class B
- 4503 misdemeanor.
- 4504 (b) It is a defense to prosecution under Subsection (1)(a) that the actor used or released
- 4505 private, controlled, or protected information in the reasonable belief that the use or
- 4506 disclosure of the information was necessary to expose a violation of law involving
- 4507 government corruption, abuse of office, or misappropriation of public funds or
- 4508 property.
- 4509 (c) It is a defense to prosecution under Subsection (1)(a) that the record could have
- 4510 lawfully been released to the recipient if it had been properly classified.
- 4511 (d) It is a defense to prosecution under Subsection (1)(a) that the public employee or
- 4512 other person disclosed, provided, or used the record based on a good faith belief that
- 4513 the disclosure, provision, or use was in accordance with the law.
- 4514 (2)(a) A person who by false pretenses, bribery, or theft, gains access to or obtains a
- 4515 copy of any private, controlled, or protected record to which the person is not legally

4516 entitled is guilty of a class B misdemeanor.

4517 (b) No person shall be guilty under Subsection (2)(a) who receives the record,  
4518 information, or copy after the fact and without prior knowledge of or participation in  
4519 the false pretenses, bribery, or theft.

4520 (3)(a) A public employee who intentionally refuses to release a record, the disclosure of  
4521 which the employee knows is required by law, is guilty of a class B misdemeanor.

4522 (b) It is a defense to prosecution under Subsection (3)(a) that the public employee's  
4523 failure to release the record was based on a good faith belief that the public employee  
4524 was acting in accordance with the requirements of law.

4525 (c) A public employee who intentionally refuses to release a record, the disclosure of  
4526 which the employee knows is required by a final unappealed order from a  
4527 government entity, the State Records Committee, or a court is guilty of a class B  
4528 misdemeanor.

4529 *The following section is affected by a coordination clause at the end of this bill.*

4530 Section 69. Section **63I-1-253** is amended to read:

4531 **63I-1-253 . Repeal dates: Titles 53 through 53G.**

4532 (1) Section 53-1-122, Road Rage Awareness and Prevention Restricted Account, is  
4533 repealed July 1, 2028.

4534 (2) Section 53-2a-105, Emergency Management Administration Council created --  
4535 Function -- Composition -- Expenses, is repealed July 1, 2029.

4536 (3) Section 53-2a-1103, Search and Rescue Advisory Board -- Members -- Compensation,  
4537 is repealed July 1, 2027.

4538 (4) Section 53-2a-1104, General duties of the Search and Rescue Advisory Board, is  
4539 repealed July 1, 2027.

4540 (5) Title 53, Chapter 2a, Part 15, Grid Resilience Committee, is repealed July 1, 2027.

4541 (6) Section 53-2d-104, State Emergency Medical Services Committee -- Membership --  
4542 Expenses, is repealed July 1, 2029.

4543 (7) Section 53-2d-703, Volunteer Emergency Medical Service Personnel Health Insurance  
4544 Program -- Creation -- Administration -- Eligibility -- Benefits -- Rulemaking --  
4545 Advisory board, is repealed July 1, 2027.

4546 (8) Section [~~53-5-703~~] 53-5a-302, Concealed Firearm Review Board -- Membership --  
4547 Compensation -- Terms -- Duties, is repealed July 1, 2029.

4548 (9) Section 53-5a-603, Information check before private sale of firearm, is repealed July 1,  
4549 2025.

- 4550 [~~(9)~~] (10) Section 53-11-104, Board, is repealed July 1, 2029.
- 4551 [~~(10)~~] (11) Section 53-22-104.1, School Security Task Force -- Membership -- Duties -- Per  
4552 diem -- Report -- Expiration, is repealed December 31, 2025.
- 4553 [~~(11)~~] (12) Section 53-22-104.2, The School Security Task Force -- Education Advisory  
4554 Board, is repealed December 31, 2025.
- 4555 [~~(12)~~] (13) Subsection 53B-1-301(1)(j), regarding the Higher Education and Corrections  
4556 Council, is repealed July 1, 2027.
- 4557 [~~(13)~~] (14) Section 53B-7-709, Five-year performance goals, is repealed July 1, 2027.
- 4558 [~~(14)~~] (15) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed  
4559 July 1, 2028.
- 4560 [~~(15)~~] (16) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.
- 4561 [~~(16)~~] (17) Section 53B-17-1203, SafeUT and School Safety Commission established --  
4562 Members, is repealed January 1, 2030.
- 4563 [~~(17)~~] (18) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- 4564 [~~(18)~~] (19) Title 53B, Chapter 18, Part 17, Food Security Council, is repealed July 1, 2027.
- 4565 [~~(19)~~] (20) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure  
4566 Research Center, is repealed July 1, 2028.
- 4567 [~~(20)~~] (21) Title 53B, Chapter 35, Higher Education and Corrections Council, is repealed  
4568 July 1, 2027.
- 4569 [~~(21)~~] (22) Subsection 53C-3-203(4)(b)(vii), regarding the distribution of money from the  
4570 Land Exchange Distribution Account to the Geological Survey for test wells and other  
4571 hydrologic studies in the West Desert, is repealed July 1, 2030.
- 4572 [~~(22)~~] (23) Subsection 53E-1-201(1)(q), regarding the Higher Education and Corrections  
4573 Council, is repealed July 1, 2027.
- 4574 [~~(23)~~] (24) Subsection 53E-2-304(6), regarding foreclosing a private right of action or  
4575 waiver of governmental immunity, is repealed July 1, 2027.
- 4576 [~~(24)~~] (25) Subsection 53E-3-503(5), regarding coordinating councils for youth in care, is  
4577 repealed July 1, 2027.
- 4578 [~~(25)~~] (26) Subsection 53E-3-503(6), regarding coordinating councils for youth in care, is  
4579 repealed July 1, 2027.
- 4580 [~~(26)~~] (27) Subsection 53E-4-202(8)(b), regarding a standards review committee, is repealed  
4581 January 1, 2028.
- 4582 [~~(27)~~] (28) Section 53E-4-203, Standards review committee, is repealed January 1, 2028.
- 4583 [~~(28)~~] (29) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission,

- 4584 is repealed July 1, 2033.
- 4585 [(29)] (30) Subsection 53E-7-207(7), regarding a private right of action or waiver of  
4586 governmental immunity, is repealed July 1, 2027.
- 4587 [(30)] (31) Section 53F-2-420, Intensive Services Special Education Pilot Program, is  
4588 repealed July 1, 2024.
- 4589 [(31)] (32) Section 53F-5-214, Grant for professional learning, is repealed July 1, 2025.
- 4590 [(32)] (33) Section 53F-5-215, Elementary teacher preparation grant, is repealed July 1,  
4591 2025.
- 4592 [(33)] (34) Section 53F-5-219, Local Innovations Civics Education Pilot Program, is  
4593 repealed July 1, 2025.
- 4594 [(34)] (35) Title 53F, Chapter 10, Part 2, Capital Projects Evaluation Panel, is repealed July  
4595 1, 2027.
- 4596 [(35)] (36) Subsection 53G-4-608(2)(b), regarding the Utah Seismic Safety Commission, is  
4597 repealed January 1, 2025.
- 4598 [(36)] (37) Subsection 53G-4-608(4)(b), regarding the Utah Seismic Safety Commission, is  
4599 repealed January 1, 2025.
- 4600 [(37)] (38) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.  
4601 Section 70. Section **63I-1-276** is amended to read:  
4602 **63I-1-276 . Repeal dates: Title 76.**
- 4603 [(4)] Subsection 76-7-313(6), regarding a report provided by the Department of Health and  
4604 Human Services, is repealed July 1, 2027.
- 4605 [(2) Section 76-10-526.1, Information check before private sale of firearm, is repealed July  
4606 1, 2025.]
- 4607 Section 71. Section **63I-2-276** is amended to read:  
4608 **63I-2-276 . Repeal dates: Title 76.**
- 4609 (1) Subsection 76-5-102.7(2)(b), regarding assault or threat of violence against an employee  
4610 of a health facility, is repealed January 1, 2027.
- 4611 (2) Subsection [76-10-529(9)] 76-11-218(10), regarding data collection requirements for a  
4612 law enforcement agency that issues a written warning, citation, or referral, is repealed  
4613 December 31, 2031.
- 4614 Section 72. Section **63M-7-220** is amended to read:  
4615 **63M-7-220 . Domestic violence data collection.**
- 4616 (1) As used in this section:  
4617 (a) "Commission" means the State Commission on Criminal and Juvenile Justice created



4618 in Section 63M-7-201.

4619 (b) "Cohabitant abuse protective order" means an order issued with or without notice to  
4620 the respondent in accordance with Title 78B, Chapter 7, Part 6, Cohabitant Abuse  
4621 Protective Orders.

4622 (c) "Lethality assessment" means an evidence-based assessment that is intended to  
4623 identify a victim of domestic violence who is at a high risk of being killed by the  
4624 perpetrator.

4625 (d) "Victim" means the same as that term is defined in Section 77-36-1.

4626 (2) Beginning July 1, 2025, each law enforcement agency and other organizations that  
4627 provide domestic violence services within the state shall submit the following data to the  
4628 commission for compilation and analysis in collaboration with the data collected by the  
4629 Department of Public Safety in accordance with Section 77-36-2.1 and the  
4630 Administrative Office of the Courts:

4631 (a) lethality assessments conducted in the state, including:

4632 (i) the type of lethality assessments used by law enforcement agencies and other  
4633 organizations that provide domestic violence services; and

4634 (ii) training and protocols implemented by law enforcement agencies and the  
4635 organizations described in Subsection (2)(a)(i) regarding the use of lethality  
4636 assessments;

4637 (b) the data collection efforts implemented by law enforcement agencies and the  
4638 organizations described in Subsection (2)(a)(i);

4639 (c) the number of cohabitant abuse protective orders that, in the immediately preceding  
4640 calendar year, were:

4641 (i) issued;

4642 (ii) amended or dismissed before the date of expiration; and

4643 (iii) dismissed under Section 78B-7-605; and

4644 (d) the prevalence of domestic violence in the state and the prevalence of the following  
4645 in domestic violence cases:

4646 (i) stalking;

4647 (ii) strangulation;

4648 (iii) violence in the presence of children; and

4649 (iv) threats of suicide or homicide.

4650 (3) The commission, in collaboration with domestic violence organizations and other  
4651 related stakeholders, shall conduct a review of and provide feedback on:

- 4652 (a) lethality assessment training and protocols implemented by law enforcement  
 4653 agencies and the organizations described in Subsection (2)(a)(i); and  
 4654 (b) the collection of domestic violence data in the state, including:  
 4655 (i) coordination between state, local, and not-for-profit agencies to collect data from  
 4656 lethality assessments and on the prevalence of domestic violence, including the  
 4657 number of voluntary commitments of firearms under Section ~~[53-5e-201]~~  
 4658 53-5a-502;  
 4659 (ii) efforts to standardize the format for collecting domestic violence and lethality  
 4660 assessment data from state, local, and not-for-profit agencies subject to federal  
 4661 confidentiality requirements; and  
 4662 (iii) the need for any additional data collection requirements or efforts.  
 4663 (4) On or before November 30 of each year, the commission shall provide a written report  
 4664 to the Law Enforcement and Criminal Justice Interim Committee describing:  
 4665 (a) the information gathered under Subsections (2) and (3); or  
 4666 (b) the progress and assessment of available data under Subsections (2) and (3).

4667 Section 73. Section **72-10-901** is amended to read:

4668 **72-10-901 . Definitions.**

4669 As used in this part, "weapon" means:

- 4670 (1) a firearm as that term is defined in Section ~~[76-10-501]~~ 76-11-101; or  
 4671 (2) an object that in the manner of the object's use or intended use is capable of causing  
 4672 death, bodily injury, or damage to property, as determined according to the following  
 4673 factors:  
 4674 (a) the location and circumstances in which the object is used or possessed;  
 4675 (b) the primary purpose for which the object is made;  
 4676 (c) the character of the damage, if any, the object is likely to cause;  
 4677 (d) the manner in which the object is used;  
 4678 (e) whether the manner in which the object is used or possessed constitutes a potential  
 4679 imminent threat to public safety; and  
 4680 (f) the lawful purposes for which the object may be used.

4681 Section 74. Section **73-29-102** is amended to read:

4682 **73-29-102 . Definitions.**

4683 As used in this chapter:

- 4684 (1) "Division" means the Division of Wildlife Resources.  
 4685 (2) "Floating access" means the right to access public water flowing over private property

- 4686 for floating and fishing while floating upon the water.
- 4687 (3) "Impounded wetlands" means a wetland or wetland pond that is formed or the level of  
4688 which is controlled by a dike, berm, or headgate that retains or manages the flow or  
4689 depth of water, including connecting channels.
- 4690 (4) "Navigable water" means a water course that in its natural state without the aid of  
4691 artificial means is useful for commerce and has a useful capacity as a public highway of  
4692 transportation.
- 4693 (5) "Private property to which access is restricted" means privately owned real property:  
4694 (a) that is cultivated land, as defined in Section 23A-5-317;  
4695 (b) that is:  
4696 (i) properly posted, as defined in Section 23A-5-317;  
4697 (ii) posted as described in Subsection 76-6-206(2)(b)(iii); or  
4698 (iii) posted as described in Subsection 76-6-206.3(2)(c);  
4699 (c) that is fenced or enclosed as described in:  
4700 (i) Subsection 76-6-206(2)(b)(ii); or  
4701 (ii) Subsection 76-6-206.3(2)(b); or  
4702 (d) that the owner or a person authorized to act on the owner's behalf has requested a  
4703 person to leave as provided by:  
4704 (i) Section 23A-5-317;  
4705 (ii) Subsection 76-6-206(2)(b)(i); or  
4706 (iii) Subsection 76-6-206.3(2)(a).
- 4707 (6) "Public access area" means the limited part of privately owned property that:  
4708 (a) lies beneath or within three feet of a public water or that is the most direct, least  
4709 invasive, and closest means of portage around an obstruction in a public water; and  
4710 (b) is open to public recreational access under Section 73-29-203; and  
4711 (c) can be accessed from an adjoining public access area or public right-of-way.
- 4712 (7) "Public recreational access" means the right to engage in recreational access established  
4713 in accordance with Section 73-29-203.
- 4714 (8)(a) "Public water" means water:  
4715 (i) described in Section 73-1-1; and  
4716 (ii) flowing or collecting on the surface:  
4717 (A) within a natural or realigned channel; or  
4718 (B) in a natural lake, pond, or reservoir on a natural or realigned channel.
- 4719 (b) "Public water" does not include water flowing or collecting:

- 4720 (i) on impounded wetland;
- 4721 (ii) on a migratory bird production area, as defined in Section 23A-13-101;
- 4722 (iii) on private property in a manmade:
- 4723 (A) irrigation canal;
- 4724 (B) irrigation ditch; or
- 4725 (C) impoundment or reservoir constructed outside of a natural or realigned
- 4726 channel; or
- 4727 (iv) on a jurisdictional wetland described in 33 C.F.R. 328.3.
- 4728 (9)(a) "Recreational access" means to use a public water and to touch a public access
- 4729 area incidental to the use of the public water for:
- 4730 (i) floating;
- 4731 (ii) fishing; or
- 4732 (iii) waterfowl hunting conducted:
- 4733 (A) in compliance with applicable law or rule, including Sections 23A-5-314,
- 4734 73-29-203, and [~~76-10-508~~] 76-11-209; and
- 4735 (B) so that the individual who engages in the waterfowl hunting shoots a firearm
- 4736 only while within a public access area and no closer than 600 feet of any
- 4737 dwelling.
- 4738 (b) "Recreational access" does not include:
- 4739 (i) hunting, except as provided in Subsection (9)(a)(iii);
- 4740 (ii) wading without engaging in activity described in Subsection (9)(a); or
- 4741 (iii) any other activity.
- 4742 Section 75. Section **76-3-203.1** is amended to read:
- 4743 **76-3-203.1 . Offenses committed in concert with three or more persons or in**
- 4744 **relation to a criminal street gang -- Notice -- Enhanced penalties.**
- 4745 (1) As used in this section:
- 4746 (a) "Criminal street gang" means the same as that term is defined in Section 76-9-802.
- 4747 (b) "In concert with three or more persons" means:
- 4748 (i) the defendant was aided or encouraged by at least three other persons in
- 4749 committing the offense and was aware of this aid or encouragement; and
- 4750 (ii) each of the other persons:
- 4751 (A) was physically present; and
- 4752 (B) participated as a party to any offense listed in Subsection (4), (5), or (6).
- 4753 (c) "In concert with three or more persons" means, regarding intent:

- 4754 (i) other persons participating as parties need not have the intent to engage in the  
4755 same offense or degree of offense as the defendant; and
- 4756 (ii) a minor is a party if the minor's actions would cause the minor to be a party if the  
4757 minor were an adult.
- 4758 (2) A person who commits any offense in accordance with this section is subject to an  
4759 enhanced penalty as provided in Subsection (4), (5), or (6) if the trier of fact finds  
4760 beyond a reasonable doubt that the person acted:
- 4761 (a) in concert with three or more persons;
- 4762 (b) for the benefit of, at the direction of, or in association with any criminal street gang  
4763 as defined in Section 76-9-802; or
- 4764 (c) to gain recognition, acceptance, membership, or increased status with a criminal  
4765 street gang as defined in Section 76-9-802.
- 4766 (3) The prosecuting attorney, or grand jury if an indictment is returned, shall cause to be  
4767 subscribed upon the information or indictment notice that the defendant is subject to the  
4768 enhanced penalties provided under this section.
- 4769 (4)(a) For an offense listed in Subsection (4)(b), a person may be charged as follows:
- 4770 (i) for a class B misdemeanor, as a class A misdemeanor; and
- 4771 (ii) for a class A misdemeanor, as a third degree felony.
- 4772 (b) The following offenses are subject to Subsection (4)(a):
- 4773 (i) criminal mischief as described in Section 76-6-106;
- 4774 (ii) property damage or destruction as described in Section 76-6-106.1; and
- 4775 (iii) defacement by graffiti as described in Section 76-6-107.
- 4776 (5)(a) For an offense listed in Subsection (5)(b), a person may be charged as follows:
- 4777 (i) for a class B misdemeanor, as a class A misdemeanor;
- 4778 (ii) for a class A misdemeanor, as a third degree felony; and
- 4779 (iii) for a third degree felony, as a second degree felony.
- 4780 (b) The following offenses are subject to Subsection (5)(a):
- 4781 (i) burglary, if committed in a dwelling as defined in Subsection 76-6-202(3)(b);
- 4782 (ii) any offense of obstructing government operations under Chapter 8, Part 3,  
4783 Obstructing Governmental Operations, except Sections 76-8-302, 76-8-303,  
4784 76-8-307, 76-8-308, and 76-8-312;
- 4785 (iii) tampering with a witness under Section 76-8-508;
- 4786 (iv) retaliation against a witness, victim, or informant, or other violation of Section  
4787 76-8-508.3;

- 4788 (v) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
- 4789 (vi) extortion or bribery to dismiss a criminal proceeding as defined in Section
- 4790 76-8-509;
- 4791 [~~(vii) any weapons offense under Chapter 10, Part 5, Weapons; and]~~
- 4792 [~~(viii)~~ (vii) any violation of Chapter 10, Part 16, Pattern of Unlawful Activity Act;
- 4793 and
- 4794 (viii) any weapons offense under Title 76, Chapter 11, Weapons.
- 4795 (6)(a) For an offense listed in Subsection (6)(b), a person may be charged as follows:
- 4796 (i) for a class B misdemeanor, as a class A misdemeanor;
- 4797 (ii) for a class A misdemeanor, as a third degree felony;
- 4798 (iii) for a third degree felony, as a second degree felony; and
- 4799 (iv) for a second degree felony, as a first degree felony.
- 4800 (b) The following offenses are subject to Subsection (6)(a):
- 4801 (i) assault and related offenses under Chapter 5, Part 1, Assault and Related Offenses;
- 4802 (ii) any criminal homicide offense under Chapter 5, Part 2, Criminal Homicide;
- 4803 (iii) kidnapping and related offenses under Chapter 5, Part 3, Kidnapping,
- 4804 Trafficking, and Smuggling;
- 4805 (iv) any felony sexual offense under Chapter 5, Part 4, Sexual Offenses;
- 4806 (v) sexual exploitation of a minor as defined in Section 76-5b-201;
- 4807 (vi) aggravated sexual exploitation of a minor as defined in Section 76-5b-201.1;
- 4808 (vii) robbery and aggravated robbery under Chapter 6, Part 3, Robbery; and
- 4809 (viii) aggravated exploitation of prostitution under Section 76-10-1306.
- 4810 (7) The sentence imposed under Subsection (4), (5), or (6) may be suspended and the
- 4811 individual placed on probation for the higher level of offense.
- 4812 (8) It is not a bar to imposing the enhanced penalties under this section that the persons with
- 4813 whom the actor is alleged to have acted in concert are not identified, apprehended,
- 4814 charged, or convicted, or that any of those persons are charged with or convicted of a
- 4815 different or lesser offense.
- 4816 Section 76. Section **76-3-203.3** is amended to read:
- 4817 **76-3-203.3 . Penalty for hate crimes -- Civil rights violation.**
- 4818 As used in this section:
- 4819 (1) "Primary offense" means those offenses provided in Subsection (4).
- 4820 (2)(a) A person who commits any primary offense with the intent to intimidate or
- 4821 terrorize another person or with reason to believe that his action would intimidate or

- 4822 terrorize that person is subject to Subsection (2)(b).
- 4823 (b)(i) A class C misdemeanor primary offense is a class B misdemeanor; and
- 4824 (ii) a class B misdemeanor primary offense is a class A misdemeanor.
- 4825 (3) "Intimidate or terrorize" means an act which causes the person to fear for his physical
- 4826 safety or damages the property of that person or another. The act must be accompanied
- 4827 with the intent to cause or has the effect of causing a person to reasonably fear to freely
- 4828 exercise or enjoy any right secured by the Constitution or laws of the state or by the
- 4829 Constitution or laws of the United States.
- 4830 (4) Primary offenses referred to in Subsection (1) are the misdemeanor offenses for:
- 4831 (a) assault and related offenses under Sections 76-5-102, 76-5-102.4, 76-5-106, 76-5-107,
- 4832 and 76-5-108;
- 4833 (b) any misdemeanor property destruction offense under Sections 76-6-102 and 76-6-104,
- 4834 and Subsection 76-6-106(2)(a);
- 4835 (c) any criminal trespass offense under Sections 76-6-204 and 76-6-206;
- 4836 (d) any misdemeanor theft offense under Chapter 6, Offenses Against Property;
- 4837 (e) any offense of obstructing government operations under Sections 76-8-301,
- 4838 76-8-301.2, 76-8-302, 76-8-305, 76-8-306, 76-8-307, 76-8-308, 76-8-309.2, and
- 4839 76-8-313;
- 4840 (f) any offense of interfering or intending to interfere with activities of colleges and
- 4841 universities under [~~Title 76,~~]Chapter 8, Part 7, Colleges and Universities;
- 4842 (g) any misdemeanor offense against public order and decency as defined in [~~Title 76,~~]
- 4843 Chapter 9, Part 1, Breaches of the Peace and Related Offenses;
- 4844 (h) any telephone abuse offense under [~~Title 76,~~]Chapter 9, Part 2, Electronic
- 4845 Communication and Telephone Abuse;
- 4846 (i) any cruelty to animals offense under Section 76-9-301;
- 4847 (j) any weapons offense under Section [~~76-10-506~~] 76-11-207; or
- 4848 (k) a violation of Section 76-9-102, if the violation occurs at an official meeting.
- 4849 (5) This section does not affect or limit any individual's constitutional right to the lawful
- 4850 expression of free speech or other recognized rights secured by the Constitution or laws
- 4851 of the state or by the Constitution or laws of the United States.
- 4852 Section 77. Section **76-3-203.5** is amended to read:
- 4853 **76-3-203.5 . Habitual violent offender -- Definition -- Procedure -- Penalty.**
- 4854 (1) As used in this section:
- 4855 (a) "Felony" means any violation of a criminal statute of the state, any other state, the

4856 United States, or any district, possession, or territory of the United States for which  
4857 the maximum punishment the offender may be subjected to exceeds one year in  
4858 prison.

4859 (b) "Habitual violent offender" means a person convicted within the state of any violent  
4860 felony and who on at least two previous occasions has been convicted of a violent  
4861 felony and committed to either prison in Utah or an equivalent correctional institution  
4862 of another state or of the United States either at initial sentencing or after revocation  
4863 of probation.

4864 (c) "Violent felony" means:

4865 (i) any of the following offenses, or any attempt, solicitation, or conspiracy to  
4866 commit any of the following offenses punishable as a felony:

4867 (A) arson as described in Section 76-6-102;

4868 (B) causing a catastrophe as described in Subsection 76-6-105(3)(a) or (3)(b);

4869 (C) criminal mischief as described in Section 76-6-106;

4870 (D) aggravated arson as described in Section 76-6-103;

4871 (E) assault by prisoner as described in Section 76-5-102.5;

4872 (F) disarming a police officer as described in Section 76-5-102.8;

4873 (G) aggravated assault as described in Section 76-5-103;

4874 (H) aggravated assault by prisoner as described in Section 76-5-103.5;

4875 (I) mayhem as described in Section 76-5-105;

4876 (J) stalking as described in Subsection 76-5-106.5(2);

4877 (K) threat of terrorism as described in Section 76-5-107.3;

4878 (L) aggravated child abuse as described in Subsection 76-5-109.2(3)(a) or (b);

4879 (M) commission of domestic violence in the presence of a child as described in  
4880 Section 76-5-114;

4881 (N) abuse or neglect of a child with a disability as described in Section 76-5-110;

4882 (O) abuse or exploitation of a vulnerable adult as described in Section 76-5-111,  
4883 76-5-111.2, 76-5-111.3, or 76-5-111.4;

4884 (P) endangerment of a child or vulnerable adult as described in Section 76-5-112.5;

4885 (Q) an offense described in Chapter 5, Part 2, Criminal Homicide;

4886 (R) kidnapping as described in Section 76-5-301;

4887 (S) child kidnapping as described in Section 76-5-301.1;

4888 (T) aggravated kidnapping as described in Section 76-5-302;

4889 (U) rape as described in Section 76-5-402;



- 4890 (V) rape of a child as described in Section 76-5-402.1;
- 4891 (W) object rape as described in Section 76-5-402.2;
- 4892 (X) object rape of a child as described in Section 76-5-402.3;
- 4893 (Y) forcible sodomy as described in Section 76-5-403;
- 4894 (Z) sodomy on a child as described in Section 76-5-403.1;
- 4895 (AA) forcible sexual abuse as described in Section 76-5-404;
- 4896 (BB) sexual abuse of a child as described in Section 76-5-404.1;
- 4897 (CC) aggravated sexual abuse of a child as described in Section 76-5-404.3;
- 4898 (DD) aggravated sexual assault as described in Section 76-5-405;
- 4899 (EE) sexual exploitation of a minor as described in Section 76-5b-201;
- 4900 (FF) aggravated sexual exploitation of a minor as described in Section 76-5b-201.1;
- 4901 (GG) sexual exploitation of a vulnerable adult as described in Section 76-5b-202;
- 4902 (HH) burglary as described in Subsection 76-6-202(3)(b);
- 4903 (II) aggravated burglary as described in Section 76-6-203;
- 4904 (JJ) robbery as described in Section 76-6-301;
- 4905 (KK) aggravated robbery as described in Section 76-6-302;
- 4906 (LL) theft by extortion as described in Subsection 76-6-406(1)(a)(i) or (1)(a)(ii);
- 4907 (MM) tampering with a witness as described in Section 76-8-508;
- 4908 (NN) retaliation against a witness, victim, or informant as described in Section
- 4909 76-8-508.3;
- 4910 (OO) tampering or retaliating against a juror as described in Subsection 76-8-508.5
- 4911 (2)(a)(iii);
- 4912 (PP) extortion to dismiss a criminal proceeding as described in Subsection
- 4913 76-6-406(1)(a)(i), (ii), or (ix);
- 4914 (QQ) possession, use, or removal of explosive, chemical, or incendiary devices as
- 4915 described in Subsections 76-10-306(3) through (6);
- 4916 (RR) unlawful delivery of explosive, chemical, or incendiary devices as described
- 4917 in Section 76-10-307;
- 4918 (SS) purchase or possession of a dangerous weapon [~~or handgun~~] or firearm by a
- 4919 restricted person as described in [~~Section 76-10-503~~] Section 76-11-305 or
- 4920 76-11-306;
- 4921 (TT) aggravated exploitation of prostitution as described in Subsection 76-10-1306
- 4922 (1)(a);
- 4923 (UU) bus hijacking as described in Section 76-10-1504;[~~and~~]

- 4924 (VV) discharging firearms and hurling missiles as described in Section 76-10-1505;[  
 4925 or] and  
 4926 (WW) felony discharge of a firearm as described in Section 76-11-208; or  
 4927 (ii) any felony violation of a criminal statute of any other state, the United States, or  
 4928 any district, possession, or territory of the United States which would constitute a  
 4929 violent felony as defined in this Subsection (1) if committed in this state.
- 4930 (2) If a person is convicted in this state of a violent felony by plea or by verdict and the trier  
 4931 of fact determines beyond a reasonable doubt that the person is a habitual violent  
 4932 offender under this section, the penalty for a:  
 4933 (a) third degree felony is as if the conviction were for a first degree felony;  
 4934 (b) second degree felony is as if the conviction were for a first degree felony; or  
 4935 (c) first degree felony remains the penalty for a first degree penalty except:  
 4936 (i) the convicted person is not eligible for probation; and  
 4937 (ii) the Board of Pardons and Parole shall consider that the convicted person is a  
 4938 habitual violent offender as an aggravating factor in determining the length of  
 4939 incarceration.
- 4940 (3)(a) The prosecuting attorney, or grand jury if an indictment is returned, shall provide  
 4941 notice in the information or indictment that the defendant is subject to punishment as  
 4942 a habitual violent offender under this section. Notice shall include the case number,  
 4943 court, and date of conviction or commitment of any case relied upon by the  
 4944 prosecution.
- 4945 (b)(i) The defendant shall serve notice in writing upon the prosecutor if the defendant  
 4946 intends to deny that:  
 4947 (A) the defendant is the person who was convicted or committed;  
 4948 (B) the defendant was represented by counsel or had waived counsel; or  
 4949 (C) the defendant's plea was understandingly or voluntarily entered.
- 4950 (ii) The notice of denial shall be served not later than five days prior to trial and shall  
 4951 state in detail the defendant's contention regarding the previous conviction and  
 4952 commitment.
- 4953 (4)(a) If the defendant enters a denial under Subsection (3)(b) and if the case is tried to a  
 4954 jury, the jury may not be told, until after it returns its verdict on the underlying felony  
 4955 charge, of the:  
 4956 (i) defendant's previous convictions for violent felonies, except as otherwise provided  
 4957 in the Utah Rules of Evidence; or

- 4958 (ii) allegation against the defendant of being a habitual violent offender.
- 4959 (b) If the jury's verdict is guilty, the defendant shall be tried regarding the allegation of  
4960 being an habitual violent offender by the same jury, if practicable, unless the  
4961 defendant waives the jury, in which case the allegation shall be tried immediately to  
4962 the court.
- 4963 (c)(i) Before or at the time of sentencing the trier of fact shall determine if this  
4964 section applies.
- 4965 (ii) The trier of fact shall consider any evidence presented at trial and the prosecution  
4966 and the defendant shall be afforded an opportunity to present any necessary  
4967 additional evidence.
- 4968 (iii) Before sentencing under this section, the trier of fact shall determine whether this  
4969 section is applicable beyond a reasonable doubt.
- 4970 (d) If any previous conviction and commitment is based upon a plea of guilty or no  
4971 contest, there is a rebuttable presumption that the conviction and commitment were  
4972 regular and lawful in all respects if the conviction and commitment occurred after  
4973 January 1, 1970. If the conviction and commitment occurred prior to January 1,  
4974 1970, the burden is on the prosecution to establish by a preponderance of the  
4975 evidence that the defendant was then represented by counsel or had lawfully waived  
4976 the right to have counsel present, and that the defendant's plea was understandingly  
4977 and voluntarily entered.
- 4978 (e) If the trier of fact finds this section applicable, the court shall enter that specific  
4979 finding on the record and shall indicate in the order of judgment and commitment  
4980 that the defendant has been found by the trier of fact to be a habitual violent offender  
4981 and is sentenced under this section.
- 4982 (5)(a) The sentencing enhancement provisions of Section 76-3-407 supersede the  
4983 provisions of this section.
- 4984 (b) Notwithstanding Subsection (5)(a), the "violent felony" offense defined in  
4985 Subsection (1)(c) shall include any felony sexual offense violation of Chapter 5, Part  
4986 4, Sexual Offenses, to determine if the convicted person is a habitual violent offender.
- 4987 (6) The sentencing enhancement described in this section does not apply if:
- 4988 (a) the offense for which the person is being sentenced is:
- 4989 (i) a grievous sexual offense;
- 4990 (ii) child kidnapping, Section 76-5-301.1;
- 4991 (iii) aggravated kidnapping, Section 76-5-302; or

- 4992 (iv) forcible sexual abuse, Section 76-5-404; and
- 4993 (b) applying the sentencing enhancement provided for in this section would result in a
- 4994 lower maximum penalty than the penalty provided for under the section that
- 4995 describes the offense for which the person is being sentenced.
- 4996 Section 78. Section **76-3-402** is amended to read:
- 4997 **76-3-402 . Conviction of lower degree of offense -- Procedure and limitations.**
- 4998 (1) As used in this section:
- 4999 (a) "Lower degree of offense" includes an offense for which:
- 5000 (i) a statutory enhancement is charged in the information or indictment that would
- 5001 increase either the maximum or the minimum sentence; and
- 5002 (ii) the court removes the statutory enhancement in accordance with this section.
- 5003 (b) "Minor regulatory offense" means the same as that term is defined in Section
- 5004 77-40a-101.
- 5005 (c)(i) "Rehabilitation program" means a program designed to reduce criminogenic
- 5006 and recidivism risks.
- 5007 (ii) "Rehabilitation program" includes:
- 5008 (A) a domestic violence treatment program, as that term is defined in Section
- 5009 26B-2-101;
- 5010 (B) a residential, vocational, and life skills program, as that term is defined in
- 5011 Section 13-53-102;
- 5012 (C) a substance abuse treatment program, as that term is defined in Section
- 5013 26B-2-101;
- 5014 (D) a substance use disorder treatment program, as that term is defined in Section
- 5015 26B-2-101;
- 5016 (E) a youth program, as that term is defined in Section 26B-2-101;
- 5017 (F) a program that meets the standards established by the Department of
- 5018 Corrections under Section 64-13-25;
- 5019 (G) a drug court, a veterans court, or a mental health court certified by the Judicial
- 5020 Council; or
- 5021 (H) a program that is substantially similar to a program described in Subsections
- 5022 (1)(c)(ii)(A) through (G).
- 5023 (d) "Serious offense" means a felony or misdemeanor offense that is not a minor
- 5024 regulatory offense or a traffic offense.
- 5025 (e) "Traffic offense" means the same as that term is defined in Section 77-40a-101.

- 5026 (f)(i) Except as provided in Subsection (1)(f)(ii), "violent felony" means the same as  
5027 that term is defined in Section 76-3-203.5.
- 5028 (ii) "Violent felony" does not include an offense, or any attempt, solicitation, or  
5029 conspiracy to commit an offense, for:
- 5030 (A) the possession, use, or removal of explosive, chemical, or incendiary devices  
5031 under Subsection 76-10-306(3), (5), or (6); or
- 5032 (B) the purchase or possession of a dangerous weapon or ~~handgun~~ firearm by a  
5033 restricted person under ~~[Section 76-10-503]~~ Section 76-11-305 or 76-11-306.
- 5034 (2) The court may enter a judgment of conviction for a lower degree of offense than  
5035 established by statute and impose a sentence at the time of sentencing for the lower  
5036 degree of offense if the court:
- 5037 (a) takes into account:
- 5038 (i) the nature and circumstances of the offense of which the defendant was found  
5039 guilty; and
- 5040 (ii) the history and character of the defendant;
- 5041 (b) gives any victim present at the sentencing and the prosecuting attorney an  
5042 opportunity to be heard; and
- 5043 (c) concludes that the degree of offense established by statute would be unduly harsh to  
5044 record as a conviction on the record for the defendant.
- 5045 (3) Upon a motion from the prosecuting attorney or the defendant, the court may enter a  
5046 judgment of conviction for a lower degree of offense than established by statute:
- 5047 (a) after the defendant is successfully discharged from probation or parole for the  
5048 conviction; and
- 5049 (b) if the court finds that entering a judgment of conviction for a lower degree of offense  
5050 is in the interest of justice in accordance with Subsection (7).
- 5051 (4) Upon a motion from the prosecuting attorney or the defendant, the court may enter a  
5052 judgment of conviction for a lower degree of offense than established by statute if:
- 5053 (a) the defendant's probation or parole for the conviction did not result in a successful  
5054 discharge but the defendant is successfully discharged from probation or parole for a  
5055 subsequent conviction of an offense;
- 5056 (b)(i) at least five years have passed after the day on which the defendant is sentenced  
5057 for the subsequent conviction; or
- 5058 (ii) at least three years have passed after the day on which the defendant is sentenced  
5059 for the subsequent conviction and the prosecuting attorney consents to the

- 5060 reduction;
- 5061 (c) the defendant is not convicted of a serious offense during the time period described
- 5062 in Subsection (4)(b);
- 5063 (d) there are no criminal proceedings pending against the defendant;
- 5064 (e) the defendant is not on probation, on parole, or currently incarcerated for any other
- 5065 offense;
- 5066 (f) if the offense for which the reduction is sought is a violent felony, the prosecuting
- 5067 attorney consents to the reduction; and
- 5068 (g) the court finds that entering a judgment of conviction for a lower degree of offense is
- 5069 in the interest of justice in accordance with Subsection (7).
- 5070 (5) Upon a motion from the prosecuting attorney or the defendant, the court may enter a
- 5071 judgment of conviction for a lower degree of offense than established by statute if:
- 5072 (a) the defendant's probation or parole for the conviction did not result in a successful
- 5073 discharge but the defendant is successfully discharged from a rehabilitation program;
- 5074 (b) at least three years have passed after the day on which the defendant is successfully
- 5075 discharged from the rehabilitation program;
- 5076 (c) the defendant is not convicted of a serious offense during the time period described
- 5077 in Subsection (5)(b);
- 5078 (d) there are no criminal proceedings pending against the defendant;
- 5079 (e) the defendant is not on probation, on parole, or currently incarcerated for any other
- 5080 offense;
- 5081 (f) if the offense for which the reduction is sought is a violent felony, the prosecuting
- 5082 attorney consents to the reduction; and
- 5083 (g) the court finds that entering a judgment of conviction for a lower degree of offense is
- 5084 in the interest of justice in accordance with Subsection (7).
- 5085 (6) Upon a motion from the prosecuting attorney or the defendant, the court may enter a
- 5086 judgment of conviction for a lower degree of offense than established by statute if:
- 5087 (a) at least five years have passed after the day on which the defendant's probation or
- 5088 parole for the conviction did not result in a successful discharge;
- 5089 (b) the defendant is not convicted of a serious offense during the time period described
- 5090 in Subsection (6)(a);
- 5091 (c) there are no criminal proceedings pending against the defendant;
- 5092 (d) the defendant is not on probation, on parole, or currently incarcerated for any other
- 5093 offense;

- 5094 (e) if the offense for which the reduction is sought is a violent felony, the prosecuting  
5095 attorney consents to the reduction; and
- 5096 (f) the court finds that entering a judgment of conviction for a lower degree of offense is  
5097 in the interest of justice in accordance with Subsection (7).
- 5098 (7) In determining whether entering a judgment of a conviction for a lower degree of  
5099 offense is in the interest of justice under Subsection (3), (4), (5), or (6):
- 5100 (a) the court shall consider:
- 5101 (i) the nature, circumstances, and severity of the offense for which a reduction is  
5102 sought;
- 5103 (ii) the physical, emotional, or other harm that the defendant caused any victim of the  
5104 offense for which the reduction is sought; and
- 5105 (iii) any input from a victim of the offense; and
- 5106 (b) the court may consider:
- 5107 (i) any special characteristics or circumstances of the defendant, including the  
5108 defendant's criminogenic risks and needs;
- 5109 (ii) the defendant's criminal history;
- 5110 (iii) the defendant's employment and community service history;
- 5111 (iv) whether the defendant participated in a rehabilitative program and successfully  
5112 completed the program;
- 5113 (v) any effect that a reduction would have on the defendant's ability to obtain or  
5114 reapply for a professional license from the Department of Commerce;
- 5115 (vi) whether the level of the offense has been reduced by law after the defendant's  
5116 conviction;
- 5117 (vii) any potential impact that the reduction would have on public safety; or
- 5118 (viii) any other circumstances that are reasonably related to the defendant or the  
5119 offense for which the reduction is sought.
- 5120 (8)(a) A court may only enter a judgment of conviction for a lower degree of offense  
5121 under Subsection (3), (4), (5), or (6) after:
- 5122 (i) notice is provided to the other party;
- 5123 (ii) reasonable efforts have been made by the prosecuting attorney to provide notice  
5124 to any victims; and
- 5125 (iii) a hearing is held if a hearing is requested by either party.
- 5126 (b) A prosecuting attorney is entitled to a hearing on a motion seeking to reduce a  
5127 judgment of conviction for a lower degree of offense under Subsection (3), (4), (5),

- 5128           or (6).
- 5129           (c) In a motion under Subsection (3), (4), (5), or (6) and at a requested hearing on the
- 5130           motion, the moving party has the burden to provide evidence sufficient to
- 5131           demonstrate that the requirements under Subsection (3), (4), (5), or (6) are met.
- 5132           (d) If a defendant files a motion under this section, the prosecuting attorney shall
- 5133           respond to the motion within 35 days after the day on which the motion is filed with
- 5134           the court.
- 5135           (9) A court has jurisdiction to consider and enter a judgment of conviction for a lower
- 5136           degree of offense under Subsection (3), (4), (5), or (6) regardless of whether the
- 5137           defendant is committed to jail as a condition of probation or is sentenced to prison.
- 5138           (10)(a) An offense may be reduced only one degree under this section, unless the
- 5139           prosecuting attorney specifically agrees in writing or on the court record that the
- 5140           offense may be reduced two degrees.
- 5141           (b) An offense may not be reduced under this section by more than two degrees.
- 5142           (11) This section does not preclude an individual from obtaining or being granted an
- 5143           expungement of the individual's record in accordance with [~~Title 44, Chapter 40A,~~
- 5144           ~~Expungement of Criminal Records~~] Title 77, Chapter 40a, Expungement of Criminal
- 5145           Records.
- 5146           (12) The court may not enter a judgment for a conviction for a lower degree of offense
- 5147           under this section if:
- 5148           (a) the reduction is specifically precluded by law; or
- 5149           (b) any unpaid balance remains on court-ordered restitution for the offense for which the
- 5150           reduction is sought.
- 5151           (13) When the court enters a judgment for a lower degree of offense under this section, the
- 5152           actual title of the offense for which the reduction is made may not be altered.
- 5153           (14)(a) An individual may not obtain a reduction under this section of a conviction that
- 5154           requires the individual to register as a sex offender, kidnap offender, or child abuse
- 5155           offender until the registration requirements under Title 77, Chapter 41, Sex, Kidnap,
- 5156           and Child Abuse Offender Registry, have expired.
- 5157           (b) An individual required to register as a sex offender, kidnap offender, or child abuse
- 5158           offender for the individual's lifetime under Subsection 77-41-105(3)(c) may not be
- 5159           granted a reduction of the conviction for the offense or offenses that require the
- 5160           individual to register as a sex offender, kidnap offender, or child abuse offender.
- 5161           Section 79. Section **76-5-102.8** is amended to read:



5162 **76-5-102.8 . Disarming a peace officer -- Penalties.**

5163 (1)(a) As used in this section:

5164 (i) "Conductive energy device" means a weapon that uses electrical current to disrupt  
5165 voluntary control of muscles.

5166 (ii) "Firearm" means the same as that term is defined in Section [~~76-10-501~~]  
5167 76-11-101.

5168 (b) Terms defined in Section 76-1-101.5 apply to this section.

5169 (2) An actor commits disarming a peace officer if the actor intentionally takes or removes,  
5170 or attempts to take or remove a firearm or a conductive energy device from an individual  
5171 or immediate presence of an individual who the actor knows is a peace officer:

5172 (a) without the consent of the peace officer; and

5173 (b) while the peace officer is acting within the scope of the peace officer's authority as a  
5174 peace officer.

5175 (3)(a) A violation of Subsection (2) regarding a firearm is a first degree felony.

5176 (b) A violation of Subsection (2) regarding a conductive energy device is a third degree  
5177 felony.

5178 Section 80. Section **76-5-202** is amended to read:

5179 **76-5-202 . Aggravated murder -- Penalties -- Affirmative defense and special**  
5180 **mitigation -- Separate offense.**

5181 (1)(a) As used in this section:

5182 (i) "Correctional officer" means the same as that term is defined in Section 53-13-104.

5183 (ii) "Emergency responder" means the same as that term is defined in Section  
5184 53-2b-102.

5185 (iii) "Federal officer" means the same as that term is defined in Section 53-13-106.

5186 (iv) "Law enforcement officer" means the same as that term is defined in Section  
5187 53-13-103.

5188 (v) "Peace officer" means:

5189 (A) a correctional officer, federal officer, law enforcement officer, or special  
5190 function officer; or

5191 (B) any other person who may exercise peace officer authority in accordance with  
5192 Title 53, Chapter 13, Peace Officer Classifications.

5193 (vi) "Special function officer" means the same as that term is defined in Section  
5194 53-13-105.

5195 (vii) "Target a law enforcement officer" means an act:

- 5196 (A) involving the unlawful use of force and violence against a law enforcement  
5197 officer;
- 5198 (B) that causes serious bodily injury or death; and
- 5199 (C) that is in furtherance of political or social objectives in order to intimidate or  
5200 coerce a civilian population or to influence or affect the conduct of a  
5201 government or a unit of government.
- 5202 (viii) "Weapon of mass destruction" means the same as that term is defined in Section  
5203 76-10-401.
- 5204 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 5205 (2)(a) An actor commits aggravated murder if the actor intentionally or knowingly  
5206 causes the death of another individual under any of the following circumstances:
- 5207 (i) the actor committed homicide while confined in a jail or other correctional  
5208 institution;
- 5209 (ii)(A) the actor committed homicide incident to one act, scheme, course of  
5210 conduct, or criminal episode during which two or more individuals other than  
5211 the actor were killed; or
- 5212 (B) the actor, during commission of the homicide, attempted to kill one or more  
5213 other individuals in addition to the deceased individual;
- 5214 (iii) the actor knowingly created a great risk of death to another individual other than  
5215 the deceased individual and the actor;
- 5216 (iv) the actor committed homicide incident to an act, scheme, course of conduct, or  
5217 criminal episode during which the actor committed or attempted to commit  
5218 aggravated robbery, robbery, rape, rape of a child, object rape, object rape of a  
5219 child, forcible sodomy, sodomy upon a child, forcible sexual abuse, sexual abuse  
5220 of a child, aggravated sexual abuse of a child, aggravated child abuse as described  
5221 in Subsection 76-5-109.2(3)(a), or aggravated sexual assault, aggravated arson,  
5222 arson, aggravated burglary, burglary, aggravated kidnapping, or kidnapping, or  
5223 child kidnapping;
- 5224 (v) the actor committed homicide incident to one act, scheme, course of conduct, or  
5225 criminal episode during which the actor committed the crime of abuse or  
5226 desecration of a dead human body as described in Subsection 76-9-704(2)(e);
- 5227 (vi) the actor committed homicide for the purpose of avoiding or preventing an arrest  
5228 of the actor or another individual by a peace officer acting under color of legal  
5229 authority or for the purpose of effecting the actor's or another individual's escape

- 5230 from lawful custody;
- 5231 (vii) the actor committed homicide for pecuniary gain;
- 5232 (viii) the actor committed, engaged, or employed another person to commit the
- 5233 homicide subject to an agreement or contract for remuneration or the promise of
- 5234 remuneration for commission of the homicide;
- 5235 (ix) the actor previously committed or was convicted of:
- 5236 (A) aggravated murder under this section;
- 5237 (B) attempted aggravated murder under this section;
- 5238 (C) murder, under Section 76-5-203;
- 5239 (D) attempted murder, under Section 76-5-203; or
- 5240 (E) an offense committed in another jurisdiction which if committed in this state
- 5241 would be a violation of a crime listed in this Subsection (2)(a)(ix);
- 5242 (x) the actor was previously convicted of:
- 5243 (A) aggravated assault, under Section 76-5-103;
- 5244 (B) mayhem, under Section 76-5-105;
- 5245 (C) kidnapping, under Section 76-5-301;
- 5246 (D) child kidnapping, under Section 76-5-301.1;
- 5247 (E) aggravated kidnapping, under Section 76-5-302;
- 5248 (F) rape, under Section 76-5-402;
- 5249 (G) rape of a child, under Section 76-5-402.1;
- 5250 (H) object rape, under Section 76-5-402.2;
- 5251 (I) object rape of a child, under Section 76-5-402.3;
- 5252 (J) forcible sodomy, under Section 76-5-403;
- 5253 (K) sodomy on a child, under Section 76-5-403.1;
- 5254 (L) aggravated sexual abuse of a child, under Section 76-5-404.3;
- 5255 (M) aggravated sexual assault, under Section 76-5-405;
- 5256 (N) aggravated arson, under Section 76-6-103;
- 5257 (O) aggravated burglary, under Section 76-6-203;
- 5258 (P) aggravated robbery, under Section 76-6-302;
- 5259 (Q) felony discharge of a firearm, under Section ~~[76-10-508.1]~~ 76-11-210; or
- 5260 (R) an offense committed in another jurisdiction which if committed in this state
- 5261 would be a violation of a crime listed in this Subsection (2)(a)(x);
- 5262 (xi) the actor committed homicide for the purpose of:
- 5263 (A) preventing a witness from testifying;

- 5264 (B) preventing a person from providing evidence or participating in any legal  
5265 proceedings or official investigation;
- 5266 (C) retaliating against a person for testifying, providing evidence, or participating  
5267 in any legal proceedings or official investigation; or
- 5268 (D) disrupting or hindering any lawful governmental function or enforcement of  
5269 laws;
- 5270 (xii) the deceased individual was a local, state, or federal public official, or a  
5271 candidate for public office, and the homicide is based on, is caused by, or is  
5272 related to that official position, act, capacity, or candidacy;
- 5273 (xiii) the deceased individual was on duty in a verified position or the homicide is  
5274 based on, is caused by, or is related to the deceased individual's position, and the  
5275 actor knew, or reasonably should have known, that the deceased individual holds  
5276 or has held the position of:
- 5277 (A) a peace officer;
- 5278 (B) an executive officer, prosecuting officer, jailer, or prison official;
- 5279 (C) a firefighter, search and rescue personnel, emergency medical personnel,  
5280 ambulance personnel, or any other emergency responder;
- 5281 (D) a judge or other court official, juror, probation officer, or parole officer; or
- 5282 (E) a security officer contracted to secure, guard, or otherwise protect tangible  
5283 personal property, real property, or the life and well-being of human or animal  
5284 life in the area of the offense;
- 5285 (xiv) the actor committed homicide:
- 5286 (A) by means of a destructive device, bomb, explosive, incendiary device, or  
5287 similar device which was planted, hidden, or concealed in any place, area,  
5288 dwelling, building, or structure, or was mailed or delivered;
- 5289 (B) by means of any weapon of mass destruction; or
- 5290 (C) to target a law enforcement officer;
- 5291 (xv) the actor committed homicide during the act of unlawfully assuming control of  
5292 an aircraft, train, or other public conveyance by use of threats or force with intent  
5293 to:
- 5294 (A) obtain any valuable consideration for the release of the public conveyance or  
5295 any passenger, crew member, or any other person aboard;
- 5296 (B) direct the route or movement of the public conveyance; or
- 5297 (C) otherwise exert control over the public conveyance;

- 5298 (xvi) the actor committed homicide by means of the administration of a poison or of  
5299 any lethal substance or of any substance administered in a lethal amount, dosage,  
5300 or quantity;
- 5301 (xvii) the deceased individual was held or otherwise detained as a shield, hostage, or  
5302 for ransom;
- 5303 (xviii) the actor committed homicide in an especially heinous, atrocious, cruel, or  
5304 exceptionally depraved manner, any of which must be demonstrated by physical  
5305 torture, serious physical abuse, or serious bodily injury of the deceased individual  
5306 before death;
- 5307 (xix) the actor dismembers, mutilates, or disfigures the deceased individual's body,  
5308 whether before or after death, in a manner demonstrating the actor's depravity of  
5309 mind; or
- 5310 (xx) the deceased individual, at the time of the death of the deceased individual:  
5311 (A) was younger than 14 years old; and  
5312 (B) was not an unborn child.
- 5313 (b) An actor commits aggravated murder if the actor, with reckless indifference to  
5314 human life, causes the death of another individual incident to an act, scheme, course  
5315 of conduct, or criminal episode during which the actor is a major participant in the  
5316 commission or attempted commission of:
- 5317 (i) aggravated child abuse, punishable as a felony of the second degree under  
5318 Subsection 76-5-109.2(3)(a);
- 5319 (ii) child kidnapping, under Section 76-5-301.1;
- 5320 (iii) rape of a child, under Section 76-5-402.1;
- 5321 (iv) object rape of a child, under Section 76-5-402.3;
- 5322 (v) sodomy on a child, under Section 76-5-403.1; or
- 5323 (vi) sexual abuse or aggravated sexual abuse of a child, under Section 76-5-404.1.
- 5324 (3)(a) If a notice of intent to seek the death penalty has been filed, a violation of  
5325 Subsection (2) is a capital felony.
- 5326 (b) If a notice of intent to seek the death penalty has not been filed, aggravated murder is  
5327 a noncapital first degree felony punishable as provided in Section 76-3-207.7.
- 5328 (c)(i) Within 60 days after arraignment of the defendant, the prosecutor may file  
5329 notice of intent to seek the death penalty.
- 5330 (ii) The notice shall be served on the defendant or defense counsel and filed with the  
5331 court.

- 5332 (iii) Notice of intent to seek the death penalty may be served and filed more than 60  
5333 days after the arraignment upon written stipulation of the parties or upon a finding  
5334 by the court of good cause.
- 5335 (d) Without the consent of the prosecutor, the court may not accept a plea of guilty to  
5336 noncapital first degree felony aggravated murder during the period in which the  
5337 prosecutor may file a notice of intent to seek the death penalty under Subsection  
5338 (3)(c)(i).
- 5339 (e) If the defendant was younger than 18 years old at the time the offense was  
5340 committed, aggravated murder is a noncapital first degree felony punishable as  
5341 provided in Section 76-3-207.7.
- 5342 (f) Notwithstanding Subsection (3)(a) or (3)(b), if the trier of fact finds the elements of  
5343 aggravated murder, or alternatively, attempted aggravated murder, as described in  
5344 this section, are proved beyond a reasonable doubt, and also finds that the existence  
5345 of special mitigation is established by a preponderance of the evidence and in  
5346 accordance with Section 76-5-205.5, the court shall enter a judgment of conviction as  
5347 follows:
- 5348 (i) if the trier of fact finds the defendant guilty of aggravated murder, the court shall  
5349 enter a judgment of conviction for murder; or
- 5350 (ii) if the trier of fact finds the defendant guilty of attempted aggravated murder, the  
5351 court shall enter a judgment of conviction for attempted murder.
- 5352 (4)(a) It is an affirmative defense to a charge of aggravated murder or attempted  
5353 aggravated murder that the actor caused the death of another or attempted to cause  
5354 the death of another under a reasonable belief that the circumstances provided a legal  
5355 justification or excuse for the conduct although the conduct was not legally justifiable  
5356 or excusable under the existing circumstances.
- 5357 (b) The reasonable belief of the actor under Subsection (4)(a) shall be determined from  
5358 the viewpoint of a reasonable person under the then existing circumstances.
- 5359 (c) Notwithstanding Subsection (3)(a) or (3)(b), if the trier of fact finds the elements of  
5360 aggravated murder, or alternatively, attempted aggravated murder, as described in  
5361 this section, are proved beyond a reasonable doubt, and also finds the affirmative  
5362 defense described in this Subsection (4) is not disproven beyond a reasonable doubt,  
5363 the court shall enter a judgment of conviction as follows:
- 5364 (i) if the trier of fact finds the defendant guilty of aggravated murder, the court shall  
5365 enter a judgment of conviction for murder; or

5366 (ii) if the trier of fact finds the defendant guilty of attempted aggravated murder, the  
5367 court shall enter a judgment of conviction for attempted murder.

5368 (5)(a) Any aggravating circumstance described in Subsection (2) that constitutes a  
5369 separate offense does not merge with the crime of aggravated murder.

5370 (b) An actor who is convicted of aggravated murder, based on an aggravating  
5371 circumstance described in Subsection (2) that constitutes a separate offense, may also  
5372 be convicted of, and punished for, the separate offense.

5373 Section 81. Section **76-5-203** is amended to read:

5374 **76-5-203 . Murder -- Penalties-- Affirmative defense and special mitigation --**  
5375 **Separate offenses.**

5376 (1)(a) As used in this section, "predicate offense" means:

- 5377 (i) a clandestine drug lab violation under Section 58-37d-4 or 58-37d-5;
- 5378 (ii) aggravated child abuse, under Subsection 76-5-109.2(3)(a), when the abused  
5379 individual is younger than 18 years old;
- 5380 (iii) kidnapping under Section 76-5-301;
- 5381 (iv) child kidnapping under Section 76-5-301.1;
- 5382 (v) aggravated kidnapping under Section 76-5-302;
- 5383 (vi) rape under Section 76-5-402;
- 5384 (vii) rape of a child under Section 76-5-402.1;
- 5385 (viii) object rape under Section 76-5-402.2;
- 5386 (ix) object rape of a child under Section 76-5-402.3;
- 5387 (x) forcible sodomy under Section 76-5-403;
- 5388 (xi) sodomy upon a child under Section 76-5-403.1;
- 5389 (xii) forcible sexual abuse under Section 76-5-404;
- 5390 (xiii) sexual abuse of a child under Section 76-5-404.1;
- 5391 (xiv) aggravated sexual abuse of a child under Section 76-5-404.3;
- 5392 (xv) aggravated sexual assault under Section 76-5-405;
- 5393 (xvi) arson under Section 76-6-102;
- 5394 (xvii) aggravated arson under Section 76-6-103;
- 5395 (xviii) burglary under Section 76-6-202;
- 5396 (xix) aggravated burglary under Section 76-6-203;
- 5397 (xx) robbery under Section 76-6-301;
- 5398 (xxi) aggravated robbery under Section 76-6-302;
- 5399 (xxii) escape under Section 76-8-309;

- 5400 (xxiii) aggravated escape under Section 76-8-309.3; or  
5401 (xxiv) a felony violation of Section [~~76-10-508~~] 76-11-209 or [~~76-10-508.1~~] 76-11-210  
5402 regarding discharge of a firearm or dangerous weapon.
- 5403 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 5404 (2) An actor commits murder if:
- 5405 (a) the actor intentionally or knowingly causes the death of another individual;
- 5406 (b) intending to cause serious bodily injury to another individual, the actor commits an  
5407 act clearly dangerous to human life that causes the death of the other individual;
- 5408 (c) acting under circumstances evidencing a depraved indifference to human life, the  
5409 actor knowingly engages in conduct that creates a grave risk of death to another  
5410 individual and thereby causes the death of the other individual;
- 5411 (d)(i) the actor is engaged in the commission, attempted commission, or immediate  
5412 flight from the commission or attempted commission of any predicate offense, or  
5413 is a party to the predicate offense;
- 5414 (ii) an individual other than a party described in Section 76-2-202 is killed in the  
5415 course of the commission, attempted commission, or immediate flight from the  
5416 commission or attempted commission of any predicate offense; and
- 5417 (iii) the actor acted with the intent required as an element of the predicate offense;
- 5418 (e) the actor recklessly causes the death of a peace officer or military service member in  
5419 uniform while in the commission or attempted commission of:
- 5420 (i) an assault against a peace officer under Section 76-5-102.4;
- 5421 (ii) interference with a peace officer while making a lawful arrest under Section  
5422 76-8-305 if the actor uses force against the peace officer; or
- 5423 (iii) an assault against a military service member in uniform under Section 76-5-102.4;
- 5424 or
- 5425 (f) the actor commits a homicide that would be aggravated murder, but the offense is  
5426 reduced in accordance with Subsection 76-5-202(4).
- 5427 (3)(a)(i) A violation of Subsection (2) is a first degree felony.
- 5428 (ii) A defendant who is convicted of murder shall be sentenced to imprisonment for  
5429 an indeterminate term of not less than 15 years and which may be for life.
- 5430 (b) Notwithstanding Subsection (3)(a), if the trier of fact finds the elements of murder,  
5431 or alternatively, attempted murder, as described in this section are proved beyond a  
5432 reasonable doubt, and also finds that the existence of special mitigation is established  
5433 by a preponderance of the evidence and in accordance with Section 76-5-205.5, the



- 5434 court shall enter a judgment of conviction as follows:
- 5435 (i) if the trier of fact finds the defendant guilty of murder, the court shall enter a
- 5436 judgment of conviction for manslaughter; or
- 5437 (ii) if the trier of fact finds the defendant guilty of attempted murder, the court shall,
- 5438 notwithstanding Subsection 76-4-102(1)(b) or 76-4-102(1)(c)(i), enter a judgment
- 5439 of conviction for attempted manslaughter.
- 5440 (4)(a) It is an affirmative defense to a charge of murder or attempted murder that the
- 5441 defendant caused the death of another individual or attempted to cause the death of
- 5442 another individual under a reasonable belief that the circumstances provided a legal
- 5443 justification or excuse for the conduct although the conduct was not legally justifiable
- 5444 or excusable under the existing circumstances.
- 5445 (b) The reasonable belief of the actor under Subsection (4)(a) shall be determined from
- 5446 the viewpoint of a reasonable person under the then existing circumstances.
- 5447 (c) Notwithstanding Subsection (3)(a), if the trier of fact finds the elements of murder, or
- 5448 alternatively, attempted murder, as described in this section are proved beyond a
- 5449 reasonable doubt, and also finds the affirmative defense described in this Subsection
- 5450 (4) is not disproven beyond a reasonable doubt, the court shall enter a judgment of
- 5451 conviction as follows:
- 5452 (i) if the trier of fact finds the defendant guilty of murder, the court shall enter a
- 5453 judgment of conviction for manslaughter; or
- 5454 (ii) if the trier of fact finds the defendant guilty of attempted murder, the court shall
- 5455 enter a judgment of conviction for attempted manslaughter.
- 5456 (5)(a) Any predicate offense that constitutes a separate offense does not merge with the
- 5457 crime of murder.
- 5458 (b) An actor who is convicted of murder, based on a predicate offense that constitutes a
- 5459 separate offense, may also be convicted of, and punished for, the separate offense.
- 5460 Section 82. Section **76-8-311.1** is amended to read:
- 5461 **76-8-311.1 . Establishment of secure areas -- Items prohibited -- References to**
- 5462 **penalty provisions.**
- 5463 (1)(a) As used in this section:
- 5464 (i) "Correctional facility" means the same as that term is defined in Section
- 5465 76-8-311.3.
- 5466 (ii) "Dangerous weapon" means the same as that term is defined in Section [
- 5467 ~~76-10-501~~] 76-11-101.

- 5468 (iii) "Explosive" means the same as the term "explosive, chemical, or incendiary  
5469 device" defined in Section 76-10-306.
- 5470 (iv) "Firearm" means the same as that term is defined in Section ~~[76-10-501]~~  
5471 76-11-101.
- 5472 (v) "Law enforcement facility" means a facility that is owned, leased, or operated by  
5473 a law enforcement agency.
- 5474 (vi) "Mental health facility" means the same as that term is defined in Section  
5475 26B-5-301.
- 5476 (vii)(A) "Secure area" means an area created under this section into which certain [  
5477 ~~persons~~] individuals are restricted from transporting a firearm or other  
5478 dangerous weapon, ammunition, or explosive.
- 5479 (B) ~~[A "secure area" may]~~ "Secure area" does not include any area normally  
5480 accessible to the public.
- 5481 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- 5482 (2)(a) The State Tax Commission or a correctional, law enforcement, or mental health  
5483 facility may establish secure areas within the facility and may prohibit or control by  
5484 rule any firearm or other dangerous weapon, ammunition, or explosive.
- 5485 (b) ~~[Subsections (2)(a), (3), (4), and (5) apply]~~ This section applies to:
- 5486 (i) ~~[-]a higher education secure area hearing room [referred to in Subsections~~  
5487 53B-3-103(2)(a)(ii) and (b)] established in accordance with Section 53B-3-103; and
- 5488 (ii) a secure area established by the Judicial Council in accordance with Section  
5489 78A-2-203.
- 5490 (3) An entity that creates a secure area under this section shall ensure that at least one notice  
5491 is prominently displayed at each entrance to the secure area in which a firearm,  
5492 ammunition, dangerous weapon, or explosive is restricted.
- 5493 (4)(a) An entity that creates a secure area under this section shall provide a secure  
5494 weapons storage area so that an individual entering the secure area may store the  
5495 individual's weapon before entering the secure area.
- 5496 (b) The entity operating the facility shall be responsible for a weapon while the weapon  
5497 is stored in the storage area described in Subsection (4)(a).
- 5498 (5)(a) An actor who transports a firearm or other dangerous weapon or ammunition into  
5499 a secure area created under this section or a higher education secure area hearing  
5500 room created under this section may be punished under Section 76-8-311.2.
- 5501 (b) An actor who knowingly or intentionally transports, possesses, distributes, or sells an

5502 explosive in a secure area or a higher education secure area hearing room created  
5503 under this section may be punished under Section 76-10-306.

5504 (c) It is a defense to a prosecution related to this section that the actor acted in  
5505 conformity with the facility's rule or policy established pursuant to this section.

5506 Section 83. Section **76-8-311.2** is amended to read:

5507 **76-8-311.2 . Prohibited dangerous weapon or ammunition in a secure area.**

5508 (1)(a) As used in this section:

5509 (i) "Correctional facility" means the same as that term is defined in Section  
5510 76-8-311.3.

5511 (ii) "Dangerous weapon" means the same as that term is defined in Section [  
5512 ~~76-10-501~~] 76-11-101.

5513 (iii) "Firearm" means the same as that term is defined in Section [~~76-10-501~~]  
5514 76-11-101.

5515 (iv) "Higher education secure area" means a higher education secure area hearing  
5516 room created under Section 76-8-311.1.

5517 (v) "Law enforcement facility" means the same as that term is defined in Section  
5518 76-8-311.1.

5519 (vi) "Secure area" means the same as that term is defined in Section 76-8-311.1.

5520 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

5521 (2) An actor commits prohibited dangerous weapon or ammunition in a secure area if the  
5522 actor knowingly or intentionally transports a firearm or other dangerous weapon or  
5523 ammunition into:

5524 (a) a correctional facility;

5525 (b) a secure area created by the State Tax Commission;

5526 (c) a secure area in a law enforcement facility or a mental health facility; or

5527 (d) a higher education secure area.

5528 (3) Except as provided in Section 76-8-311.4, 76-8-311.6, or 76-8-311.7, a violation of  
5529 Subsection (2) is a third degree felony.

5530 (4) It is a defense to a prosecution under this section that the actor acted in conformity with  
5531 the facility's rule or policy established under Section 76-8-311.1.

5532 Section 84. Section **76-8-311.3** is amended to read:

5533 **76-8-311.3 . Establishment of prohibited item policy in a correctional or mental**  
5534 **health facility -- Reference to penalty provisions -- Exceptions -- Rulemaking.**

5535 (1)(a) As used in this section:

- 5536 (i) "Communication device" means a device designed to receive or transmit an  
5537 image, text message, email, video, location information, or voice communication,  
5538 or another device that can be used to communicate electronically.
- 5539 (ii) "Controlled substance" means a substance defined as a controlled substance under  
5540 Title 58, Chapter 37, Utah Controlled Substances Act.
- 5541 (iii) "Correctional facility" means:  
5542 (A) a facility operated by or contracting with the Department of Corrections to  
5543 house an offender in either a secure or nonsecure setting;  
5544 (B) a facility operated by a municipality or a county to house or detain an offender;  
5545 (C) a juvenile detention facility; or  
5546 (D) a building or grounds appurtenant to a facility or land granted to the state,  
5547 municipality, or county for use as a correctional facility.
- 5548 (iv) "Dangerous weapon" means the same as that term is defined in Section [  
5549 ~~76-10-501~~] 76-11-101.
- 5550 (v) "Electronic cigarette product" means the same as that term is defined in Section  
5551 76-10-101.
- 5552 (vi) "Firearm" means the same as that term is defined in Section [~~76-10-501~~]  
5553 76-11-101.
- 5554 (vii) "Medicine" means a prescription drug as defined in Title 58, Chapter 17b,  
5555 Pharmacy Practice Act, but does not include a controlled substance as defined in  
5556 Title 58, Chapter 37, Utah Controlled Substances Act.
- 5557 (viii) "Mental health facility" means the same as that term is defined in Section  
5558 26B-5-301.
- 5559 (ix) "Nicotine product" means the same as that term is defined in Section 76-10-101.
- 5560 (x) "Offender" means an individual in custody at a correctional facility.
- 5561 (xi) "Secure area" means the same as that term is defined in Section 76-8-311.1.
- 5562 (xii) "Tobacco product" means the same as that term is defined in Section 76-10-101.
- 5563 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- 5564 (2)(a) Notwithstanding Section [~~76-10-500~~] 53-5a-102, a correctional facility or mental  
5565 health facility may prohibit a firearm, ammunition, a dangerous weapon, an  
5566 implement of escape, an explosive, a controlled substance, spirituous or fermented  
5567 liquor, medicine, or poison from being:  
5568 (i) transported to or within a correctional facility or mental health facility;  
5569 (ii) sold or given away to an offender at a correctional facility or mental health

- 5570 facility; or
- 5571 (iii) possessed by an offender or another individual at a correctional facility or mental
- 5572 health facility.
- 5573 (b) A correctional facility may prohibit a communication device from being:
- 5574 (i) transported within the correctional facility for the purpose of being sold to an
- 5575 offender in the correctional facility;
- 5576 (ii) sold or given away to an offender in the correctional facility; or
- 5577 (iii) possessed by an offender or another individual at the correctional facility.
- 5578 (3) It is a defense to a prosecution related to this section that the actor, in committing the act
- 5579 made criminal by this section with respect to:
- 5580 (a) a correctional facility operated by the Department of Corrections, acted in conformity
- 5581 with departmental rule or policy;
- 5582 (b) a correctional facility operated by a municipality, acted in conformity with the policy
- 5583 of the municipality;
- 5584 (c) a correctional facility operated by a county, acted in conformity with the policy of
- 5585 the county; or
- 5586 (d) a mental health facility, acted in conformity with the policy of the mental health
- 5587 facility.
- 5588 (4)(a) Except as provided by Subsection (4)(b) or (4)(c), an actor may be charged under
- 5589 Section 76-8-311.4, 76-8-311.6, 76-8-311.7, 76-8-311.8, 76-8-311.9, 76-8-311.10, or
- 5590 76-8-311.11 for a violation of a policy or rule created under this section.
- 5591 (b) An actor who knowingly or intentionally transports, possesses, distributes, or sells an
- 5592 explosive in a correctional facility or a mental health facility may be punished under
- 5593 Section 76-10-306.
- 5594 (c) The possession, distribution, or use of a controlled substance at a correctional facility
- 5595 or in a secure area of a mental health facility shall be charged under Title 58, Chapter
- 5596 37, Utah Controlled Substances Act.
- 5597 Section 85. Section **76-8-311.4** is amended to read:
- 5598 **76-8-311.4 . Prohibited item in correctional or mental health facility for use by**
- 5599 **offender or detainee.**
- 5600 (1)(a) As used in this section:
- 5601 (i) "Correctional facility" means the same as that term is defined in Section
- 5602 76-8-311.3.
- 5603 (ii) "Dangerous weapon" means the same as that term is defined in Section [

5604 ~~76-10-501~~] 76-11-101.

5605 (iii) "Mental health facility" means the same as that term is defined in Section  
5606 76-8-311.3.

5607 (iv) "Offender" means the same as that term is defined in Section 76-8-311.3.

5608 (v) "Secure area" means the same as that term is defined in Section 76-8-311.1.

5609 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

5610 (2) An actor commits prohibited item in correctional or mental health facility for use by  
5611 offender or detainee if the actor:

5612 (a) transports a dangerous weapon, ammunition, or implement of escape to or within a  
5613 correctional facility, or into a secure area of a mental health facility, with the intent to  
5614 provide or sell to an offender or detainee the dangerous weapon, ammunition, or  
5615 implement of escape; or

5616 (b) provides or sells a dangerous weapon, ammunition, or implement of escape to:

5617 (i) an offender at a correctional facility; or

5618 (ii) a detainee at a secure area of a mental health facility.

5619 (3) Except as provided in Subsection (4), a violation of Subsection (2) is a second degree  
5620 felony.

5621 (4) The defenses provided in Section 76-8-311.3 apply to this section.

5622 Section 86. Section **76-8-311.6** is amended to read:

5623 **76-8-311.6 . Possession of prohibited item by offender or detainee in correctional**  
5624 **or mental health facility.**

5625 (1)(a) As used in this section:

5626 (i) "Correctional facility" means the same as that term is defined in Section  
5627 76-8-311.3.

5628 (ii) "Dangerous weapon" means the same as that term is defined in Section [  
5629 ~~76-10-501~~] 76-11-101.

5630 (iii) "Mental health facility" means the same as that term is defined in Section  
5631 76-8-311.3.

5632 (iv) "Offender" means the same as that term is defined in Section 76-8-311.3.

5633 (v) "Secure area" means the same as that term is defined in Section 76-8-311.1.

5634 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

5635 (2) An actor commits possession of prohibited item by offender or detainee in correctional  
5636 or mental health facility if the actor:

5637 (a)(i) is an offender at a correctional facility; or

- 5638 (ii) is a detainee at a mental health facility; and
- 5639 (b) possesses a dangerous weapon, ammunition, or an implement of escape.
- 5640 (3) Except as provided in Subsection (4), a violation of Subsection (2) is a second degree
- 5641 felony.
- 5642 (4) The defenses provided in Section 76-8-311.3 apply to this section.
- 5643 Section 87. Section **76-8-311.7** is amended to read:
- 5644 **76-8-311.7 . Possession of prohibited item in correctional facility or secure area**
- 5645 **of mental health facility.**
- 5646 (1)(a) As used in this section:
- 5647 (i) "Correctional facility" means the same as that term is defined in Section
- 5648 76-8-311.3.
- 5649 (ii) "Dangerous weapon" means the same as that term is defined in Section [
- 5650 ~~76-10-501~~] 76-11-101.
- 5651 (iii) "Mental health facility" means the same as that term is defined in Section
- 5652 76-8-311.3.
- 5653 (iv) "Secure area" means the same as that term is defined in Section 76-8-311.1.
- 5654 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- 5655 (2) An actor commits possession of prohibited item in correctional facility or secure area of
- 5656 mental health facility if the actor, without the permission of the authority operating the
- 5657 correctional facility or the secure area of a mental health facility, knowingly possesses a
- 5658 dangerous weapon, ammunition, or implement of escape at a correctional facility or in a
- 5659 secure area of a mental health facility.
- 5660 (3) Except as provided in Section 76-8-311.6 or Subsection (4), a violation of Subsection
- 5661 (2) is a third degree felony.
- 5662 (4) The defenses provided in Section 76-8-311.3 apply to this section.
- 5663 Section 88. Section **76-9-802** is amended to read:
- 5664 **76-9-802 . Definitions.**
- 5665 As used in this part:
- 5666 (1) "Criminal street gang" means an organization, association in fact, or group of three or
- 5667 more persons, whether operated formally or informally:
- 5668 (a) that is currently in operation;
- 5669 (b) that has as one of its primary activities the commission of one or more predicate
- 5670 gang crimes;
- 5671 (c) that has, as a group, an identifying name or identifying sign or symbol, or both; and

- 5672 (d) whose members, acting individually or in concert with other members, engage in or  
5673 have engaged in a pattern of criminal gang activity.
- 5674 (2) "Intimidate" means the use of force, duress, violence, coercion, menace, or threat of  
5675 harm for the purpose of causing an individual to act or refrain from acting.
- 5676 (3) "Minor" means a person younger than 18 years old.
- 5677 (4) "Pattern of criminal gang activity" means:
- 5678 (a) committing, attempting to commit, conspiring to commit, or soliciting the  
5679 commission of two or more predicate gang crimes within five years;
- 5680 (b) the predicate gang crimes are:
- 5681 (i) committed by two or more persons; or  
5682 (ii) committed by an individual at the direction of, or in association with a criminal  
5683 street gang; and
- 5684 (c) the criminal activity was committed with the specific intent to promote, further, or  
5685 assist in any criminal conduct by members of the criminal street gang.
- 5686 (5)(a) "Predicate gang crime" means any of the following offenses:
- 5687 (i) Title 41, Chapter 1a, Motor Vehicle Act:
- 5688 (A) Section 41-1a-1313, regarding possession of a motor vehicle without an  
5689 identification number;
- 5690 (B) Section 41-1a-1315, regarding false evidence of title and registration;
- 5691 (C) Section 41-1a-1316, regarding receiving or transferring stolen vehicles;
- 5692 (D) Section 41-1a-1317, regarding selling or buying a motor vehicle without an  
5693 identification number; or
- 5694 (E) Section 41-1a-1318, regarding the fraudulent alteration of an identification  
5695 number;
- 5696 (ii) any criminal violation of the following provisions:
- 5697 (A) Title 58, Chapter 37, Utah Controlled Substances Act;
- 5698 (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
- 5699 (C) Title 58, Chapter 37b, Imitation Controlled Substances Act; or  
5700 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act;
- 5701 (iii) Sections 76-5-102 through 76-5-103.5, which address assault offenses;
- 5702 (iv) [Title 76,]Chapter 5, Part 2, Criminal Homicide;
- 5703 (v) Sections 76-5-301 through 76-5-304, which address kidnapping and related  
5704 offenses;
- 5705 (vi) a felony offense under Title 76, Chapter 5, Part 4, Sexual Offenses;



- 5706 (vii) [~~Title 76,~~]Chapter 6, Part 1, Property Destruction;
- 5707 (viii) [~~Title 76,~~]Chapter 6, Part 2, Burglary and Criminal Trespass;
- 5708 (ix) [~~Title 76,~~]Chapter 6, Part 3, Robbery;
- 5709 (x) a felony offense under [~~Title 76,~~]Chapter 6, Part 4, Theft, or under [~~Title 76,~~]
- 5710 Chapter 6, Part 6, Retail Theft, except Sections 76-6-404.5, 76-6-405, 76-6-407,
- 5711 76-6-408, 76-6-409, 76-6-409.1, 76-6-409.3, 76-6-409.6, 76-6-409.7, 76-6-409.8,
- 5712 76-6-409.9, 76-6-410, and 76-6-410.5;
- 5713 (xi) [~~Title 76,~~]Chapter 6, Part 5, Fraud, except Sections 76-6-504, 76-6-505, 76-6-507,
- 5714 76-6-508, 76-6-509, 76-6-510, 76-6-511, 76-6-512, 76-6-513, 76-6-514, 76-6-516,
- 5715 76-6-517, 76-6-518, and 76-6-520;
- 5716 (xii) [~~Title 76,~~]Chapter 6, Part 11, Identity Fraud Act;
- 5717 (xiii) [~~Title 76,~~]Chapter 8, Part 3, Obstructing Governmental Operations, except
- 5718 Sections 76-8-302, 76-8-303, 76-8-307, 76-8-308, and 76-8-312;
- 5719 (xiv) tampering with a witness under Section 76-8-508;
- 5720 (xv) retaliation against a witness, victim, or informant under Section 76-8-509.3;
- 5721 (xvi) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
- 5722 (xvii) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509;
- 5723 (xviii) a misdemeanor violation of disorderly conduct under Section 76-9-102, if the
- 5724 violation occurs at an official meeting;
- 5725 (xix) [~~Title 76,~~]Chapter 10, Part 3, Explosives;
- 5726 [~~(xx) Title 76, Chapter 10, Part 5, Weapons;~~]
- 5727 [~~(xxi)~~ (xx) [~~Title 76,~~]Chapter 10, Part 15, Bus Passenger Safety Act;
- 5728 [~~(xxii)~~ (xxi) [~~Title 76,~~]Chapter 10, Part 16, Pattern of Unlawful Activity Act;
- 5729 [~~(xxiii)~~ (xxii) communications fraud under Section 76-10-1801;
- 5730 [~~(xxiv)~~ (xxiii) [~~Title 76,~~]Chapter 10, Part 19, Money Laundering and Currency
- 5731 Transaction Reporting Act;[~~or~~]
- 5732 [~~(xxv)~~ (xxiv) burglary of a research facility under Section 76-10-2002; or
- 5733 (xxv) Chapter 11, Weapons.
- 5734 (b) "Predicate gang crime" also includes:
- 5735 (i) any state or federal criminal offense that by its nature involves a substantial risk
- 5736 that physical force may be used against another in the course of committing the
- 5737 offense; and
- 5738 (ii) any felony violation of a criminal statute of any other state, the United States, or
- 5739 any district, possession, or territory of the United States which would constitute a

5740 violation of any offense in Subsection (4)(a) if committed in this state.

5741 Section 89. Section **76-9-804** is amended to read:

5742 **76-9-804 . Convicted criminal gang offender -- Prohibition.**

- 5743 (1) A person who has been convicted of a crime for which the penalty was enhanced under  
5744 Section 76-3-203.1 may not, except where a greater penalty is applicable under this title,  
5745 possess a dangerous weapon as defined in either Section 76-1-101.5 or [~~76-10-501~~]  
5746 76-11-101, ammunition, or a facsimile of a firearm within five years after the conviction.  
5747 (2) A violation of Subsection (1) is a class A misdemeanor.

5748 Section 90. Section **76-9-902** is amended to read:

5749 **76-9-902 . Definitions.**

5750 As used in this part:

- 5751 (1) "Criminal street gang" means an organization, association in fact, or group of three or  
5752 more persons, whether operated formally or informally:  
5753 (a) that is currently in operation;  
5754 (b) that has as one of its substantial activities the commission of one or more predicate  
5755 gang crimes;  
5756 (c) that has, as a group, an identifying name or an identifying sign or symbol, or both;  
5757 and  
5758 (d) whose members, acting individually or in concert with other members, engage in or  
5759 have engaged in a pattern of criminal gang activity.
- 5760 (2) "Gang loitering" means a person remains in one place under circumstances that would  
5761 cause a reasonable person to believe that the purpose or effect of that behavior is to  
5762 enable or facilitate a criminal street gang to:  
5763 (a) establish control over one or more identifiable areas;  
5764 (b) intimidate others from entering those areas; or  
5765 (c) conceal illegal activities.
- 5766 (3) "Pattern of criminal gang activity" means committing, attempting to commit, conspiring  
5767 to commit, or soliciting the commission of two or more predicate gang crimes within  
5768 five years, if the predicate gang crimes are committed:  
5769 (a)(i) by two or more persons; or  
5770 (ii) by an individual at the direction of or in association with a criminal street gang;  
5771 and  
5772 (b) with the specific intent to promote, further, or assist in any criminal conduct by  
5773 members of a criminal street gang.

- 5774 (4)(a) "Predicate gang crime" means any of the following offenses:
- 5775 (i) a criminal violation of:
- 5776 (A) Title 58, Chapter 37, Utah Controlled Substances Act;
- 5777 (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
- 5778 (C) Title 58, Chapter 37b, Imitation Controlled Substances Act; or
- 5779 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act;
- 5780 (ii) Sections 76-5-102 through 76-5-103.5, which address assault offenses;
- 5781 (iii) ~~[Title 76,]~~Chapter 5, Part 2, Criminal Homicide;
- 5782 (iv) Sections 76-5-301 through 76-5-304, which address kidnapping and related
- 5783 offenses;
- 5784 (v) a felony offense under ~~[Title 76,]~~Chapter 5, Part 4, Sexual Offenses;
- 5785 (vi) ~~[Title 76,]~~Chapter 6, Part 1, Property Destruction;
- 5786 (vii) ~~[Title 76,]~~Chapter 6, Part 2, Burglary and Criminal Trespass;
- 5787 (viii) ~~[Title 76,]~~Chapter 6, Part 3, Robbery;
- 5788 (ix) a felony offense under ~~[Title 76,]~~Chapter 6, Part 4, Theft, except Sections
- 5789 76-6-404.5, 76-6-405, 76-6-407, 76-6-408, 76-6-409, 76-6-409.1, 76-6-409.3,
- 5790 76-6-409.6, 76-6-409.7, 76-6-409.8, 76-6-409.9, 76-6-410, and 76-6-410.5;
- 5791 (x) ~~[Title 76,]~~Chapter 6, Part 5, Fraud, except Sections 76-6-504, 76-6-505, 76-6-507,
- 5792 76-6-508, 76-6-509, 76-6-510, 76-6-511, 76-6-512, 76-6-513, 76-6-514, 76-6-516,
- 5793 76-6-517, 76-6-518, and 76-6-520;
- 5794 (xi) ~~[Title 76,]~~Chapter 6, Part 11, Identity Fraud Act;
- 5795 (xii) ~~[Title 76,]~~Chapter 8, Part 3, Obstructing Governmental Operations, except
- 5796 Sections 76-8-302, 76-8-303, 76-8-307, 76-8-308, and 76-8-312;
- 5797 (xiii) tampering with a witness under Section 76-8-508;
- 5798 (xiv) retaliation against a witness, victim, or informant under Section 76-8-508.3;
- 5799 (xv) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
- 5800 (xvi) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509;
- 5801 (xvii) a misdemeanor violation of disorderly conduct under Section 76-9-102, if the
- 5802 violation occurs at an official meeting;
- 5803 (xviii) ~~[Title 76,]~~Chapter 10, Part 3, Explosives;
- 5804 ~~[(xix) Title 76, Chapter 10, Part 5, Weapons;]~~
- 5805 ~~[(xx)]~~ (xix) ~~[Title 76,]~~Chapter 10, Part 15, Bus Passenger Safety Act;
- 5806 ~~[(xxi)]~~ (xx) ~~[Title 76,]~~Chapter 10, Part 16, Pattern of Unlawful Activity Act;
- 5807 ~~[(xxii)]~~ (xxi) communications fraud under Section 76-10-1801;

- 5808 [~~(xxiii)~~] (xxii) [Title 76,] Chapter 10, Part 19, Money Laundering and Currency  
 5809 Transaction Reporting Act;
- 5810 [~~(xxiv)~~] (xxiii) burglary of a research facility under Section 76-10-2002;  
 5811 (xxiv) Chapter 11, Weapons; or  
 5812 (xxv) Title 41, Chapter 1a, Motor Vehicle Act:
- 5813 (A) Section 41-1a-1313, regarding possession of a motor vehicle without an  
 5814 identification number;
- 5815 (B) Section 41-1a-1315, regarding false evidence of title and registration;
- 5816 (C) Section 41-1a-1316, regarding receiving or transferring stolen vehicles;
- 5817 (D) Section 41-1a-1317, regarding selling or buying a vehicle without an  
 5818 identification number; and
- 5819 (E) Section 41-1a-1318, regarding the fraudulent alteration of an identification  
 5820 number.
- 5821 (b) "Predicate gang crime" also includes:
- 5822 (i) any state or federal criminal offense that by its nature involves a substantial risk  
 5823 that physical force may be used against another in the course of committing the  
 5824 offense; and
- 5825 (ii) any felony violation of a criminal statute of any other state, the United States, or  
 5826 any district, possession, or territory of the United States which would constitute  
 5827 any offense in Subsection (4)(a) if committed in this state.
- 5828 (5)(a) "Public place" means any location or structure to which the public or a substantial  
 5829 group of the public has access, and includes:
- 5830 (i) a sidewalk, street, or highway;
- 5831 (ii) a public park, public recreation facility, or any other area open to the public;
- 5832 (iii) a shopping mall, sports facility, stadium, arena, theater, movie house, or  
 5833 playhouse, or the parking lot or structure adjacent to any of these; and
- 5834 (iv) the common areas of schools, hospitals, apartment houses, office buildings,  
 5835 transport facilities, and businesses.
- 5836 (b) "Public place" includes the lobbies, hallways, elevators, restaurants and other dining  
 5837 areas, and restrooms of any of the locations or structures under Subsection (5)(a).
- 5838 Section 91. Section **76-10-306** is amended to read:
- 5839 **76-10-306 . Explosive, chemical, or incendiary device and parts -- Definitions --**  
 5840 **Persons exempted -- Penalties.**
- 5841 (1) As used in this section:

- 5842 (a) "Explosive, chemical, or incendiary device" means:
- 5843 (i) dynamite and all other forms of high explosives, including water gel, slurry,
- 5844 military C-4 (plastic explosives), blasting agents to include nitro-carbon-nitrate,
- 5845 ammonium nitrate, fuel oil mixtures, cast primers and boosters, R.D.X., P.E.T.N.,
- 5846 electric and nonelectric blasting caps, exploding cords commonly called
- 5847 detonating cord, detcord, or primacord, picric acid explosives, T.N.T. and T.N.T.
- 5848 mixtures, nitroglycerin and nitroglycerin mixtures, or any other chemical mixture
- 5849 intended to explode with fire or force;
- 5850 (ii) any explosive bomb, grenade, missile, or similar device; and
- 5851 (iii) any incendiary bomb, grenade, fire bomb, chemical bomb, or similar device,
- 5852 including any device, except kerosene lamps, if criminal intent has not been
- 5853 established, which consists of or includes a breakable container including a
- 5854 flammable liquid or compound and a wick composed of any material which, when
- 5855 ignited, is capable of igniting the flammable liquid or compound or any breakable
- 5856 container which consists of, or includes a chemical mixture that explodes with fire
- 5857 or force and can be carried, thrown, or placed.
- 5858 (b) "Explosive, chemical, or incendiary device" does not include rifle, pistol, or shotgun
- 5859 ammunition, reloading components, or muzzleloading equipment.
- 5860 (c) "Explosive, chemical, or incendiary parts" means any substances or materials or
- 5861 combinations which have been prepared or altered for use in the creation of an
- 5862 explosive, chemical, or incendiary device. These substances or materials include:
- 5863 (i) timing device, clock, or watch which has been altered in such a manner as to be
- 5864 used as the arming device in an explosive;
- 5865 (ii) pipe, end caps, or metal tubing which has been prepared for a pipe bomb; and
- 5866 (iii) mechanical timers, mechanical triggers, chemical time delays, electronic time
- 5867 delays, or commercially made or improvised items which, when used singly or in
- 5868 combination, may be used in the construction of a timing delay mechanism, booby
- 5869 trap, or activating mechanism for any explosive, chemical, or incendiary device.
- 5870 (d) "Explosive, chemical, or incendiary parts" does not include rifle, pistol, or shotgun
- 5871 ammunition, or any signaling device customarily used in operation of railroad
- 5872 equipment.
- 5873 (2) The provisions in Subsections (3) and (6) do not apply to:
- 5874 (a) any public safety officer while acting in an official capacity transporting or otherwise
- 5875 handling explosives, chemical, or incendiary devices;

- 5876 (b) any member of the armed forces of the United States or Utah National Guard while  
5877 acting in an official capacity;
- 5878 (c) any person possessing a valid permit issued under the provisions of the International  
5879 Fire Code, Section 105 and Chapter 56, or any employee of the permittee acting  
5880 within the scope of employment;
- 5881 (d) any person possessing a valid license as an importer, wholesaler, display operator,  
5882 special effects operator, or flame effects operator under the provisions of Sections  
5883 11-3-3.5 and 53-7-223; and
- 5884 (e) any person or entity possessing or controlling an explosive, chemical, or incendiary  
5885 device as part of its lawful business operations.
- 5886 (3) Any person is guilty of a second degree felony who, under circumstances not amounting  
5887 to a violation of Part 4, Weapons of Mass Destruction, knowingly, intentionally, or  
5888 recklessly possesses or controls an explosive, chemical, or incendiary device.
- 5889 (4) Any person is guilty of a first degree felony who, under circumstances not amounting to  
5890 a violation of Part 4, Weapons of Mass Destruction, knowingly or intentionally:
- 5891 (a) uses or causes to be used an explosive, chemical, or incendiary device in the  
5892 commission of or an attempt to commit a felony;
- 5893 (b) injures another or attempts to injure another person or another person's property  
5894 through the use of an explosive, chemical, or incendiary device; or
- 5895 (c) transports, possesses, distributes, or sells any explosive, chemical, or incendiary  
5896 device in a secure area established pursuant to Section 76-8-311.1, 76-8-311.3, [  
5897 ~~76-10-529~~] 76-11-218, or 78A-2-203.
- 5898 (5) Any person who, under circumstances not amounting to a violation of Part 4, Weapons  
5899 of Mass Destruction, knowingly, intentionally, or recklessly removes or causes to be  
5900 removed or carries away any explosive, chemical, or incendiary device from the  
5901 premises where the explosive, chemical, or incendiary device is kept by the lawful user,  
5902 vendor, transporter, or manufacturer without the consent or direction of the lawful  
5903 possessor is guilty of a second degree felony.
- 5904 (6) Any person who, under circumstances not amounting to a violation of Part 4, Weapons  
5905 of Mass Destruction, knowingly, intentionally, or recklessly possesses any explosive,  
5906 chemical, or incendiary parts is guilty of a third degree felony.

5907 Section 92. Section **76-10-1602** is amended to read:

5908 **76-10-1602 . Definitions.**

5909 As used in this part:

- 5910 (1) "Enterprise" means any individual, sole proprietorship, partnership, corporation,  
5911 business trust, association, or other legal entity, and any union or group of individuals  
5912 associated in fact although not a legal entity, and includes illicit as well as licit entities.
- 5913 (2) "Pattern of unlawful activity" means engaging in conduct which constitutes the  
5914 commission of at least three episodes of unlawful activity, which episodes are not  
5915 isolated, but have the same or similar purposes, results, participants, victims, or methods  
5916 of commission, or otherwise are interrelated by distinguishing characteristics. Taken  
5917 together, the episodes shall demonstrate continuing unlawful conduct and be related  
5918 either to each other or to the enterprise. At least one of the episodes comprising a  
5919 pattern of unlawful activity shall have occurred after July 31, 1981. The most recent act  
5920 constituting part of a pattern of unlawful activity as defined by this part shall have  
5921 occurred within five years of the commission of the next preceding act alleged as part of  
5922 the pattern.
- 5923 (3) "Person" includes any individual or entity capable of holding a legal or beneficial  
5924 interest in property, including state, county, and local governmental entities.
- 5925 (4) "Unlawful activity" means to directly engage in conduct or to solicit, request, command,  
5926 encourage, or intentionally aid another person to engage in conduct which would  
5927 constitute any offense described by the following crimes or categories of crimes, or to  
5928 attempt or conspire to engage in an act which would constitute any of those offenses,  
5929 regardless of whether the act is in fact charged or indicted by any authority or is  
5930 classified as a misdemeanor or a felony:
- 5931 (a) an act prohibited by the criminal provisions under Title 13, Chapter 10, Unauthorized  
5932 Recording Practices Act;
- 5933 (b) an act prohibited by the criminal provisions under Title 19, Environmental Quality  
5934 Code, Sections 19-1-101 through 19-7-109;
- 5935 (c) taking, destroying, or possessing wildlife or parts of wildlife for the primary purpose  
5936 of sale, trade, or other pecuniary gain under Title 23A, Wildlife Resources Act, or  
5937 Section 23A-5-311;
- 5938 (d) false claims for medical benefits, kickbacks, or other acts prohibited under Title 26B,  
5939 Chapter 3, Part 11, Utah False Claims Act, Sections 26B-3-1101 through 26B-3-1112;
- 5940 (e) an act prohibited by the criminal provisions under Title 32B, Chapter 4, Criminal  
5941 Offenses and Procedure Act;
- 5942 (f) unlawful marking of pistol or revolver under Section 53-5a-105;
- 5943 (g) alteration of number or mark on pistol or revolver under Section 53-5a-106;

5944           ~~[(f)]~~ (h) an act prohibited by the criminal provisions under Title 57, Chapter 11, Utah  
5945           Uniform Land Sales Practices Act;

5946           ~~[(g)]~~ (i) an act prohibited by the criminal provisions under Title 58, Chapter 37, Utah  
5947           Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances  
5948           Act, Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58,  
5949           Chapter 37d, Clandestine Drug Lab Act;

5950           ~~[(h)]~~ (j) an act prohibited by the criminal provisions under Title 61, Chapter 1, Utah  
5951           Uniform Securities Act;

5952           ~~[(i)]~~ (k) an act prohibited by the criminal provisions under Title 63G, Chapter 6a, Utah  
5953           Procurement Code;

5954           ~~[(j)]~~ (l) assault under Section\_76-5-102;

5955           ~~[(k)]~~ (m) aggravated assault under Section 76-5-103;

5956           ~~[(l)]~~ (n) a threat of terrorism under Section 76-5-107.3;

5957           ~~[(m)]~~ (o) a criminal homicide offense under Section 76-5-201;

5958           ~~[(n)]~~ (p) kidnapping under Section\_76-5-301;

5959           ~~[(o)]~~ (q) aggravated kidnapping under Section\_76-5-302;

5960           ~~[(p)]~~ (r) human trafficking for labor under Section 76-5-308;

5961           ~~[(q)]~~ (s) human trafficking for sexual exploitation under Section 76-5-308.1;

5962           ~~[(r)]~~ (t) human smuggling under Section 76-5-308.3;

5963           ~~[(s)]~~ (u) human trafficking of a child under Section\_76-5-308.5;

5964           ~~[(t)]~~ (v) benefiting from trafficking and human smuggling under Section\_76-5-309;

5965           ~~[(u)]~~ (w) aggravated human trafficking under Section\_76-5-310;

5966           ~~[(v)]~~ (x) sexual exploitation of a minor under Section 76-5b-201;

5967           ~~[(w)]~~ (y) aggravated sexual exploitation of a minor under Section\_76-5b-201.1;

5968           ~~[(x)]~~ (z) arson under Section 76-6-102;

5969           ~~[(y)]~~ (aa) aggravated arson under Section76-6-103;

5970           ~~[(z)]~~ (bb) causing a catastrophe under Section 76-6-105;

5971           ~~[(aa)]~~ (cc) burglary under Section 76-6-202;

5972           ~~[(bb)]~~ (dd) aggravated burglary under Section\_76-6-203;

5973           ~~[(cc)]~~ (ee) burglary of a vehicle under Section 76-6-204;

5974           ~~[(dd)]~~ (ff) manufacture or possession of an instrument for burglary or theft under Section  
5975           76-6-205;

5976           ~~[(ee)]~~ (gg) robbery under Section 76-6-301;

5977           ~~[(ff)]~~ (hh) aggravated robbery under Section\_76-6-302;



5978 [~~gg~~] (ii) theft under Section 76-6-404;  
 5979 [~~hh~~] (jj) theft by deception under Section 76-6-405;  
 5980 [~~ii~~] (kk) theft by extortion under Section 76-6-406;  
 5981 [~~jj~~] (ll) receiving stolen property under Section 76-6-408;  
 5982 [~~kk~~] (mm) theft of services under Section 76-6-409;  
 5983 [~~ll~~] (nn) forgery under Section 76-6-501;  
 5984 [~~mm~~] (oo) unlawful use of financial transaction card under Section 76-6-506.2;  
 5985 [~~nn~~] (pp) unlawful acquisition, possession, or transfer of financial transaction card  
 5986 under Section 76-6-506.3;  
 5987 [~~oo~~] (qq) financial transaction card offenses under Section 76-6-506.6;  
 5988 [~~pp~~] (rr) deceptive business practices under Section 76-6-507;  
 5989 [~~qq~~] (ss) bribery or receiving bribe by person in the business of selection, appraisal, or  
 5990 criticism of goods under Section 76-6-508;  
 5991 [~~rr~~] (tt) bribery of a labor official under Section 76-6-509;  
 5992 [~~ss~~] (uu) defrauding creditors under Section 76-6-511;  
 5993 [~~tt~~] (vv) acceptance of deposit by insolvent financial institution under Section 76-6-512;  
 5994 [~~uu~~] (ww) unlawful dealing with property by fiduciary under Section 76-6-513;  
 5995 [~~vv~~] (xx) bribery or threat to influence contest under Section 76-6-514;  
 5996 [~~ww~~] (yy) making a false credit report under Section 76-6-517;  
 5997 [~~xx~~] (zz) criminal simulation under Section 76-6-518;  
 5998 [~~yy~~] (aaa) criminal usury under Section 76-6-520;  
 5999 [~~zz~~] (bbb) insurance fraud under Section 76-6-521;  
 6000 [~~aaa~~] (ccc) retail theft under Section 76-6-602;  
 6001 [~~bbb~~] (ddd) computer crimes under Section 76-6-703;  
 6002 [~~eee~~] (eee) identity fraud under Section 76-6-1102;  
 6003 [~~ddd~~] (fff) mortgage fraud under Section 76-6-1203;  
 6004 [~~eee~~] (ggg) sale of a child under Section 76-7-203;  
 6005 [~~fff~~] (hhh) bribery to influence official or political actions under Section 76-8-103;  
 6006 [~~ggg~~] (iii) threat to influence official or political action under Section 76-8-104;  
 6007 [~~hhh~~] (jjj) receiving bribe or bribery by public servant under Section 76-8-105;  
 6008 [~~iii~~] (kkk) receiving bribe for endorsement of person as a public servant under Section  
 6009 76-8-106;  
 6010 [~~jjj~~] (lll) bribery for endorsement of person as public servant under Section 76-8-106.1;  
 6011 [~~kkk~~] (mmm) official misconduct based on unauthorized act or failure of duty under

6012 Section 76-8-201;

6013 [~~(HH)~~] (nnn) official misconduct concerning inside information under Section 76-8-202;

6014 [~~(mmm)~~] (ooo) obstruction of justice in a criminal investigation or proceeding under

6015 Section 76-8-306;

6016 [~~(nnn)~~] (ppp) acceptance of bribe or bribery to prevent criminal prosecution under

6017 Section 76-8-308;

6018 [~~(ooo)~~] (qqq) harboring or concealing offender who has escaped from official custody

6019 under Section 76-8-309.2;

6020 [~~(ppp)~~] (rrr) making a false or inconsistent material statement under Section 76-8-502;

6021 [~~(qqq)~~] (sss) making a false or inconsistent statement under Section 76-8-503;

6022 [~~(rrr)~~] (ttt) making a written false statement under Section 76-8-504;

6023 [~~(sss)~~] (uuu) tampering with a witness under Section 76-8-508;

6024 [~~(ttt)~~] (vvv) retaliation against a witness, victim, or informant under Section 76-8-508.3;

6025 [~~(uuu)~~] (www) receiving or soliciting a bribe as a witness under Section 76-8-508.7;

6026 [~~(vvv)~~] (xxx) extortion or bribery to dismiss a criminal proceeding under Section

6027 76-8-509;

6028 [~~(www)~~] (yyy) tampering with evidence under Section 76-8-510.5;

6029 [~~(xxx)~~] (zzz) falsification or alteration of a government record under Section 76-8-511, if

6030 the record is a record described in Title 20A, Election Code, or Title 36, Chapter 11,

6031 Lobbyist Disclosure and Regulation Act;

6032 [~~(yyy)~~] (aaa) public assistance fraud by an applicant for public assistance under Section

6033 76-8-1203.1;

6034 [~~(zzz)~~] (bbb) public assistance fraud by a recipient of public assistance under Section

6035 76-8-1203.3;

6036 [~~(aaa)~~] (ccc) public assistance fraud by a provider under Section 76-8-1203.5;

6037 [~~(bbb)~~] (ddd) fraudulently misappropriating public assistance funds under Section

6038 76-8-1203.7;

6039 [~~(eee)~~] (eee) false statement to obtain or increase unemployment compensation under

6040 Section 76-8-1301;

6041 [~~(ddd)~~] (fff) false statement to prevent or reduce unemployment compensation or

6042 liability under Section 76-8-1302;

6043 [~~(eee)~~] (ggg) unlawful failure to comply with Employment Security Act requirements

6044 under Section 76-8-1303;

6045 [~~(fff)~~] (hhh) unlawful use or disclosure of employment information under Section

6046 76-8-1304;

6047 [~~(gggg)~~] (iiii) intentionally or knowingly causing one animal to fight with another under

6048 Subsection 76-9-301(2)(d) or (e), or Section 76-9-301.1;

6049 [~~(hhhh)~~] (jjjj) possession, use, or removal of explosives, chemical, or incendiary devices

6050 or parts under Section 76-10-306;

6051 [~~(iiii)~~] (kkkk) delivery to common carrier, mailing, or placement on premises of an

6052 incendiary device under Section 76-10-307;

6053 [~~(jjjj)~~] (kkkk) possession of a deadly weapon with intent to assault under Section 76-10-507;]

6054 [~~(kkkk)~~] (kkkk) unlawful marking of pistol or revolver under Section 76-10-521;]

6055 [~~(llll)~~] (llll) alteration of number or mark on pistol or revolver under Section 76-10-522;]

6056 [~~(mmmm)~~] (llll) forging or counterfeiting trademarks, trade name, or trade device under

6057 Section 76-10-1002;

6058 [~~(nnnn)~~] (mmmm) selling goods under counterfeited trademark, trade name, or trade

6059 devices under Section 76-10-1003;

6060 [~~(oooo)~~] (nnnn) sales in containers bearing registered trademark of substituted articles

6061 under Section 76-10-1004;

6062 [~~(pppp)~~] (oooo) selling or dealing with article bearing registered trademark or service

6063 mark with intent to defraud under Section 76-10-1006;

6064 [~~(qqqq)~~] (pppp) gambling under Section 76-10-1102;

6065 [~~(rrrr)~~] (qqqq) gambling fraud under Section 76-10-1103;

6066 [~~(ssss)~~] (rrrr) gambling promotion under Section 76-10-1104;

6067 [~~(tttt)~~] (ssss) possessing a gambling device or record under Section 76-10-1105;

6068 [~~(uuuu)~~] (tttt) confidence game under Section 76-10-1109;

6069 [~~(vvvv)~~] (uuuu) distributing pornographic material under Section 76-10-1204;

6070 [~~(wwww)~~] (vvvv) inducing acceptance of pornographic material under Section

6071 76-10-1205;

6072 [~~(xxxx)~~] (wwww) dealing in harmful material to a minor under Section 76-10-1206;

6073 [~~(yyyy)~~] (xxxx) distribution of pornographic films under Section 76-10-1222;

6074 [~~(zzzz)~~] (yyyy) indecent public displays under Section 76-10-1228;

6075 [~~(aaaaa)~~] (zzzz) prostitution under Section 76-10-1302;

6076 [~~(bbbbbb)~~] (aaaaa) aiding prostitution under Section 76-10-1304;

6077 [~~(eeeeee)~~] (bbbbbb) exploiting prostitution under Section 76-10-1305;

6078 [~~(ddddd)~~] (cccccc) aggravated exploitation of prostitution under Section 76-10-1306;

6079 [~~(eeeeee)~~] (ddddd) communications fraud under Section 76-10-1801;

6080 (eeee) possession of a dangerous weapon with criminal intent under Section 76-11-208;  
 6081 (ffff) an act prohibited by the criminal provisions of Part 19, Money Laundering and  
 6082 Currency Transaction Reporting Act;  
 6083 (ggggg) vehicle compartment for contraband under Section 76-10-2801;  
 6084 (hhhhh) an act prohibited by the criminal provisions of the laws governing taxation in  
 6085 this state; or  
 6086 (iiii) an act illegal under the laws of the United States and enumerated in 18 U.S.C. Sec.  
 6087 1961(1)(B), (C), and (D).

6088 Section 93. Section **76-11-101**, which is renumbered from Section 76-10-501 is renumbered  
 6089 and amended to read:

## 6090 CHAPTER 11. WEAPONS

### 6091 Part 1. General Provisions

#### 6092 **[76-10-501] 76-11-101 . Definitions.**

6093 As used in this [part] chapter:

6094 (1)(a) "Antique firearm" means:

- 6095 (i) any firearm, including any firearm with a matchlock, flintlock, percussion cap, or  
 6096 similar type of ignition system, manufactured in or before 1898;
- 6097 (ii) a firearm that is a replica of any firearm described in this Subsection (1)(a), if the  
 6098 replica:
  - 6099 (A) is not designed or redesigned for using rimfire or conventional centerfire fixed  
 6100 ammunition; or
  - 6101 (B) uses rimfire or centerfire fixed ammunition [~~which is:~~] that is  
 6102 [~~(F)]~~ no longer manufactured in the United States[;] and  
 6103 [~~(H)]~~ is not readily available in ordinary channels of commercial trade; or
- 6104 (iii)(A) that is a muzzle loading rifle, shotgun, or pistol; and  
 6105 (B) is designed to use black powder, or a black powder substitute, and cannot use  
 6106 fixed ammunition.

6107 (b) "Antique firearm" does not include:

- 6108 (i) a weapon that incorporates a firearm frame or receiver;
- 6109 (ii) a firearm that is converted into a muzzle loading weapon; or
- 6110 (iii) a muzzle loading weapon that can be readily converted to fire fixed ammunition  
 6111 by replacing the:
  - 6112 (A) barrel;

- 6113 (B) bolt;
- 6114 (C) breechblock; or
- 6115 (D) any combination of Subsection (1)(b)(iii)(A), (B), or (C).
- 6116 (2) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201
- 6117 within the Department of Public Safety.
- 6118 ~~[(3)(a) "Concealed firearm" means a firearm that is:]~~
- 6119 ~~[(i) covered, hidden, or secreted in a manner that the public would not be aware of its~~
- 6120 ~~presence; and]~~
- 6121 ~~[(ii) readily accessible for immediate use.]~~
- 6122 ~~[(b) A firearm that is unloaded and securely encased is not a concealed firearm for the~~
- 6123 ~~purposes of this part.]~~
- 6124 ~~[(4) "Criminal history background check" means a criminal background check conducted~~
- 6125 ~~by a licensed firearms dealer on every purchaser of a handgun, except a Federal~~
- 6126 ~~Firearms Licensee, through the bureau or the local law enforcement agency where the~~
- 6127 ~~firearms dealer conducts business.]~~
- 6128 ~~[(5) "Curio or relic firearm" means a firearm that:]~~
- 6129 ~~[(a) is of special interest to a collector because of a quality that is not associated with~~
- 6130 ~~firearms intended for:]~~
- 6131 ~~[(i) sporting use;]~~
- 6132 ~~[(ii) use as an offensive weapon; or]~~
- 6133 ~~[(iii) use as a defensive weapon;]~~
- 6134 ~~[(b)(i) was manufactured at least 50 years before the current date; and]~~
- 6135 ~~[(ii) is not a replica of a firearm described in Subsection (5)(b)(i);]~~
- 6136 ~~[(c) is certified by the curator of a municipal, state, or federal museum that exhibits~~
- 6137 ~~firearms to be a curio or relic of museum interest;]~~
- 6138 ~~[(d) derives a substantial part of its monetary value:]~~
- 6139 ~~[(i) from the fact that the firearm is:]~~
- 6140 ~~[(A) novel;]~~
- 6141 ~~[(B) rare; or]~~
- 6142 ~~[(C) bizarre; or]~~
- 6143 ~~[(ii) because of the firearm's association with an historical:]~~
- 6144 ~~[(A) figure;]~~
- 6145 ~~[(B) period; or]~~
- 6146 ~~[(C) event; and]~~

6147 ~~[(e) has been designated as a curio or relic firearm by the director of the United States~~  
 6148 ~~Treasury Department Bureau of Alcohol, Tobacco, and Firearms under 27 C.F.R.~~  
 6149 ~~Sec. 478.11.]~~

6150 ~~[(6)] (3)(a) "Dangerous weapon" means:~~

6151 ~~(i) a firearm; or~~

6152 ~~(ii) an object that in the manner of its use or intended use is capable of causing death~~  
 6153 ~~or serious bodily injury.~~

6154 ~~(b) The following factors are used in determining whether any object, other than a~~  
 6155 ~~firearm, is a dangerous weapon:~~

6156 ~~(i) the location and circumstances in which the object was used or possessed;~~

6157 ~~(ii) the primary purpose for which the object was made;~~

6158 ~~(iii) the character of the wound, if any, produced by the object's unlawful use;~~

6159 ~~(iv) the manner in which the object was unlawfully used;~~

6160 ~~(v) whether the manner in which the object is used or possessed constitutes a~~  
 6161 ~~potential imminent threat to public safety; and~~

6162 ~~(vi) the lawful purposes for which the object may be used.~~

6163 ~~(c) "Dangerous weapon" does not include an explosive, chemical, or incendiary device~~  
 6164 ~~as defined by Section 76-10-306.~~

6165 ~~[(7)(a) "Dating relationship" means a romantic or intimate relationship between~~  
 6166 ~~individuals.]~~

6167 ~~[(b) "Dating relationship" does not include a casual acquaintanceship or ordinary~~  
 6168 ~~fraternization in a business or social context.]~~

6169 ~~[(8) "Dealer" means a person who is:]~~

6170 ~~[(a) licensed under 18 U.S.C. Sec. 923; and]~~

6171 ~~[(b) engaged in the business of selling, leasing, or otherwise transferring a handgun,~~  
 6172 ~~whether the person is a retail or wholesale dealer, pawnbroker, or otherwise.]~~

6173 ~~[(9) "Domestic violence" means the same as that term is defined in Section 77-36-1.]~~

6174 ~~[(10) "Enter" means intrusion of the entire body.]~~

6175 ~~[(11) "Federal Firearms Licensee" means a person who:]~~

6176 ~~[(a) holds a valid Federal Firearms License issued under 18 U.S.C. Sec. 923; and]~~

6177 ~~[(b) is engaged in the activities authorized by the specific category of license held.]~~

6178 ~~[(12)] (4)[(a)] "Firearm" means:~~

6179 ~~(a) [-]a pistol, revolver, shotgun, [short barreled shotgun, rifle or short barreled rifle,] or~~  
 6180 ~~rifle; or~~

- 6181            (b) [-]a device that could be used as a dangerous weapon from which a projectile is  
6182                    expelled [~~a projectile~~] by an explosive action [~~of an explosive~~].
- 6183            ~~[(b) As used in Sections 76-10-526 and 76-10-527, "firearm" does not include an antique~~  
6184                    ~~firearm.]~~
- 6185            ~~[(13) "Firearms transaction record form" means a form created by the bureau to be~~  
6186                    ~~completed by a person purchasing, selling, or transferring a handgun from a dealer in the~~  
6187                    ~~state.]~~
- 6188            ~~[(14) "Fully automatic weapon" means a firearm which fires, is designed to fire, or can be~~  
6189                    ~~readily restored to fire, automatically more than one shot without manual reloading by a~~  
6190                    ~~single function of the trigger.]~~
- 6191            ~~[(15)] (5)[(a)] "Handgun" means a pistol, revolver, or other firearm of any description, [~~  
6192                    ~~loaded or unloaded,] from which a shot, bullet, or other missile can be discharged,~~  
6193                    ~~the length of which, not including any revolving, detachable, or magazine breech,~~  
6194                    ~~does not exceed 12 inches.~~
- 6195            ~~[(b) As used in Sections 76-10-520, 76-10-521, and 76-10-522, "handgun" and "pistol or~~  
6196                    ~~revolver" do not include an antique firearm.]~~
- 6197            ~~[(16) "House of worship" means a church, temple, synagogue, mosque, or other building set~~  
6198                    ~~apart primarily for the purpose of worship in which religious services are held and the~~  
6199                    ~~main body of which is kept for that use and not put to any other use inconsistent with its~~  
6200                    ~~primary purpose.]~~
- 6201            ~~[(17) "Machinegun firearm attachment" means any part or combination of parts added to a~~  
6202                    ~~semiautomatic firearm that allows the firearm to fire as a fully automatic weapon.]~~
- 6203            ~~[(18) "Prohibited area" means a place where it is unlawful to discharge a firearm.]~~
- 6204            ~~[(19) "Readily accessible for immediate use" means that a firearm or other dangerous~~  
6205                    ~~weapon is carried on the person or within such close proximity and in such a manner~~  
6206                    ~~that it can be retrieved and used as readily as if carried on the person.]~~
- 6207            ~~[(20) "Residence" means an improvement to real property used or occupied as a primary or~~  
6208                    ~~secondary residence.]~~
- 6209            ~~[(21) "Securely encased" means not readily accessible for immediate use, such as held in a~~  
6210                    ~~gun rack, or in a closed case or container, whether or not locked, or in a trunk or other~~  
6211                    ~~storage area of a motor vehicle, not including a glove box or console box.]~~
- 6212            ~~[(22)] (6) ["Short barreled shotgun" or "short barreled rifle" means a shotgun having a barrel~~  
6213                    ~~or barrels of fewer than 18 inches in length, or in the case of a rifle, having a barrel or~~  
6214                    ~~barrels of fewer than 16 inches in length, or a dangerous weapon made from a rifle or~~

6215 shotgun by alteration, modification, or otherwise, if the weapon as modified has an  
 6216 overall length of fewer than 26 inches.] "Minor" means an individual under 18 years old.  
 6217 [(23)] (7) "Shotgun" means a smooth bore firearm designed to fire cartridges containing  
 6218 pellets or a single slug.  
 6219 [(24) "Shoulder arm" means a firearm that is designed to be fired while braced against the  
 6220 shoulder.]  
 6221 [(25) "Single criminal episode" means the same as that term is defined in Section 76-1-401.]  
 6222 [(26)] (8) "Slug" means a single projectile discharged from a shotgun shell.  
 6223 [(27) "State entity" means a department, commission, board, council, agency, institution,  
 6224 officer, corporation, fund, division, office, committee, authority, laboratory, library, unit,  
 6225 bureau, panel, or other administrative unit of the state.]  
 6226 [(28)] (9) "Violent felony" means the same as that term is defined in Section 76-3-203.5.  
 6227 Section 94. Section **76-11-102**, which is renumbered from Section 76-10-502 is renumbered  
 6228 and amended to read:

6229 **76-10-502 76-11-102 . When a firearm is considered to be loaded.**

- 6230 (1) For the purpose of this chapter[, any pistol, revolver, shotgun, rifle, or other weapon  
 6231 described in this part shall be deemed to be] ;  
 6232 (a) a firearm that is not a revolver is considered to be loaded when there is an  
 6233 unexpended cartridge, shell, or projectile in the firing position[-] ;  
 6234 [(2)] (b) [~~Pistols and revolvers shall also be deemed to be~~] a firearm that is a revolver is  
 6235 considered to be loaded when an unexpended cartridge, shell, or projectile is in a  
 6236 position whereby the manual operation of any mechanism once would cause the  
 6237 unexpended cartridge, shell, or projectile to be fired[-] ; and  
 6238 [(3)] (c) [~~A~~] a muzzle loading firearm [shall be deemed to be] is considered loaded when [  
 6239 it] the muzzle loading firearm is capped or primed and has a powder charge and ball  
 6240 or shot in the barrel or cylinders.  
 6241 (2) If a provision of this chapter does not specify that the firearm in the prohibited or  
 6242 allowed conduct is loaded or unloaded, the prohibited or allowed conduct includes both  
 6243 loaded or unloaded.

6244 Section 95. Section **76-11-201** is enacted to read:

6245 **Part 2. General Weapons Violations**

6246 **76-11-201 . Definitions.**

6247 As used in this part:

- 6248 (1) "Enter" means intrusion of the entire body.



- 6249 (2) "Fully automatic weapon" means a firearm that fires, is designed to fire, or can be  
 6250 readily restored to fire, automatically more than one shot without manual reloading by a  
 6251 single function of the trigger.
- 6252 (3) "House of worship" means a church, temple, synagogue, mosque, or other building set  
 6253 apart primarily for the purpose of worship in which religious services are held and the  
 6254 main body of which is kept for that use and not put to any other use inconsistent with the  
 6255 building's primary purpose.
- 6256 (4) "Machinegun firearm attachment" means any part or combination of parts added to a  
 6257 semiautomatic firearm that allows the firearm to fire as a fully automatic weapon.
- 6258 (5) "NFA firearm" means a firearm as that term is defined in the National Firearms Act, 26  
 6259 U.S.C. Sec. 5845.
- 6260 (6)(a) "Readily accessible for immediate use" means that a firearm or other dangerous  
 6261 weapon is carried on an individual's person or within such close proximity and in  
 6262 such a manner that it can be retrieved and used as readily as if carried on the  
 6263 individual's person.
- 6264 (b) "Readily accessible for immediate use" does not include a securely encased firearm.
- 6265 (7)(a) "Securely encased firearm" means a firearm that is not readily accessible for  
 6266 immediate use.
- 6267 (b) "Securely encased firearm" includes a loaded or unloaded firearm located in a gun  
 6268 rack, in a closed locked or unlocked case or container, or in a trunk or other storage  
 6269 area of a motor vehicle.
- 6270 (c) "Securely encased firearm" does not include a firearm in a glove box or console box  
 6271 unless the firearm is also in a holster or other case which covers the trigger  
 6272 mechanism.

6273 Section 96. Section **76-11-202**, which is renumbered from Section 76-10-504 is renumbered  
 6274 and amended to read:

6275 **[76-10-504] 76-11-202 . Unlawful carrying of a concealed firearm by an**  
 6276 **individual under 21 years old.**

6277 [(1) Except as provided in Sections 76-10-503 and 76-10-523 and in Subsections (2), (3),  
 6278 and (4), a person who carries a concealed firearm, as defined in Section 76-10-501,  
 6279 including an unloaded firearm on his or her person or one that is readily accessible for  
 6280 immediate use which is not securely encased, as defined in this part, in or on a place  
 6281 other than the person's residence, property, a vehicle in the person's lawful possession,  
 6282 or a vehicle, with the consent of the individual who is lawfully in possession of the

- 6283 vehicle, or business under the person's control is guilty of a class B misdemeanor.]
- 6284 [~~(2) A person who carries a concealed firearm that is a loaded firearm in violation of~~
- 6285 ~~Subsection (1) is guilty of a class A misdemeanor.]~~
- 6286 [~~(3) A person who carries concealed an unlawfully possessed short barreled shotgun or a~~
- 6287 ~~short barreled rifle is guilty of a second degree felony.]~~
- 6288 [~~(4) If the concealed firearm is used in the commission of a violent felony as defined in~~
- 6289 ~~Section 76-3-203.5, and the person is a party to the offense, the person is guilty of a~~
- 6290 ~~second degree felony.]~~
- 6291 [~~(5) Nothing in Subsection (1) or (2) prohibits a person engaged in the lawful taking of~~
- 6292 ~~protected or unprotected wildlife as defined in Title 23A, Wildlife Resources Act, from~~
- 6293 ~~carrying a concealed firearm as long as the taking of wildlife does not occur:]~~
- 6294 [~~(a) within the limits of a municipality in violation of that municipality's ordinances; or]~~
- 6295 [~~(b) upon the highways of the state as defined in Section 41-6a-102.]~~
- 6296 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
- 6297 (2) An actor commits unlawful carrying of a concealed firearm by an individual under 21
- 6298 years old if:
- 6299 (a) the actor is younger than 21 years old;
- 6300 (b) the actor does not have a provisional concealed carry permit issued in accordance
- 6301 with Section 53-5a-304 or a concealed carry permit lawfully issued by or in another
- 6302 state;
- 6303 (c) the actor conceals a firearm in a covered, hidden, or secreted manner that the public
- 6304 would not be aware of the firearm's presence;
- 6305 (d) the firearm described in Subsection (2)(c) is readily accessible for immediate use by
- 6306 the actor; and
- 6307 (e) the actor is in a location that is not:
- 6308 (i) the actor's residence;
- 6309 (ii) the actor's real property;
- 6310 (iii) a vehicle that the actor is lawfully present in; or
- 6311 (iv) a business under the actor's control.
- 6312 (3)(a) Except as provided in Subsection (3)(b) or (3)(c), a violation of Subsection (2) is a
- 6313 class B misdemeanor.
- 6314 (b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a class A
- 6315 misdemeanor if the firearm was loaded at the time of the violation.
- 6316 (c) A violation of Subsection (2) is a second degree felony if the firearm was used in the

6317 commission of a violent felony and the actor was a party to the offense.

6318 (4) This section does not:

6319 (a) apply to an individual who is categorized as a restricted person under Section  
6320 76-11-302 or 76-11-303 and may not possess a firearm in any manner or location and  
6321 is subject to the penalties described in Part 3, Persons Restricted Regarding  
6322 Dangerous Weapons;

6323 (b) prohibit an individual engaged in the lawful taking of protected or unprotected  
6324 wildlife as defined in Title 23A, Wildlife Resources Act, from carrying a concealed  
6325 firearm while performing an act to take the wildlife if the taking of wildlife does not  
6326 occur:

6327 (i) within the limits of a municipality in violation of that municipality's ordinances; or

6328 (ii) upon the highways of the state as defined in Section 41-6a-102;

6329 (c) apply to an individual who is not a restricted person as described in Section  
6330 76-11-302 or 76-11-303 or 18 U.S.C. Sec. 922(g) and is issued a protective order  
6331 under Subsection 78B-7-404(1)(b) or 78B-7-603(1)(b), for a period of 120 days after  
6332 the day on which the individual is issued the protective order; or

6333 (d) prohibit the owner or lawful possessor of a vehicle from prohibiting another  
6334 individual from carrying a firearm in the owner's or lawful possessor's vehicle.

6335 (5) An actor is lawfully present in a vehicle while carrying a firearm under this section if:

6336 (a) the vehicle is in the lawful possession of the actor; or

6337 (b) the actor has the consent of the person lawfully in possession of the vehicle to carry  
6338 the firearm in the vehicle.

6339 Section 97. Section **76-11-203** is enacted to read:

6340 **76-11-203 . Concealing an unlawfully possessed NFA firearm.**

6341 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

6342 (2) An actor commits concealing an unlawfully possessed NFA firearm if:

6343 (a) the actor unlawfully possesses an NFA firearm;

6344 (b) the actor knows, or reasonably should know, that the NFA firearm in the actor's  
6345 possession was unlawfully possessed;

6346 (c) the actor conceals the unlawfully possessed NFA firearm in a covered, hidden, or  
6347 secreted manner that the public would not be aware of the NFA firearm's presence;  
6348 and

6349 (d) the NFA firearm is readily accessible for immediate use by the actor.

6350 (3) A violation of Subsection (2) is a second degree felony.

6351 Section 98. Section **76-11-204**, which is renumbered from Section 76-10-505 is renumbered  
6352 and amended to read:

6353 **[76-10-505] 76-11-204 . Unlawfully carrying a firearm in a vehicle .**

6354 [(1) Unless otherwise authorized by law, a person may not carry a loaded firearm:]

6355 [(a) in or on a vehicle, unless:]

6356 [(i) the vehicle is in the person's lawful possession; or]

6357 [(ii) the person is carrying the loaded firearm in a vehicle with the consent of the  
6358 person lawfully in possession of the vehicle;]

6359 [(b) on a public street; or]

6360 [(c) in a posted prohibited area.]

6361 [(2) Subsection (1)(a) does not apply to a minor under 18 years of age, since a minor under  
6362 18 years of age may not carry a loaded firearm in or on a vehicle.]

6363 [(3) Notwithstanding Subsections (1)(a)(i) and (ii), and Subsection 76-10-523(5), a person  
6364 may not possess a loaded rifle, shotgun, or muzzle-loading rifle in a vehicle.]

6365 [(4)] (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this  
6366 section.

6367 (2) An actor commits unlawfully carrying a firearm in a vehicle if the actor:

6368 (a) is 18 years old or older; and

6369 (b)(i)(A) is carrying a firearm that is readily accessible by the actor for immediate  
6370 use; and

6371 (B) is in a vehicle in which the actor is not lawfully present; or

6372 (ii) is carrying a loaded rifle, shotgun, or muzzle-loading rifle in any vehicle.

6373 (3) A violation of [this section] Subsection (2) is a class B misdemeanor.

6374 (4) This section does not prohibit the owner or lawful possessor of a vehicle from  
6375 prohibiting another individual who may otherwise lawfully carry a firearm from  
6376 carrying a firearm in the owner's or lawful possessor's vehicle.

6377 (5) An actor is lawfully present in a vehicle while carrying a firearm under this section if:

6378 (a) the vehicle is in the lawful possession of the actor; or

6379 (b) the actor has the consent of the person lawfully in possession of the vehicle to carry  
6380 the firearm in the vehicle.

6381 (6) This section does not apply if the actor is 21 years old or older and has a concealed  
6382 carry permit as described in Section 53-5a-303.

6383 Section 99. Section **76-11-205**, which is renumbered from Section 76-10-505.5 is renumbered  
6384 and amended to read:

6385 **[76-10-505.5] 76-11-205 . Carrying a dangerous weapon at an elementary school**  
 6386 **or secondary school.**

6387 (1)(a) As used in this section, "on or about school premises" means:

6388 ~~[(a)]~~(i) in a public or private elementary school or secondary school; or

6389 (ii) on the grounds of ~~[any of those schools;]~~ a private elementary school or secondary  
 6390 school.

6391 ~~[(b)]~~(i) in a public or private institution of higher education; or]

6392 ~~[(ii) on the grounds of a public or private institution of higher education; or]~~

6393 ~~[(c)]~~(i) inside the building where a preschool or child care is being held, if the entire  
 6394 building is being used for the operation of the preschool or child care; or]

6395 ~~[(ii) if only a portion of a building is being used to operate a preschool or child care,~~  
 6396 ~~in that room or rooms where the preschool or child care operation is being held.]~~

6397 (b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this  
 6398 section.

6399 (2) ~~[An actor who is 18 years old or older may not possess a dangerous weapon, firearm, or~~  
 6400 ~~short barreled shotgun at a place that the actor knows, or has reasonable cause to~~  
 6401 ~~believe, is on or about school premises]~~ An actor commits carrying a dangerous weapon  
 6402 at an elementary school or secondary school if the actor:

6403 (a) is not an individual listed in Subsection (4);

6404 (b) carries a dangerous weapon on or about school premises; and

6405 (c) knows or reasonably believes that the actor is on or about school premises at the time  
 6406 the actor carries the dangerous weapon.

6407 (3)(a) ~~[Possession of a dangerous weapon on or about school premises is a class B~~  
 6408 ~~misdemeanor.]~~ A violation of Subsection (2) is a class B misdemeanor if the  
 6409 dangerous weapon carried by the actor is not a firearm.

6410 (b) ~~[Possession of a firearm or short barreled shotgun on or about school premises is a~~  
 6411 ~~class A misdemeanor.]~~ A violation of Subsection (2) is a class A misdemeanor if the  
 6412 dangerous weapon carried by the actor is a firearm.

6413 (4) This section does not apply if:

6414 (a) the actor is ~~[authorized to possess a firearm as described in Section 53-5-704,~~  
 6415 ~~53-5-705, 76-10-511, or 76-10-523, or as otherwise authorized by law]~~ an individual  
 6416 exempt from certain weapons laws as described in Section 53-5a-108;

6417 (b) the actor has a concealed carry permit as described in Section 53-5a-303 and is  
 6418 carrying the actor's firearm in a concealed manner unless during an active threat;

- 6419 ~~[(b) the actor is authorized to possess a firearm as described in Section 53-5-704.5,~~  
6420 ~~unless the actor is in a location where the actor is prohibited from carrying a firearm~~  
6421 ~~under Subsection 53-5-710(2);]~~
- 6422 (c) the actor has a temporary concealed carry permit issued under Section 53-5a-304 and  
6423 is carrying the actor's firearm in a concealed manner unless during an active threat;
- 6424 (d) the actor is carrying the dangerous weapon at the actor's place of residence or on the  
6425 actor's real property as described in Section 53-5a-102.3;
- 6426 ~~[(e)]~~ (e) the possession of the dangerous weapon is approved by the responsible school  
6427 administrator;
- 6428 ~~[(d)]~~ (f) the ~~[item]~~ dangerous weapon is present or to be used in connection with a lawful,  
6429 approved activity and is in the possession or under the control of the actor  
6430 responsible for the ~~[item's]~~ dangerous weapon's possession or use;
- 6431 ~~[(e)]~~ (g) the actor is an armed school security guard as described in Section 53G-8-704; or
- 6432 ~~[(f)]~~ (h) the ~~[possession is:]~~ actor is carrying the dangerous weapon  
6433 ~~[(i) at the actor's place of residence or on the actor's property; or]~~  
6434 ~~[(ii) in [any] a vehicle lawfully under the actor's control, [other than] not including a~~  
6435 ~~vehicle owned by the school or used by the school to transport students.~~
- 6436 (5) This section does not~~[-]~~:
- 6437 (a) prohibit prosecution of ~~[a more serious weapons]~~ another criminal offense that may  
6438 occur on or about school premises; or
- 6439 (b) prevent an actor from securely storing a firearm on the grounds of a school if the  
6440 actor:  
6441 (i) participates in:  
6442 (A) the school guardian program created in Section 53-22-105; ~~[and]~~ or  
6443 (B) the Educator-Protector Program created in Section 53-22-107; and  
6444 (ii) complies with the requirements for securely storing the firearm described in  
6445 Subsection 53-22-107(5)(a)~~[-or]~~ .
- 6446 ~~[(e) prohibit the prosecution of possession of a dangerous weapon by a minor, as~~  
6447 ~~described in Section 76-10-509.4, that occurs on or about school premises.]~~
- 6448 Section 100. Section **76-11-206** is enacted to read:  
6449 **76-11-206 . Carrying a dangerous weapon at a daycare.**
- 6450 (1)(a) As used in this section:
- 6451 (i) "Daycare" means a preschool or child care center.
- 6452 (ii) "On or about daycare premises" means:

- 6453            (A) inside the building where a daycare is being held, if the entire building is  
6454            being used for the operation of the daycare; or
- 6455            (B) if only a portion of a building is being used to operate a daycare, in the room  
6456            or rooms where the daycare operation is being held.
- 6457            (b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this  
6458            section.
- 6459            (2) An actor commits carrying a dangerous weapon at a daycare if the actor:
- 6460            (a) is not an individual listed in Subsection (4);
- 6461            (b) carries a dangerous weapon on or about daycare premises; and
- 6462            (c) has reasonable cause to believe that the actor is on or about daycare premises at the  
6463            time the actor carried the dangerous weapon.
- 6464            (3)(a) A violation of Subsection (2) is a class B misdemeanor if the dangerous weapon  
6465            carried by the actor is not a firearm.
- 6466            (b) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon  
6467            carried by the actor is a firearm.
- 6468            (4) This section does not apply if:
- 6469            (a) the actor is an individual exempted from certain weapons laws as described in  
6470            Section 53-5a-108;
- 6471            (b) the actor has a concealed carry permit as described in Section 53-5a-303 and is  
6472            carrying the actor's firearm in a concealed manner unless during an active threat;
- 6473            (c) the actor has a provisional concealed carry permit as described in Section 53-5a-304  
6474            and is carrying the actor's firearm in a concealed manner unless during an active  
6475            threat;
- 6476            (d) the actor has a temporary concealed carry permit issued under Section 53-5a-305 and  
6477            is carrying the actor's firearm in a concealed manner unless during an active threat;
- 6478            (e) the actor is carrying the dangerous weapon at the actor's place of residence or on the  
6479            actor's real property as described in Section 53-5a-102.3;
- 6480            (f) the actor's carrying of the dangerous weapon is approved by the responsible daycare  
6481            administrator;
- 6482            (g) the dangerous weapon is present or to be used in connection with a lawful, approved  
6483            activity and is in the possession or under the control of the actor responsible for the  
6484            dangerous weapon's possession or use; or
- 6485            (h) the actor is carrying the dangerous weapon in a vehicle lawfully under the actor's  
6486            control, not including a vehicle owned by the daycare or used by the daycare to

6487 transport minors enrolled in the daycare.

6488 (5) This section does not prohibit the prosecution of another criminal offense that may  
6489 occur on or about daycare premises.

6490 Section 101. Section **76-11-207**, which is renumbered from Section 76-10-506 is renumbered  
6491 and amended to read:

6492 **[76-10-506] 76-11-207 . Threatening with or using a dangerous weapon in a fight**  
6493 **or quarrel.**

6494 [(1) As used in this section:]

6495 [(a) "Dangerous weapon" means an item that in the manner of its use or intended use is  
6496 capable of causing death or serious bodily injury. The following factors shall be used  
6497 in determining whether an item, object, or thing is a dangerous weapon:]

6498 [(i) the character of the instrument, object, or thing;]

6499 [(ii) the character of the wound produced, if any; and]

6500 [(iii) the manner in which the instrument, object, or thing was exhibited or used.]

6501 [(b) "Threatening manner" does not include:]

6502 [(i) the possession of a dangerous weapon, whether visible or concealed, without  
6503 additional behavior which is threatening; or]

6504 [(ii) informing another of the actor's possession of a deadly weapon to prevent what  
6505 the actor reasonably perceives as a possible use of unlawful force by the other and  
6506 the actor is not engaged in any activity described in Subsection 76-2-402(3)(a).]

6507 [(2) Except as otherwise provided in Section 76-2-402 and for an individual described in  
6508 Section 76-10-503, an individual who, in the presence of two or more individuals, and  
6509 not amounting to a violation of Section 76-5-103,]

6510 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

6511 (2) An actor commits threatening with or using a dangerous weapon in a fight or quarrel if  
6512 the actor, in the presence of two or more individuals:

6513 (a) unlawfully draws or exhibits a dangerous weapon in an angry and threatening manner;  
6514 or

6515 (b) [-]unlawfully uses a dangerous weapon in a fight or quarrel[- is guilty of a class A  
6516 misdemeanor].

6517 (3) A violation of Subsection (2) is a class A misdemeanor.

6518 [(3)] (4) This section does not apply to:

6519 (a) [-]an individual who, reasonably believing the action to be necessary in compliance  
6520 with Section 76-2-402, with purpose to prevent another's use of unlawful force:



6521            ~~[(a)]~~ (i) threatens the use of a dangerous weapon; or  
 6522            ~~[(b)]~~ (ii) draws or exhibits a dangerous weapon[-]; or  
 6523            ~~[(4)]~~ (b) ~~[This section does not apply to an individual listed in Subsections~~  
 6524            ~~76-10-523(1)(a) through (f)]~~ an individual exempted from certain weapons laws as  
 6525            described in Subsections 53-5a-108(1)(a) through (f) acting in performance of the  
 6526            individual's duties.

6527            (5) For purposes of this section, the following conduct by an actor does not constitute  
 6528            drawing or exhibiting a dangerous weapon in an angry and threatening manner as  
 6529            described in Subsection (2):

6530            (a) possession of a dangerous weapon, whether visible or concealed, without additional  
 6531            threatening behavior; or

6532            (b)(i) informing another individual of the actor's possession of a dangerous weapon to  
 6533            prevent what the actor reasonably perceives as a possible use of unlawful force by  
 6534            the individual; and

6535            (ii) the actor is not engaged in any activity described in Subsection 76-2-402(3)(a).

6536            Section 102. Section **76-11-208**, which is renumbered from Section 76-10-507 is renumbered  
 6537            and amended to read:

6538            **[76-10-507] 76-11-208 . Possession of a dangerous weapon with criminal intent.**

6540            (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

6541            (2) ~~[Every person having upon his person any]~~ An actor commits possession of a  
 6542            dangerous weapon with criminal intent if the actor possesses a dangerous weapon with  
 6543            the intent to use [it] the dangerous weapon to commit a criminal offense.

6544            (3) A violation of Subsection (2) is [guilty of] a class A misdemeanor.

6545            Section 103. Section **76-11-209**, which is renumbered from Section 76-10-508 is renumbered  
 6546            and amended to read:

6547            **[76-10-508] 76-11-209 . Improper discharging of a dangerous weapon.**

6548            (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

6549            ~~[(1)]~~ (2) ~~[(a) An individual may not discharge]~~ An actor commits improper discharging of  
 6550            a dangerous weapon [or firearm] if the actor discharges a dangerous weapon:

6551            ~~[(i)]~~ (a) from ~~[an automobile or other]~~ a vehicle;

6552            ~~[(ii)]~~ (b) from, upon, or across a highway;

6553            ~~[(iii)]~~ (c) at a road sign placed ~~[upon a highway of the]~~ on a state highway;

6554            ~~[(iv)]~~ (d) at communications equipment or property of public utilities including facilities,  
 6555            lines, poles, or devices of transmission or distribution;

- 6556           ~~[(v)]~~ (e) at railroad equipment or facilities including a sign or signal;
- 6557           ~~[(vi)]~~ (f) within a Utah State Park building, designated camp or picnic sites, overlooks,
- 6558                     golf courses, boat ramps, and developed beaches; or
- 6559           ~~[(vii)]~~ (g) without written permission to discharge the dangerous weapon from the owner
- 6560                     or person in charge of the property within 600 feet of:
- 6561                     ~~[(A)]~~ (i) a house, dwelling, or~~any~~ other building; or
- 6562                     ~~[(B)]~~ (ii) ~~any~~ a structure in which a domestic animal is kept or fed, including a barn,
- 6563                     poultry yard, corral, feeding pen, or stockyard.
- 6564           ~~[(b) It is a defense to any charge for violating this section that the individual being~~
- 6565                     ~~accused had actual permission of the owner or person in charge of the property at the~~
- 6566                     ~~time in question.]~~
- 6567           ~~[(2)]~~ (3) A violation of ~~any provision of~~ Subsection ~~[(1)]~~ (2) is a class B misdemeanor.
- 6568           ~~[(3)]~~ (4) In addition to any other penalties, the court shall:
- 6569                     (a) notify the Driver License Division of the conviction for purposes of any revocation,
- 6570                     denial, suspension, or disqualification of a driver license under Subsection
- 6571                     53-3-220(1)(a)(xi); and
- 6572                     (b) specify in court at the time of sentencing the length of the revocation under
- 6573                     Subsection 53-3-225(1)(c).
- 6574           ~~[(4)]~~ (5) This section does not apply to an ~~individual~~ actor who:
- 6575                     (a) discharges a ~~firearm when that individual is~~ dangerous weapon in the lawful defense
- 6576                     of ~~self or others~~ the actor or another individual;
- 6577                     (b) is an individual listed in Subsections 53-5a-108(1)(a) through (f) and is performing
- 6578                     official duties as provided in Section 23A-5-202 ~~[and Subsections 76-10-523(1)(a)~~
- 6579                     ~~through (f) and]~~ or as otherwise provided by law; or
- 6580                     (c) discharges a dangerous weapon ~~or firearm~~ from an automobile or other vehicle, if:
- 6581                         (i) the discharge occurs at a firing range or training ground;
- 6582                         (ii) at no time after the discharge does the projectile that is discharged cross over or
- 6583                         stop at a location other than within the boundaries of the firing range or training
- 6584                         ground described in Subsection ~~[(4)(e)(i)]~~ (5)(c)(i);
- 6585                         (iii) the discharge is made as practice or training for a lawful purpose;
- 6586                         (iv) the discharge and the location, time, and manner of the discharge are approved
- 6587                         by the owner or operator of the firing range or training ground before the
- 6588                         discharge; and
- 6589                     (v) the discharge is not made in violation of Subsection ~~[(1)]~~ (2).

6590 (6) It is a defense to a charge for violating this section that the actor had actual permission  
 6591 of the person in charge of the property at the time the actor discharged the dangerous  
 6592 weapon as described in Subsection (2).

6593 Section 104. Section **76-11-210**, which is renumbered from Section 76-10-508.1 is renumbered  
 6594 and amended to read:

6595 **[76-10-508.1] 76-11-210 . Felony discharge of a firearm.**

6596 (1)(a) As used in this section, "habitable structure" means the same as that term is  
 6597 defined in Section 76-6-101.

6598 (b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this  
 6599 section.

6600 (2) [Except as provided under Subsection (2) or (3), an individual who discharges a firearm  
 6601 is guilty of a third degree felony punishable by imprisonment for a term of not less than  
 6602 three years nor more than five years.] An actor commits felony discharge of a firearm if:

6603 (a) the actor discharges a firearm in the direction of [~~one or more individuals~~] an  
 6604 individual, knowing or having reason to believe that [~~any~~] an individual may be  
 6605 endangered by the discharge of the firearm;

6606 (b) the actor, with intent to intimidate or harass another individual or with intent to  
 6607 damage a habitable structure[~~as defined in Section 76-6-101~~], discharges a firearm in  
 6608 the direction of [~~any~~] an individual or a habitable structure; or

6609 (c) the actor, with intent to intimidate or harass another individual, discharges a firearm  
 6610 in the direction of [~~any~~] a vehicle.

6611 [~~(2)~~] (3)(a) [~~A~~] Except as provided in Subsection (3)(b) or (3)(c), a violation of  
 6612 Subsection [~~(1)~~] (2) is a third degree felony punishable by a term of imprisonment of  
 6613 not less than three years nor more than five years.

6614 (b) Except as provided in Subsection (3)(c), a violation of Subsection (2) that causes  
 6615 bodily injury to any individual is a second degree felony punishable by imprisonment  
 6616 for a term of not less than three years nor more than 15 years.

6617 [~~(3)~~] (c) A violation of Subsection [~~(1)~~] (2) that causes serious bodily injury to [~~any~~] an  
 6618 individual is a first degree felony.

6619 (4) In addition to any other penalties for a violation of this section, the court shall:

6620 (a) notify the Driver License Division of the conviction for purposes of any revocation,  
 6621 denial, suspension, or disqualification of a driver license under Subsection  
 6622 53-3-220(1)(a)(xi); and

6623 (b) specify in court at the time of sentencing the length of the revocation under

6624 Subsection 53-3-225(1)(c).

6625 (5) This section does not apply to an [individual] actor:

6626 (a) who discharges a firearm ~~[when that individual is]~~ in the lawful defense of ~~[self]~~ the  
6627 actor or ~~[others]~~ another individual;

6628 (b) who is an individual listed in Subsections 53-5a-108(1)(a) through (f) and is  
6629 performing official duties as provided in Section 23A-5-202~~[or Subsections~~  
6630 ~~76-10-523(1)(a) through (f)]~~ , or as otherwise authorized by law; or

6631 (c) who discharges a dangerous weapon~~[or firearm]~~ from an automobile or other  
6632 vehicle, if:

6633 (i) the discharge occurs at a firing range or training ground;

6634 (ii) at no time after the discharge does the projectile that is discharged cross over or  
6635 stop at a location other than within the boundaries of the firing range or training  
6636 ground described in Subsection (5)(c)(i);

6637 (iii) the discharge is made as practice or training for a lawful purpose;

6638 (iv) the discharge and the location, time, and manner of the discharge are approved  
6639 by the owner or operator of the firing range or training ground before the  
6640 discharge; and

6641 (v) the discharge is not made in violation of Subsection ~~[(1)]~~ (2).

6642 Section 105. Section **76-11-211**, which is renumbered from Section 76-10-509.4 is renumbered  
6643 and amended to read:

6644 **[76-10-509.4] 76-11-211 . Possession of a dangerous weapon by a minor.**

6645 (1)(a) As used in this section, "responsible adult" means an individual:

6646 ~~[(a)]~~ (i) who is 18 years old or older; and

6647 ~~[(b)]~~ (ii) who may lawfully possess a dangerous weapon.

6648 (b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this  
6649 section.

6650 (2) An actor ~~[who is under 18 years old may not possess a dangerous weapon]~~ commits  
6651 possession of a dangerous weapon by a minor if the actor:

6652 (a) is a minor; and

6653 (b) possesses a dangerous weapon.

6654 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is:

6655 (i) a class B misdemeanor for a first offense; and

6656 (ii) a class A misdemeanor for each subsequent offense.

6657 (b) A violation of Subsection (2) is a third degree felony if the dangerous weapon is:

- 6658 (i) a handgun;
- 6659 [~~(ii) a short barreled rifle;~~]
- 6660 [~~(iii) a short barreled shotgun;~~]
- 6661 [~~(iv)~~] (ii) a fully automatic weapon a firearm that is an NFA firearm and the actor
- 6662 knows, or reasonably should know, that the firearm is an NFA firearm; or
- 6663 [~~(v)~~] (iii) a machinegun firearm attachment.
- 6664 (4) For an actor who is younger than 14 years old, this section does not apply if the actor:
- 6665 (a) possesses a dangerous weapon;
- 6666 (b) has permission from the actor's parent or guardian to possess the dangerous weapon;
- 6667 (c) is accompanied by the actor's parent or guardian, or a responsible adult, while the
- 6668 actor has the dangerous weapon in the actor's possession; and
- 6669 (d) does not use the dangerous weapon in the commission of a crime.
- 6670 (5) For an actor who is 14 years old or older but younger than 18 years old, this section
- 6671 does not apply if the actor:
- 6672 (a) possesses a dangerous weapon;
- 6673 (b) has permission from the actor's parent or guardian to possess the dangerous weapon;
- 6674 and
- 6675 (c) does not use the dangerous weapon in the commission of a crime.
- 6676 (6) This section does not apply to the following minors who are otherwise complying with
- 6677 Subsection (4) or (5):
- 6678 (a) a minor who is a patron at an amusement park, pier, or similar location and is
- 6679 possessing a firearm to participate in lawfully operated target concessions if the
- 6680 firearm to be used is firmly chained or affixed to the counters;
- 6681 (b) a minor attending a hunter's safety course or a firearms safety course and possessing
- 6682 a weapon as part of the course;
- 6683 (c) a minor using a firearm at an established range or other area where the discharge of a
- 6684 firearm is not prohibited by state or local law;
- 6685 (d) a minor participating in an organized competition involving the use of a firearm, or
- 6686 practicing for the competition;
- 6687 (e) a minor who is on real property with the permission of the owner, licensee, or lessee
- 6688 of the property and who has the permission of a parent or legal guardian or the
- 6689 owner, licensee, or lessee of the property to possess a firearm not otherwise in
- 6690 violation of law;
- 6691 (f) a minor who has a valid hunting license and is possessing a firearm to lawfully

6692 engage in hunting; or

6693 (g) a minor traveling to or from an activity described in Subsections (6)(a) through (f)

6694 with an unloaded firearm in the minor's possession.

6695 Section 106. Section **76-11-212**, which is renumbered from Section 76-10-509.5 is renumbered  
6696 and amended to read:

6697 **[76-10-509.5] 76-11-212 . Providing a handgun or an NFA firearm to a minor.**

6698 ~~[(1) Any person who provides a handgun to a minor when the possession of the handgun by~~  
6699 ~~the minor is a violation of Section 76-10-509.4 is guilty of:]~~

6700 ~~[(a) a class B misdemeanor upon the first offense; and]~~

6701 ~~[(b) a class A misdemeanor for each subsequent offense.]~~

6702 ~~[(2) Any person who transfers in violation of applicable state or federal law a short barreled~~  
6703 ~~rifle, short barreled shotgun, or fully automatic weapon to a minor is guilty of a third~~  
6704 ~~degree felony.]~~

6705 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

6706 (2) An actor is guilty of providing a handgun or an NFA firearm to a minor if the actor:

6707 (a)(i) intentionally or knowingly transfers or provides a handgun to a minor; or

6708 (ii) intentionally or knowingly transfers or provides an NFA firearm to a minor; and

6709 (b) knows, or reasonably should know, the providing or transferring of the firearm

6710 described in Subsection (2)(a):

6711 (i) would result in the minor committing a violation of Section 76-11-211, Possession  
6712 of a dangerous weapon by a minor; or

6713 (ii) is in violation of any other applicable state or federal law.

6714 (3) A violation of Subsection (2)(a) is:

6715 (a) if the violation is the result of transferring or providing a handgun:

6716 (i) a class B misdemeanor upon the first offense; and

6717 (ii) a class A misdemeanor for each subsequent offense; or

6718 (b) a third degree felony if the violation is the result of transferring or providing an NFA  
6719 firearm.

6720 Section 107. Section **76-11-213**, which is renumbered from Section 76-10-509.6 is renumbered  
6721 and amended to read:

6722 **[76-10-509.6] 76-11-213 . Parent or guardian providing a firearm to a violent**  
6723 **minor.**

6724 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

6725 (2) ~~[A parent or guardian may not]~~ An actor is guilty of a parent or guardian providing a

6726 firearm to a violent minor if:

- 6727 (a) ~~[-] the actor intentionally or knowingly [provide] provides~~ a firearm to, or ~~[permit]~~  
 6728 permits the possession of a firearm by, ~~[any] a~~ minor;  
 6729 (b) ~~[-] the minor is the actor's biological or adopted child or the actor is the legal guardian~~  
 6730 of the minor; and  
 6731 (c) ~~[who] the minor has previously been:~~  
 6732 (i) ~~[-]convicted of a violent felony[- as defined in Section 76-3-203.5] ; or~~  
 6733 (ii) ~~[-any minor who has been-]~~adjudicated in juvenile court for an offense which  
 6734 would constitute a violent felony if the minor were an adult.

6735 ~~[(2)] (3) [Any person who violates this section is guilty of]~~ A violation of Subsection (2) is:

- 6736 (a) a class A misdemeanor upon the first offense; and  
 6737 (b) a third degree felony for each subsequent offense.

6738 Section 108. Section **76-11-214**, which is renumbered from Section 76-10-509.7 is renumbered  
 6739 and amended to read:

6740 ~~[76-10-509.7]~~ **76-11-214 . Parent or guardian knowing a minor is in possession of**  
 6741 **a dangerous weapon.**

6742 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

6743 (2) ~~[ Any parent or guardian of a minor who knows that the minor is in]~~ An actor is guilty  
 6744 of parent or guardian knowing a minor is in possession of a dangerous weapon if:

- 6745 (a) the actor knows a minor is in possession of a dangerous weapon in violation of  
 6746 Section~~[76-10-509.4]~~ 76-11-211, Possession of a dangerous weapon by a minor;  
 6747 (b) the minor is the actor's biological or adopted child or the actor is the legal guardian  
 6748 of the minor; and  
 6749 (c) the actor fails to make reasonable efforts to remove the dangerous weapon from the  
 6750 minor's possession.

6751 (3) ~~[is guilty of]~~ A violation of Subsection (2) is a class B misdemeanor.

6752 Section 109. Section **76-11-215**, which is renumbered from Section 76-10-509.9 is renumbered  
 6753 and amended to read:

6754 ~~[76-10-509.9]~~ **76-11-215 . Selling a firearm to a minor.**

6755 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

6756 (2) ~~[A person may not sell any-]~~ An actor commits selling a firearm to a minor [under 18  
 6757 years of age unless] if:

- 6758 (a) the actor sells a firearm to a minor; and  
 6759 (b) at the time the actor sells the weapon to a minor, the minor is not accompanied by a

6760 parent of the minor or a legal guardian of the minor.

6761 [(2)] (3) [Any person who violates this section is guilty of-] A violation of Subsection (2) is a  
6762 third degree felony.

6763 Section 110. Section **76-11-216** is enacted to read:

6764 **76-11-216 . Prohibited conduct in the sale of a dangerous weapon.**

6765 (1)(a) As used in this section, "materially false information" means information that  
6766 portrays an illegal dangerous weapon transaction as legal or a legal dangerous  
6767 weapon transaction as illegal.

6768 (b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this  
6769 section.

6770 (2) An actor commits prohibited conduct in the sale of a dangerous weapon if the actor:

6771 (a)(i) knowingly solicits, persuades, encourages, or entices a person to sell, transfer,  
6772 or otherwise provide a dangerous weapon to the actor or another individual; and

6773 (ii) knows that the sale, transfer, or providing of the dangerous weapon to the actor or  
6774 other individual would be a violation of state or federal law; or

6775 (b)(i) provides information that the actor knows is materially false information to a  
6776 person; and

6777 (ii) knowingly provides the materially false information to the person with intent to  
6778 deceive the person about the lawfulness of a sale, transfer, or providing of a  
6779 dangerous weapon to the actor or another individual.

6780 (3)(a) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon  
6781 sold, transferred, or provided is not a firearm.

6782 (b) A violation of Subsection (2) is a third degree felony if the dangerous weapon sold,  
6783 transferred, or provided is a firearm.

6784 Section 111. Section **76-11-217**, which is renumbered from Section 76-10-528 is renumbered  
6785 and amended to read:

6786 **[76-10-528] 76-11-217 . Carrying a dangerous weapon while under the influence**  
6787 **of alcohol or drugs.**

6788 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

6789 (2) [It is a class B misdemeanor for an actor to carry-] An actor commits carrying a  
6790 dangerous weapon while under the influence of alcohol or drugs if the actor:

6791 (a) carries a dangerous weapon that is readily accessible by the actor for immediate use;  
6792 and

6793 (b) is under the influence of:



6794            [(a)](i) alcohol as determined by the actor's blood or breath alcohol concentration in  
6795            accordance with Subsections 41-6a-502(1)(a) through (c); or

6796            [(b)] (ii) a controlled substance as defined in Section 58-37-2.

6797            (3) A violation of Subsection (2) is a class B misdemeanor.

6798            [(2)] (4) This section does not apply to:

6799            [(a) ~~an actor carrying a dangerous weapon that is either securely encased, as defined in~~  
6800            ~~this part, or not within such close proximity and in such a manner that it can be~~  
6801            ~~retrieved and used as readily as if carried on the person;~~]

6802            [(b)] (a) an actor who uses or threatens to use force in compliance with Section 76-2-402;

6803            [(c)] (b) an actor carrying a dangerous weapon in the actor's residence or the residence of  
6804            another individual with the consent of the individual who is lawfully in possession of  
6805            the residence;

6806            [(d)] (c) an actor under the influence of cannabis or a cannabis product, as those terms  
6807            are defined in Section 26B-4-201, if the actor's use of the cannabis or cannabis  
6808            product complies with Title 26B, Chapter 4, Part 2, Cannabinoid Research and  
6809            Medical Cannabis; or

6810            [(e)] (d) an actor who:

6811            (i) has a valid prescription for a controlled substance;

6812            (ii) takes the controlled substance described in Subsection [(2)(e)(i)] (4)(d)(i) as  
6813            prescribed; and

6814            (iii) after taking the controlled substance, the actor:

6815            (A) is not a danger to the actor or another individual; or

6816            (B) is capable of safely handling a dangerous weapon.

6817            [(3)] (5) It is not a defense to prosecution under this section that the actor:

6818            (a) is licensed in the pursuit of wildlife of any kind;[~~or~~]

6819            (b) has a [~~valid~~] concealed carry permit [~~to carry a concealed firearm.~~] as described in  
6820            Section 53-5a-303;

6821            (c) has a provisional concealed carry permit as described in Section 53-5a-304;

6822            (d) has a temporary concealed carry permit issued under Section 53-5a-305;

6823            (e) has a concealed carry permit lawfully issued by or in another state; or

6824            (f) is 21 years old or older and may otherwise lawfully possess a concealed loaded  
6825            firearm without a concealed carry permit as described in Section 53-5a-102.1.

6826            Section 112. Section **76-11-218**, which is renumbered from Section 76-10-529 is renumbered  
6827            and amended to read:

6828 **[76-10-529] 76-11-218 . Possession of a dangerous weapon in an airport secure**  
 6829 **area -- Reporting requirements.**

6830 (1)(a) As used in this section:

6831 (i) "Airport authority" has the same meaning as defined in Section 72-10-102.

6832 (ii) "Explosive" is the same as defined for "explosive, chemical, or incendiary  
 6833 device" in Section 76-10-306.

6834 (iii) "Law enforcement officer" means the same as that term is defined in Section  
 6835 53-13-103.

6836 (b) ~~[Terms defined in Sections 76-1-101.5 and 76-10-501 apply to this section]~~ Terms  
 6837 defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

6838 ~~(2)(a) Within a secure area of an airport established pursuant to this section, an actor,]~~

6839 Except as provided in Subsection (4), an actor commits possession of a dangerous  
 6840 weapon in an airport secure area if the actor, including an actor [licensed to carry a]

6841 with a concealed firearm permit issued under [Title 53, Chapter 5, Part 7, Concealed  
 6842 Firearm Act, is guilty of] Title 53, Chapter 5a, Part 3, Concealed Firearm Permits:

6843 (a) intentionally or knowingly possesses a dangerous weapon within the secure area of  
 6844 an airport established under Subsection (5); or

6845 (b) recklessly or with criminal negligence possesses a dangerous weapon within the  
 6846 secure area of an airport established under Subsection (5).

6847 [(i) a class A misdemeanor if the actor knowingly or intentionally possesses a firearm  
 6848 or other dangerous weapon;]

6849 [(ii) subject to Subsection (5), an infraction if the actor recklessly or with criminal  
 6850 negligence possesses a firearm or other dangerous weapon; or]

6851 [(iii) a violation of Section 76-10-306 if the actor transports, possesses, distributes, or  
 6852 sells an explosive, chemical, or incendiary device.]

6853 [(b) Subsection (2)(a) does not apply to:]

6854 [(i) individuals exempted under Section 76-10-523; and]

6855 [(ii) a member of the state or federal military forces while engaged in the  
 6856 performance of the member's official duties.]

6857 (3)(a) A violation of Subsection (2)(a) is a class A misdemeanor.

6858 (b) Subject to Subsection (6), a violation of Subsection (2)(b) is an infraction.

6859 (4) Subsection (2) does not apply to:

6860 (a) an individual exempted from certain weapons laws as described in Section 53-5a-108;

6861 or

6862 (b) a member of the state or federal military forces while engaged in the performance of  
 6863 the member's official duties.

6864 ~~[(3)]~~ (5)(a) An airport authority, county, municipality, or other entity regulating an  
 6865 airport may:

6866 ~~[(a)]~~ (i) establish a secure area located beyond the main area where the public  
 6867 generally buys tickets, checks and retrieves luggage; and

6868 ~~[(b)]~~ (ii) use reasonable means, including mechanical, electronic, x-ray, or another  
 6869 device, to detect firearms, other dangerous weapons, or explosives concealed in  
 6870 baggage or upon the person of an individual attempting to enter the secure area.

6871 ~~[(4)]~~ (b) At least one notice shall be prominently displayed at each entrance to a secure  
 6872 area in which a firearm, other dangerous weapon, or explosive is restricted.

6873 (c) An actor who transports, possesses, distributes, or sells an explosive, chemical, or  
 6874 incendiary device within the secure area of an airport commits a violation of Section  
 6875 76-10-306.

6876 ~~[(5)]~~ (6)(a) An actor who violates Subsection ~~[(2)(a)(ii)]~~ (2)(b) on a first offense may  
 6877 receive a written warning for the offense and may not receive a citation or any other  
 6878 form of punishment.

6879 (b) An actor who violates Subsection ~~[(2)(a)(ii)]~~ (2)(b) on a second or subsequent  
 6880 offense may receive a written warning or a citation.

6881 ~~[(6)]~~ (7)(a) Except as provided in Subsection ~~[(6)(d)]~~ (7)(d), if a law enforcement officer  
 6882 issues a citation to an actor for an infraction as a result of the actor's conduct  
 6883 described in Subsection ~~[(2)(a)(ii)]~~ (2)(b), or provides an oral or written warning for  
 6884 that conduct, the law enforcement officer shall:

6885 (i) if the law enforcement officer is able to confirm that the actor may lawfully  
 6886 possess the ~~[firearm or other]~~ dangerous weapon, allow the actor, at the actor's  
 6887 option, to:

6888 (A) temporarily surrender custody of the ~~[firearm or other]~~ dangerous weapon into  
 6889 the custody of the law enforcement agency so that the ~~[firearm or other]~~  
 6890 dangerous weapon may be retrieved by the actor at a later date; or

6891 (B) exit the secure area of the airport with the ~~[firearm or other]~~ dangerous  
 6892 weapon; or

6893 (ii) if the law enforcement officer is unable to confirm that the actor may lawfully  
 6894 possess the ~~[firearm or other]~~ dangerous weapon, or the airport authority under  
 6895 Subsection ~~[(6)(d)]~~ (7)(d) prohibits the procedure described in Subsection ~~[(6)(a)(i)]~~

6896                    ~~(7)(a)(i)~~, take temporary custody of the [~~firearm or other~~] dangerous weapon so  
 6897                    that the [~~firearm or other~~] dangerous weapon may be retrieved by the actor at a  
 6898                    later date if legally permitted to do so.

6899                    (b) If a law enforcement officer takes temporary custody of a [~~firearm or other~~]  
 6900                    dangerous weapon under Subsection [~~(6)(a)~~] (7)(a):

6901                    (i) at the time the [~~firearm or other~~] dangerous weapon is obtained from the actor, the  
 6902                    law enforcement officer, or another law enforcement officer, or an employee who  
 6903                    works in the secure area of the airport, shall provide the actor with written  
 6904                    instructions on how, when, and where the actor may retrieve the actor's [~~firearm or~~  
 6905                    ~~other~~] dangerous weapon; and

6906                    (ii) within three business days from the time when the law enforcement officer  
 6907                    receives the [~~firearm or other~~] dangerous weapon, the law enforcement agency  
 6908                    shall determine whether the actor is legally permitted to possess the [~~firearm or~~  
 6909                    ~~other~~] dangerous weapon, and if so, ensure that the [~~firearm or other~~] dangerous  
 6910                    weapon is available for the actor to retrieve.

6911                    (c) An unclaimed [~~firearm or other~~] dangerous weapon that is surrendered into the  
 6912                    custody of a law enforcement agency under this Subsection [~~(6)~~] (7) may be disposed  
 6913                    of pursuant to Section 77-11d-105, disposition of unclaimed property.

6914                    (d) An airport authority may implement a policy that prohibits the law enforcement  
 6915                    agency with jurisdiction over the airport from utilizing the procedure described in  
 6916                    Subsection [~~(6)(a)(i)~~] (7)(a)(i).

6917                    [~~(7)~~] (8)(a) An actor's firearm that is confiscated based on a violation of Subsection [  
 6918                    ~~(2)(a)(i)~~] (2)(a) shall be returned to the actor in accordance with Subsection  
 6919                    77-11a-402(1)(b)[-].

6920                    (b) In accordance with Subsection 77-11b-102(5), a firearm seized under Subsection [  
 6921                    ~~(2)(a)(i)~~] (2)(a) is not subject to forfeiture if the actor may lawfully possess the  
 6922                    firearm.

6923                    (c) In a prosecution brought under this section, a prosecutor may not condition a plea on  
 6924                    the forfeiture of a firearm.

6925                    [~~(8)~~] (9) An airport authority, county, municipality, or other entity regulating an airport or  
 6926                    with local jurisdiction over an airport may not:

6927                    (a) charge, cite, or prosecute an actor with a different offense under the Utah Code, local  
 6928                    ordinance, or another state or local law or regulation for conduct described in  
 6929                    Subsection [~~(2)(a)(ii)~~] (2)(b);

6930 (b) assess a civil penalty for conduct described in Subsection ~~[(2)(a)(i) or (ii)]~~ (2); or  
 6931 (c) enact a regulation, ordinance, or law covering conduct described in Subsection (2).  
 6932 ~~[(9)]~~ (10) A law enforcement agency that issues a written warning, citation, or referral for  
 6933 prosecution under this section shall record and report the information as required under  
 6934 Section 53-25-103.

6935 Section 113. Section **76-11-219**, which is renumbered from Section 76-10-530 is renumbered  
 6936 and amended to read:

6937 **[76-10-530] 76-11-219 . Trespass with a firearm in a house of worship or a**  
 6938 **private residence.**

6939 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

6940 ~~[(1)]~~ (2) ~~[A person, including a person licensed to carry a concealed firearm pursuant to~~  
 6941 ~~Title 53, Chapter 5, Part 7, Concealed Firearm Act,]~~ An actor is guilty of trespass with a  
 6942 firearm in a house of worship or a private residence if the actor:

6943 (a) ~~[-after notice-]~~has been given notice as ~~[provided]~~ described in Subsection ~~[(2)]~~ (4)  
 6944 that firearms are prohibited~~[-]~~ in the house or worship or the private residence; and

6945 (b) ~~[-may not-]~~knowingly and intentionally:

6946 ~~[(a)]~~ (i) ~~[transport]~~ transports a firearm into[:] the house of worship or private  
 6947 residence; or

6948 ~~[(i) a house of worship; or]~~

6949 ~~[(ii) a private residence; or]~~

6950 ~~[(b)]~~ (ii) while in possession of a firearm, ~~[enter or remain in:]~~ enters or remains in the  
 6951 house of worship or private residence.

6952 ~~[(i) a house of worship; or]~~

6953 ~~[(ii) a private residence.]~~

6954 (3) A violation of Subsection (2) is an infraction.

6955 ~~[(2)]~~ (4) Notice that firearms are prohibited may be given by:

6956 (a) personal communication to the actor by:

6957 (i) the church or organization operating the house of worship;

6958 (ii) the owner, lessee, or person with lawful right of possession of the private  
 6959 residence; or

6960 (iii) a person with authority to act for the person or entity in Subsections ~~[(2)(a)(i)]~~  
 6961 (4)(a)(i) and (ii);

6962 (b) posting of signs reasonably likely to come to the attention of persons entering the  
 6963 house of worship or private residence;

- 6964 (c) announcement, by a person with authority to act for the church or organization  
 6965 operating the house of worship, in a regular congregational meeting in the house of  
 6966 worship;  
 6967 (d) publication in a bulletin, newsletter, worship program, or similar document generally  
 6968 circulated or available to the members of the congregation regularly meeting in the  
 6969 house of worship; or  
 6970 (e) publication:  
 6971 (i) in a newspaper of general circulation in the county in which the house of worship  
 6972 is located or the church or organization operating the house of worship has its  
 6973 principal office in this state; and  
 6974 (ii) as required in Section 45-1-101.

6975 ~~[(3)]~~ (5) A church or organization operating a house of worship and giving notice that  
 6976 firearms are prohibited may:

- 6977 (a) revoke the notice, with or without supersedure, by giving further notice in any  
 6978 manner provided in Subsection ~~[(2)]~~ (4); and  
 6979 (b) provide or allow exceptions to the prohibition as the church or organization  
 6980 considers advisable.

6981 ~~[(4)]~~ (6)(a)(i) Within 30 days of giving or revoking any notice pursuant to Subsection [  
 6982 ~~(2)(e)]~~ (4)(c), (d), or (e), a church or organization operating a house of worship  
 6983 shall notify the division on a form and in a manner as the division shall prescribe.

- 6984 (ii) The division shall post on its website a list of the churches and organizations  
 6985 operating houses of worship who have given notice under Subsection ~~[(4)(a)(i)]~~  
 6986 (6)(a)(i).

- 6987 (b) Any notice given pursuant to Subsection ~~[(2)(e)]~~ (4)(c), (d), or (e) shall remain in  
 6988 effect until revoked or for a period of one year from the date the notice was originally  
 6989 given, whichever occurs first.

6990 ~~[(5)]~~ (7) ~~[Nothing in this section permits.]~~ This section does not permit an owner who has  
 6991 granted the lawful right of possession to a renter or lessee to restrict the renter or lessee  
 6992 from lawfully possessing a firearm in the residence.

6993 ~~[(6) A violation of this section is an infraction.]~~

6994 Section 114. Section **76-11-220** is enacted to read:

6995 **76-11-220 . Carrying a loaded firearm on a public street by an 18 to 21 year old.**

6996 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

6997 (2) An actor commits carrying a loaded firearm on a public street by an 18 to 21 year old if

6998 the actor:

6999 (a) is 18 years old or older but younger than 21 years old; and

7000 (b) carries a loaded firearm on a public street.

7001 (3) A violation of Subsection (2) is a class B misdemeanor.

7002 Section 115. Section **76-11-301** is enacted to read:

7003 **Part 3. Persons Restricted Regarding Dangerous Weapons**

7004 **76-11-301 . Definitions.**

7005 As used in this part:

7006 (1) "Adjudicated" means a judgment has been entered against a minor for an offense by a  
7007 juvenile court under Section 80-6-701.

7008 (2) "Category I restricted person" means an individual described in Section 76-11-302.

7009 (3) "Category II restricted person" means an individual described in Section 76-11-304.

7010 (4) "Carry" means for an individual to have an item under the individual's custody or  
7011 control.

7012 (5) "Controlled substance" means the same as that term is defined in Section 58-37-2.

7013 (6)(a) "Dating relationship" means a romantic or intimate relationship between  
7014 individuals.

7015 (b) "Dating relationship" does not include a casual acquaintanceship or ordinary  
7016 fraternization in a business or social context.

7017 (7) "Dealer" means a person who is:

7018 (a) licensed under 18 U.S.C. Sec. 923; and

7019 (b) engaged in the business of selling, leasing, or otherwise transferring a firearm,  
7020 whether the person is a retail or wholesale dealer, pawnbroker, or other type of  
7021 merchant or seller.

7022 (8) "Domestic violence" means the same as that term is defined in Section 77-36-1.

7023 (9) "Intimate partner" means the same as that term is defined in 18 U.S.C. Sec. 921.

7024 (10) "Schedule I controlled substance" means a substance listed as a schedule I controlled  
7025 substance in Section 58-37-4.

7026 (11) "Schedule II controlled substance" means a substance listed as a schedule II controlled  
7027 substance in Section 58-37-4.

7028 (12) "Secure care" means the same as that term is defined in Section 80-1-102.

7029 (13) "Single criminal episode" means the same as that term is defined in Section 76-1-401.

7030 Section 116. Section **76-11-302** is enacted to read:

7031 **76-11-302 . Category I restricted person established.**

7032 Except as provided in Section 76-11-304, Exceptions, limitations, and exclusions to  
7033 restricted person categories, an individual is categorized as a category I restricted person and  
7034 subject to the restrictions and penalties described in Section 76-11-305 for:

- 7035 (1) having a conviction of a violent felony;  
7036 (2) being on probation or parole for a felony;  
7037 (3) being on parole from secure care;  
7038 (4) 10 years after the day on which the individual was adjudicated for an offense which if  
7039 committed by an adult would have been a violent felony;  
7040 (5) being an alien who is illegally or unlawfully in the United States; or  
7041 (6) being on probation for a conviction of possessing:  
7042 (a) a substance classified in Section 58-37-4 as a Schedule I or II controlled substance;  
7043 (b) a controlled substance analog; or  
7044 (c) a substance listed in Section 58-37-4.2.

7045 Section 117. Section **76-11-303** is enacted to read:

7046 **76-11-303 . Category II restricted person established.**

7047 Except as provided in Section 76-11-304, Exceptions, limitations, and exclusions to  
7048 restricted person categories, an individual is categorized as a category II restricted person and  
7049 subject to the restrictions and penalties described in Section 76-11-306 for:

- 7050 (1) having a conviction of:  
7051 (a) a domestic violence offense that is a felony; or  
7052 (b) multiple felonies that are not part of a single criminal episode;  
7053 (2) having a conviction of:  
7054 (a)(i) a felony that is not a domestic violence offense or a violent felony; or  
7055 (ii) multiple felonies that are part of a single criminal episode and are not domestic  
7056 violence offenses or violent felonies; and  
7057 (b) within seven years after completing the sentence for the conviction described in  
7058 Subsection (2)(a), the individual has been convicted of, or charged with, another  
7059 felony or class A misdemeanor;  
7060 (3) seven years after the day on which the individual completes a sentence for:  
7061 (a) a conviction for a felony that is not a domestic violence offense or a violent felony; or  
7062 (b) convictions for multiple felonies that are part of a single criminal episode and are not  
7063 domestic violence offenses or violent felonies;  
7064 (4) seven years after the day on which the individual was an adjudicated delinquent for an  
7065 offense which if committed by an adult would have been a felony;



- 7066 (5) being an unlawful user of a controlled substance;  
 7067 (6) being in possession of a dangerous weapon while knowingly and intentionally being in  
 7068 unlawful possession of a schedule I controlled substance or a schedule II controlled  
 7069 substance;  
 7070 (7) being found not guilty by reason of insanity for a felony offense;  
 7071 (8) being found mentally incompetent to stand trial for a felony offense;  
 7072 (9) being adjudicated as mentally defective as provided in the Brady Handgun Violence  
 7073 Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993), or having been committed  
 7074 to a mental institution;  
 7075 (10) being dishonorably discharged from the armed forces;  
 7076 (11) renouncing the individual's citizenship after having been a citizen of the United States;  
 7077 (12) being a respondent or defendant subject to a protective order or child protective order  
 7078 that:  
 7079 (a) is issued after a hearing for which the individual received actual notice and at which  
 7080 the individual had an opportunity to participate;  
 7081 (b) restrains the individual from harassing, stalking, threatening, or engaging in other  
 7082 conduct that would place an intimate partner, or a child of the intimate partner, in  
 7083 reasonable fear of bodily injury to the intimate partner or child of the intimate  
 7084 partner; and  
 7085 (c)(i) includes a finding that the individual represents a credible threat to the physical  
 7086 safety of an intimate partner or the child of the intimate partner; or  
 7087 (ii) explicitly prohibits the use, attempted use, or threatened use of physical force that  
 7088 would reasonably be expected to cause bodily harm against an intimate partner or  
 7089 the child of an intimate partner; or  
 7090 (13) except as provided in Subsection 76-11-304(2), being convicted of the commission or  
 7091 attempted commission of misdemeanor assault under Section 76-5-102, or aggravated  
 7092 assault under Section 76-5-103, against a victim:  
 7093 (a) who is a current or former spouse, parent, or guardian of the individual;  
 7094 (b) with whom the individual shares a child in common;  
 7095 (c) who is cohabitating or has cohabitated with the individual as a spouse, parent, or  
 7096 guardian;  
 7097 (d) involved in a dating relationship with the individual within the last five years; or  
 7098 (e) similarly situated to a spouse, parent, or guardian of the individual.

7099 Section 118. Section **76-11-304** is enacted to read:

7100 **76-11-304 . Exceptions, limitations, and exclusions to restricted person categories**

7101 **-- Burden on defendant to prove exception.**

7102 (1)(a) Subject to Subsection (1)(c), an individual convicted of a felony, or adjudicated  
7103 for an offense which would be a felony if committed by an adult, is not a category I  
7104 restricted person, or a category II restricted person, if:

7105 (i) the felony or adjudication has, in accordance with the law of the jurisdiction in  
7106 which the conviction or adjudication occurred, been:

7107 (A) expunged;

7108 (B) set aside;

7109 (C) reduced to a misdemeanor by court order; or

7110 (D) pardoned;

7111 (ii) the individual has had the individual's civil rights that had been limited by the  
7112 conviction or adjudication restored in accordance with the law of the jurisdiction  
7113 in which the conviction or adjudication occurred; or

7114 (iii) the felony or adjudication is an offense pertaining to antitrust violations, unfair  
7115 trade practices, restraint of trade, or other similar offenses relating to the  
7116 regulation of business practices not involving theft or fraud.

7117 (b) Subject to Subsection (1)(c), an individual convicted of a misdemeanor assault under  
7118 Subsection 76-11-303(13) that qualifies to make the individual a category II  
7119 restricted person is otherwise not a category II restricted person, if, in accordance  
7120 with the law of the jurisdiction in which the conviction occurred:

7121 (i) the misdemeanor has been:

7122 (A) expunged;

7123 (B) set aside;

7124 (C) reduced to an infraction by court order; or

7125 (D) pardoned; or

7126 (ii) the individual has had the individual's civil rights that had been limited by the  
7127 conviction restored.

7128 (c) An individual who has received a pardon, reduction, expungement, setting aside, or  
7129 restoration of civil rights as described in Subsection (1)(a) or (b) remains a category I  
7130 or category II restricted person that corresponds with the individual's conviction if the  
7131 pardon, reduction, expungement, setting aside, or restoration of civil rights expressly  
7132 provides that the person may not ship, transport, possess, or receive firearms.

7133 (2) An individual is not a category II restricted person resulting from a conviction for a

7134 misdemeanor assault committed against an individual involved in a dating relationship  
 7135 as described in Subsection 76-11-303(13)(d) if:

7136 (a) five years have elapsed from the later of:

7137 (i) the day on which the conviction is entered;

7138 (ii) the day on which the individual is released from incarceration following the  
 7139 conviction; or

7140 (iii) the day on which the individual's probation for the conviction is successfully  
 7141 terminated;

7142 (b) the individual only has a single conviction for misdemeanor assault as described in  
 7143 Subsection 76-11-303(12)(d); and

7144 (c) the individual is not otherwise a category I restricted person or a category II  
 7145 restricted person.

7146 (3)(a) In a criminal case brought against the defendant in which the question of whether  
 7147 the defendant meets an exception, limitation, or exclusion under this section arises  
 7148 and therefore makes the defendant not a category I or category II restricted person,  
 7149 the defendant has the burden to provide evidence that an exception, limitation, or  
 7150 exclusion described in Subsection (1) or (2) applies.

7151 (b) If the defendant satisfies the defendant's burden to provide evidence described in  
 7152 Subsection (3)(a), the burden shifts to the state to prove beyond a reasonable doubt  
 7153 that the defendant's conviction or adjudication is not subject to an exception,  
 7154 limitation, or exclusion described in Subsection (1) or (2).

7155 Section 119. Section **76-11-305** is enacted to read:

7156 **76-11-305 . Category I restricted person participating in prohibited dangerous**  
 7157 **weapon conduct.**

7158 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-301 apply to this section.

7159 (2) An actor commits category I restricted person participating in prohibited dangerous  
 7160 weapon conduct if the actor:

7161 (a) is a category I restricted person; and

7162 (b) intentionally or knowingly:

7163 (i) agrees, consents, offers, or arranges to:

7164 (A) purchase a dangerous weapon;

7165 (B) transfer a dangerous weapon;

7166 (C) use a dangerous weapon; or

7167 (D) carry or otherwise possess a dangerous weapon; or

- 7168           (ii) purchases, transfers, uses, carries, or otherwise possesses a dangerous weapon.
- 7169       (3)(a) A violation of Subsection (2) is a third degree felony if the dangerous weapon is
- 7170           not a firearm.
- 7171       (b) A violation of Subsection (2) is a second degree felony if the dangerous weapon is a
- 7172           firearm.
- 7173       (4) For purposes of this section, using a dangerous weapon includes using an antique
- 7174           firearm for an activity regulated under Title 23A, Wildlife Resources Act.
- 7175       (5) It is an affirmative defense to a prosecution for transferring a dangerous weapon by an
- 7176           actor under Subsection (2) that the dangerous weapon:
- 7177           (a) was possessed by the actor or was under the actor's custody or control before the
- 7178           actor became a restricted person;
- 7179           (b) was not used in or possessed during the commission of a crime or subject to
- 7180           disposition under Title 77, Chapter 11a, Part 4, Disposal of Seized Property and
- 7181           Contraband;
- 7182           (c) is not being held as evidence by a court or law enforcement agency;
- 7183           (d) was transferred to an individual not legally prohibited from possessing the weapon;
- 7184           and
- 7185           (e) unless a different time is ordered by the court, was transferred within 10 days after
- 7186           the day on which the actor became a restricted person.
- 7187       (6)(a) It is not a violation of this section for an actor who is a category I restricted person
- 7188           to own, carry, or otherwise possess, archery equipment, including crossbows, for the
- 7189           purpose of lawful hunting and lawful target shooting.
- 7190       (b) Notwithstanding Subsection (6)(a), this section applies if the owning, carrying, or
- 7191           otherwise possessing archery equipment, including crossbows, is prohibited by:
- 7192           (i) a court, as a condition of pre-trial release or probation; or
- 7193           (ii) the Board of Pardons and Parole, as a condition of parole.
- 7194       Section 120. Section **76-11-306** is enacted to read:
- 7195           **76-11-306 . Category II restricted person participating in prohibited dangerous**
- 7196           **weapon conduct.**
- 7197       (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-301 apply to this section.
- 7198       (2) An actor commits category II restricted person participating in prohibited dangerous
- 7199           weapon conduct if the actor:
- 7200           (a) is a category II restricted person; and
- 7201           (b) intentionally or knowingly:

- 7202            (i) purchases a dangerous weapon;
- 7203            (ii) transfers a dangerous weapon;
- 7204            (iii) uses a dangerous weapon; or
- 7205            (iv) carries or otherwise possesses a dangerous weapon.
- 7206            (3)(a) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon is  
 7207            not a firearm.
- 7208            (b) A violation of Subsection (2) is a third degree felony if the dangerous weapon is a  
 7209            firearm.
- 7210            (4) For purposes of this section using a dangerous weapon includes using an antique  
 7211            firearm for an activity regulated under Title 23A, Wildlife Resources Act.
- 7212            (5) It is an affirmative defense to:
- 7213            (a) a prosecution under this section that is based on proving that an actor is a category II  
 7214            restricted person as a result of being in possession of a dangerous weapon while  
 7215            knowingly and intentionally being in unlawful possession of a schedule I controlled  
 7216            substance or a schedule II controlled substance as described in Subsection  
 7217            76-11-303(6) that the actor was:
- 7218            (i) in possession of the controlled substance pursuant to a lawful order of a  
 7219            practitioner for use of a member of the person's household or for administration to  
 7220            an animal owned by the person or a member of the person's household; or
- 7221            (ii) otherwise authorized by law to possess the controlled substance; and
- 7222            (b) a prosecution for transferring a dangerous weapon by an actor under Subsection (2)  
 7223            that the dangerous weapon:
- 7224            (i) was possessed by the actor or was under the actor's custody or control before the  
 7225            actor became a restricted person;
- 7226            (ii) was not used in or possessed during the commission of a crime or subject to  
 7227            disposition under Title 77, Chapter 11a, Part 4, Disposal of Seized Property and  
 7228            Contraband;
- 7229            (iii) is not being held as evidence by a court or law enforcement agency;
- 7230            (iv) was transferred to an individual not legally prohibited from possessing the  
 7231            weapon; and
- 7232            (v) unless a different time is ordered by the court, was transferred within 10 days  
 7233            after the day on which the actor became a restricted person.
- 7234            (6)(a) It is not a violation of this section for an actor who is a category II restricted  
 7235            person to own, carry, or otherwise possess, archery equipment, including crossbows,

7236 for the purpose of lawful hunting and lawful target shooting.

7237 (b) Notwithstanding Subsection (6)(a), this section applies if the owning, carrying, or  
7238 otherwise possessing of archery equipment, including crossbows, is prohibited by:

7239 (i) a court, as a condition of pre-trial release or probation; or

7240 (ii) the Board of Pardons and Parole, as a condition of parole.

7241 Section 121. Section **76-11-307** is enacted to read:

7242 **76-11-307 . Selling a dangerous weapon to a category I restricted person.**

7243 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-301 apply to this section.

7244 (2) An actor commits selling a dangerous weapon to a category I restricted person if the  
7245 actor:

7246 (a) sells, transfers, or otherwise provides a dangerous weapon to an individual who is a  
7247 category I restricted person; and

7248 (b) knows the individual that the actor has sold, transferred, or provided the dangerous  
7249 weapon to is a category I restricted person.

7250 (3)(a) A violation of Subsection (2) is a second degree felony if the dangerous weapon  
7251 sold, transferred, or provided is a firearm.

7252 (b) A violation of Subsection (2) is a third degree felony if the dangerous weapon sold,  
7253 transferred, or provided is not a firearm and the actor knew that the recipient intended  
7254 to use the dangerous weapon for an unlawful purpose.

7255 Section 122. Section **76-11-308** is enacted to read:

7256 **76-11-308 . Selling a dangerous weapon to a category II restricted person.**

7257 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-301 apply to this section.

7258 (2) An actor commits selling a dangerous weapon to a category II restricted person if the  
7259 actor:

7260 (a) sells, transfers, or otherwise provides a dangerous weapon to an individual who is a  
7261 category II restricted person; and

7262 (b) knows the individual that the actor has sold, transferred, or provided the dangerous  
7263 weapon to is a category II restricted person.

7264 (3)(a) A violation of Subsection (2) is a third degree felony if the dangerous weapon  
7265 sold, transferred, or provided is a firearm.

7266 (b) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon  
7267 sold, transferred, or provided is not a firearm and the actor knew that the recipient  
7268 intended to use the dangerous weapon for an unlawful purpose.

7269 Section 123. Section **76-11-309**, which is renumbered from Section 76-10-503.1 is renumbered

7270 and amended to read:

7271 **[76-10-503.1] 76-11-309 . Firearm restriction notification requirement for**  
7272 **restricted persons.**

7273 (1) As used in this section:

7274 (a) "Peace officer" means an officer described Section 53-13-102.

7275 ~~[(b) "Possess" means actual physical possession, actual or purported ownership, or~~  
7276 ~~exercising control of an item.]~~

7277 ~~[(e)] (b) "Restricted person" means an individual who is restricted from [possessing,]~~  
7278 ~~purchasing, transferring, [or owning] using, or otherwise possessing~~ a firearm under  
7279 ~~Section [76-10-503] 76-11-302 or 76-11-303 or federal law.~~

7280 (2) A defendant intending to plead guilty or no contest to a criminal charge that will, upon  
7281 conviction, cause the defendant to become a restricted person shall, before entering a  
7282 plea before a court, sign an acknowledgment that states:

7283 (a) the defendant's attorney or the prosecuting attorney has informed the defendant:

7284 (i) that conviction of the charge will classify the defendant as a restricted person;

7285 (ii) that a restricted person may not ~~[possess]~~ purchase, transfer, use, or otherwise  
7286 possess a firearm; and

7287 (iii) of the criminal penalties associated with ~~[possession of]~~ purchasing, transferring,  
7288 using, or otherwise possessing a firearm by a restricted person of the same  
7289 category the defendant will become upon entering a plea for the criminal charge;  
7290 and

7291 (b) the defendant acknowledges and understands that, by pleading guilty or no contest to  
7292 the criminal charge, the defendant:

7293 (i) will be a restricted person;

7294 (ii) upon conviction, shall forfeit possession of each firearm currently ~~[possessed by~~  
7295 ~~the defendant]~~ in the defendant's possession; and

7296 (iii) will be in violation of federal and state law if the defendant purchases, transfers,  
7297 uses, or otherwise possesses a firearm.

7298 (3) The prosecuting attorney or the defendant's attorney shall provide the acknowledgment  
7299 described in Subsection (2) to the court before the defendant's entry of a plea, if the  
7300 defendant pleads guilty or no contest.

7301 (4) A defendant who is convicted by trial of a criminal charge resulting in the defendant  
7302 becoming a restricted person shall, at the time of sentencing:

7303 (a) be verbally informed by the court, prosecuting attorney, or defendant's attorney:

- 7304 (i) that the defendant is a restricted person;
- 7305 (ii) that, as a restricted person, the defendant may not purchase, transfer, use, or
- 7306 otherwise possess a firearm; and
- 7307 (iii) of the criminal penalties associated with [~~possession of~~] purchasing, transferring,
- 7308 using, or otherwise possessing a firearm by a restricted person of the defendant's
- 7309 category; and
- 7310 (b) sign an acknowledgment in the presence of the court attesting that the defendant
- 7311 acknowledges and understands that the defendant:
- 7312 (i) is a restricted person;
- 7313 (ii) shall forfeit possession of each firearm; and
- 7314 (iii) will be in violation of federal and state law if the defendant purchases, transfers,
- 7315 uses, or otherwise possesses a firearm.
- 7316 (5) The prosecuting attorney and the defendant's attorney shall inform the court at the
- 7317 preliminary hearing if a charge filed against the defendant would qualify the defendant
- 7318 as a restricted person if the defendant is convicted of the charge.
- 7319 (6) The failure to inform or obtain a signed acknowledgment from the defendant may not
- 7320 render the plea invalid, form the basis for withdrawal of the plea, or create a basis to
- 7321 challenge a conviction or sentence.
- 7322 (7) An individual who becomes a restricted person as a result of being served with a pretrial
- 7323 protective order in accordance with Section 78B-7-803, a sentencing protective order in
- 7324 accordance with Section 77-36-5, or a continuous protective order in accordance with
- 7325 Section 77-36-5, shall, at the time of service of the protective order:
- 7326 (a) be verbally informed by the court, prosecuting attorney, defendant's attorney, or, if a
- 7327 peace officer is serving the protective order, the peace officer:
- 7328 (i) that the individual is a restricted person;
- 7329 (ii) that, as a restricted person, the individual may not purchase, transfer, use, or
- 7330 otherwise possess a firearm; and
- 7331 (iii) of the criminal penalties associated with [~~possession of~~] purchasing, transferring,
- 7332 using, or otherwise possessing a firearm by a restricted person of the individual's
- 7333 category; and
- 7334 (b) sign, in the presence of the court or, if a peace officer serves the protective order, in
- 7335 the presence of the peace officer, an acknowledgment contained within the protective
- 7336 order document attesting that the individual acknowledges and understands that the
- 7337 individual:



- 7338 (i) is a restricted person;
- 7339 (ii) is required to relinquish possession of each firearm in the individual's possession;
- 7340 (iii) will be in violation of federal and state law if the individual purchases, transfers,
- 7341 uses, or otherwise possesses a firearm; and
- 7342 (iv) may be eligible for an affirmative defense to a state-law prosecution for [  
7343 ~~possession of~~] transferring a firearm under Section [~~76-10-503~~] 76-11-305 or  
7344 76-11-306 if the individual lawfully transfers the individual's firearms within 10  
7345 days [~~of becoming~~] after the day on which the individual became a restricted  
7346 person.

7347 Section 124. Section **76-11-310**, which is renumbered from Section 76-10-532 is renumbered  
7348 and amended to read:

7349 **[76-10-532] 76-11-310 . Removal from National Instant Check System database**  
7350 **for certain category II restricted persons.**

- 7351 (1) [~~A person~~] An individual who is subject to the restrictions in Subsection [  
7352 ~~76-10-503(1)(b)(vi), (vii), or (viii)]~~ 76-11-303(7), (8), or (9), or 18 U.S.C. 922(d)(4) and  
7353 (g)(4) based on a commitment, finding, or adjudication that occurred in this state may  
7354 petition the district court in the county in which the commitment, finding, or  
7355 adjudication occurred to remove the disability imposed.
- 7356 (2) The petition shall be filed in the district court in the county where the commitment,  
7357 finding, or adjudication occurred[~~. The petition~~] and shall include:
- 7358 (a) a listing of facilities, with their addresses, where the petitioner has ever received  
7359 mental health treatment;
- 7360 (b) a release signed by the petitioner to allow the prosecutor or county attorney to obtain  
7361 the petitioner's mental health records;
- 7362 (c) a verified report of a mental health evaluation conducted by a licensed psychiatrist  
7363 occurring within 30 days prior to the filing of the petition, which shall include a  
7364 statement regarding:
- 7365 (i) the nature of the commitment, finding, or adjudication that resulted in the  
7366 restriction on the petitioner's ability to purchase or possess a dangerous weapon;
- 7367 (ii) the petitioner's previous and current mental health treatment;
- 7368 (iii) the petitioner's previous violent behavior, if any;
- 7369 (iv) the petitioner's current mental health medications and medication management;
- 7370 (v) the length of time the petitioner has been stable;
- 7371 (vi) external factors that may influence the petitioner's stability;

- 7372 (vii) the ability of the petitioner to maintain stability with or without medication; and  
7373 (viii) whether the petitioner is dangerous to public safety; and  
7374 (d) a copy of the petitioner's state and federal criminal history record.
- 7375 (3) The petitioner shall serve the petition on the prosecuting entity that prosecuted the case  
7376 or, if the disability is not based on a criminal case, on the county or district attorney's  
7377 office having jurisdiction where the petition was filed and the individual who filed the  
7378 original action which resulted in the disability.
- 7379 (4)(a) The court shall schedule a hearing as soon as practicable~~[-The]~~ in which the  
7380 petitioner may present evidence and subpoena witnesses to appear at the hearing.~~[-]~~
- 7381 (b) The prosecuting, county attorney, or the individual who filed the original action  
7382 which resulted in the disability may object to the petition and present evidence in  
7383 support of the objection.
- 7384 (5) The court shall consider the following evidence:  
7385 (a) the facts and circumstances that resulted in the commitment, finding, or adjudication;  
7386 (b) the ~~[person's]~~ petitioner's mental health and criminal history records; and  
7387 (c) the ~~[person's]~~ petitioner's reputation, including the testimony of character witnesses.
- 7388 (6) The court shall grant the relief if the court finds by clear and convincing evidence that:  
7389 (a) the ~~[person]~~ petitioner is not a danger to the ~~[person]~~ petitioner or to ~~[others]~~ another  
7390 individual;  
7391 (b) the ~~[person]~~ petitioner is not likely to act in a manner dangerous to public safety; and  
7392 (c) the requested relief would not be contrary to the public interest.
- 7393 (7) The court shall issue an order with its findings and send a copy to the bureau.
- 7394 (8)(a) The bureau, upon receipt of a court order removing ~~[a person's]~~ a petitioner's  
7395 disability under Subsection [76-10-503(1)(b)(viii),] 76-11-303(9), shall send a copy  
7396 of the court order to the National Instant Check System requesting removal of the [  
7397 person's] petitioner's name from the database.~~[-]~~
- 7398 (b) In addition to the action described in Subsection (8)(a), if the [person] petitioner is  
7399 listed in a state database utilized by the bureau to determine eligibility for the  
7400 purchase or possession of a firearm or to obtain a concealed firearm permit under  
7401 Title 53, Chapter 5a, Part 3, Concealed Firearm Permits, the bureau shall remove the  
7402 petitioner's name or send a copy of the court's order to the agency responsible for the  
7403 database for removal of the petitioner's name.
- 7404 (9) If the court denies the petition, the petitioner may not petition again for relief until at  
7405 least two years after the date of the court's final order.

7406 (10) The petitioner may appeal a denial of the requested relief[~~—The~~] and the review on  
 7407 appeal shall be de novo.

7408 Section 125. Section **77-11a-402** is amended to read:

7409 **77-11a-402 . Disposition of seized property and contraband -- Return of seized**  
 7410 **property.**

7411 (1)(a) Except as provided in Subsection (1)(b), if a prosecuting attorney determines that  
 7412 seized property no longer needs to be retained as evidence under Chapter 11c,  
 7413 Retention of Evidence, the prosecuting attorney may:

7414 (i) petition the court to apply the property that is money towards restitution, fines,  
 7415 fees, or monetary judgments owed by the owner of the property;

7416 (ii) petition the court for an order transferring ownership of weapons to the agency  
 7417 with custody for the agency's use and disposal in accordance with Section  
 7418 77-11a-403 if the owner:

7419 (A) is the individual who committed the offense for which the weapon was seized;

7420 or

7421 (B) may not lawfully possess the weapon; or

7422 (iii) notify the agency with custody of the property or contraband that:

7423 (A) the property may be returned to the owner in accordance with Section

7424 77-11a-301 if the owner may lawfully possess the property; or

7425 (B) the contraband may be disposed of or destroyed.

7426 (b) If a prosecuting attorney determines that a firearm seized from an individual as a  
 7427 result of an offense committed under Subsection [76-10-529(2)(a)(i)] 76-11-218(2)(a)  
 7428 no longer needs to be retained for court proceedings, the prosecuting attorney shall  
 7429 notify the agency with custody of the firearm that the property shall be returned to the  
 7430 individual if the individual may lawfully possess the firearm.

7431 (2) Before returning a firearm to an individual, the agency returning the firearm shall  
 7432 confirm, through the Bureau of Criminal Identification, that the individual is eligible to  
 7433 lawfully possess and receive firearms.

7434 (3)(a) Except as provided in Subsection (3)(b), if the agency is unable to locate the  
 7435 owner of the property or the owner is not entitled to lawfully possess the property,  
 7436 the agency may:

7437 (i) apply the property to a public interest use;

7438 (ii) sell the property at public auction and apply the proceeds of the sale to a public  
 7439 interest use; or

- 7440 (iii) destroy the property if the property is unfit for a public interest use or for sale.
- 7441 (b) If the property described in Subsection (3)(a) is a firearm, the agency shall dispose of
- 7442 the firearm in accordance with Section 77-11a-403.
- 7443 (4) Before applying the property or the proceeds from the sale of the property to a public
- 7444 interest use, the agency shall obtain from the legislative body of the agency's jurisdiction:
- 7445 (a) permission to apply the property or the proceeds to public interest use; and
- 7446 (b) the designation and approval of the public interest use of the property or the proceeds.
- 7447 (5) If a peace officer seizes property that at the time of seizure is held by a pawn or
- 7448 secondhand business in the course of the pawn or secondhand business's business, the
- 7449 provisions of Section 13-32a-116 shall apply to the disposition of the property.
- 7450 Section 126. Section **77-11a-403** is amended to read:
- 7451 **77-11a-403 . Disposition of firearms no longer needed as evidence.**
- 7452 (1) As used in this section:
- 7453 (a) "Confiscated or unclaimed firearm" means a firearm that is subject to disposal by an
- 7454 agency under Section [~~53-5e-202~~] 53-5a-503 or 77-11a-402.
- 7455 (b) "Department" means the Department of Public Safety created in Section 53-1-103.
- 7456 (c) "Federally licensed firearms dealer" means a person:
- 7457 (i) licensed as a dealer under 18 U.S.C. Sec. 923; and
- 7458 (ii) engaged in the business of selling firearms.
- 7459 (d) "State-approved dealer" means the federally licensed firearms dealer that contracts
- 7460 with the department under Subsection (4).
- 7461 (2) An agency shall dispose of a confiscated or unclaimed firearm by:
- 7462 (a) selling or destroying the confiscated or unclaimed firearm in accordance with
- 7463 Subsection (3);
- 7464 (b) giving the confiscated or unclaimed firearm to the state-approved dealer to sell or
- 7465 destroy in accordance with Subsection (4) and the agreement between the
- 7466 state-approved dealer and the department; or
- 7467 (c) after the agency obtains approval from the legislative body of the agency's
- 7468 jurisdiction, transferring the confiscated or unclaimed firearm to the Bureau of
- 7469 Forensic Services, created in Section 53-10-401, or another public forensic laboratory
- 7470 for testing.
- 7471 (3)(a) An agency that elects to dispose of a confiscated or unclaimed firearm under
- 7472 Subsection (2)(a) shall:
- 7473 (i) sell the confiscated or unclaimed firearm to a federally licensed firearms dealer

- 7474 and apply the proceeds from the sale to a public interest use; or
- 7475 (ii) destroy the firearm, if the agency determines that:
- 7476 (A) the condition of a confiscated or unclaimed firearm makes the firearm unfit
- 7477 for sale; or
- 7478 (B) the confiscated or unclaimed firearm is associated with a notorious crime.
- 7479 (b) Before an agency applies the proceeds of a sale of a confiscated or unclaimed firearm
- 7480 to a public interest use, the agency shall obtain from the legislative body of the
- 7481 agency's jurisdiction:
- 7482 (i) permission to apply the proceeds of the sale to a public interest use; and
- 7483 (ii) the designation and approval of the public interest use to which the agency
- 7484 applies the proceeds.
- 7485 (4)(a)(i) The department shall, in accordance with Title 63G, Chapter 6a, Utah
- 7486 Procurement Code, contract with a federally licensed firearms dealer to sell or
- 7487 destroy all confiscated or unclaimed firearms in the state.
- 7488 (ii) The term of an agreement executed in accordance with this Subsection (4) may
- 7489 not exceed five years.
- 7490 (iii) Nothing in this Subsection (4) prevents the department from contracting with the
- 7491 same federally licensed firearms dealer more than once.
- 7492 (b) An agreement executed in accordance with Subsection (4)(a) shall:
- 7493 (i) address the amount of money that the federally licensed firearms dealer is entitled
- 7494 to retain from the sale of each confiscated or unclaimed firearm as compensation
- 7495 for the federally licensed firearms dealer's performance under the agreement;
- 7496 (ii) require the federally licensed firearms dealer to donate, on behalf of the state, all
- 7497 proceeds from the sale of a confiscated or unclaimed firearm, except the amount
- 7498 described in Subsection (4)(b)(i), to an organization that:
- 7499 (A) is exempt from taxation under Section 501(c)(3), Internal Revenue Code;
- 7500 (B) complies with any applicable licensing or registration requirements in the state;
- 7501 (C) primarily helps the families of law enforcement officers in the state who die in
- 7502 the line of duty;
- 7503 (D) gives financial assistance to the families of law enforcement officers in the
- 7504 state who die in the line of duty; and
- 7505 (E) provides other assistance to children of active law enforcement officers,
- 7506 including scholarships;
- 7507 (iii) state that if the federally licensed firearms dealer determines that the condition of

7508 a confiscated or unclaimed firearm makes the firearm unfit for sale, the federally  
7509 licensed firearms dealer shall destroy the firearm; and  
7510 (iv) provide a procedure by which the department can ensure that the federally  
7511 licensed firearms dealer complies with the provisions of the agreement and  
7512 applicable law.

7513 Section 127. Section **77-11b-102** is amended to read:

7514 **77-11b-102 . Property subject to forfeiture.**

- 7515 (1)(a) Except as provided in Subsection (2), (3), (4), or (5), an agency may seek to  
7516 forfeit:
- 7517 (i) seized property that was used to facilitate the commission of an offense that is a  
7518 violation of federal or state law; or
  - 7519 (ii) seized proceeds.
- 7520 (b) An agency, or the prosecuting attorney, may not forfeit the seized property of an  
7521 innocent owner or an interest holder.
- 7522 (2) If seized property is used to facilitate an offense that is a violation of Section 76-10-1204,  
7523 76-10-1205, 76-10-1206, or 76-10-1222, an agency may not forfeit the property if the  
7524 forfeiture would constitute a prior restraint on the exercise of an affected party's rights  
7525 under the First Amendment to the Constitution of the United States or Utah Constitution,  
7526 Article I, Section 15, or would otherwise unlawfully interfere with the exercise of the  
7527 party's rights under the First Amendment to the Constitution of the United States or Utah  
7528 Constitution, Article I, Section 15.
- 7529 (3) If a motor vehicle is used in an offense that is a violation of Section 41-6a-502,  
7530 41-6a-517, a local ordinance that complies with the requirements of Subsection  
7531 41-6a-510(1), Subsection 76-5-102.1(2)(b), or Section 76-5-207, an agency may not  
7532 seek forfeiture of the motor vehicle, unless:
- 7533 (a) the operator of the vehicle has previously been convicted of an offense committed  
7534 after May 12, 2009, that is:
    - 7535 (i) a felony driving under the influence violation under Section 41-6a-502 or  
7536 Subsection 76-5-102.1(2)(a);
    - 7537 (ii) a felony violation under Subsection 76-5-102.1(2)(b);
    - 7538 (iii) a violation under Section 76-5-207; or
    - 7539 (iv) operating a motor vehicle with any amount of a controlled substance in an  
7540 individual's body and causing serious bodily injury or death, as codified before  
7541 May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection

- 7542 58-37-8(2)(g); or
- 7543 (b) the operator of the vehicle was driving on a denied, suspended, revoked, or
- 7544 disqualified license and:
- 7545 (i) the denial, suspension, revocation, or disqualification under Subsection (3)(b)(ii)
- 7546 was imposed because of a violation under:
- 7547 (A) Section 41-6a-502;
- 7548 (B) Section 41-6a-517;
- 7549 (C) a local ordinance that complies with the requirements of Subsection
- 7550 41-6a-510(1);
- 7551 (D) Section 41-6a-520.1;
- 7552 (E) operating a motor vehicle with any amount of a controlled substance in an
- 7553 individual's body and causing serious bodily injury or death, as codified before
- 7554 May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection
- 7555 58-37-8(2)(g);
- 7556 (F) Section 76-5-102.1;
- 7557 (G) Section 76-5-207; or
- 7558 (H) a criminal prohibition as a result of a plea bargain after having been originally
- 7559 charged with violating one or more of the sections or ordinances described in
- 7560 Subsections (3)(b)(i)(A) through (G); or
- 7561 (ii) the denial, suspension, revocation, or disqualification described in Subsection
- 7562 (3)(b)(i):
- 7563 (A) is an extension imposed under Subsection 53-3-220(2) of a denial, suspension,
- 7564 revocation, or disqualification; and
- 7565 (B) the original denial, suspension, revocation, or disqualification was imposed
- 7566 because of a violation described in Subsection (3)(b)(i).
- 7567 (4) If a peace officer seizes property incident to an arrest solely for possession of a
- 7568 controlled substance under Subsection 58-37-8(2)(a)(i) but not Subsection
- 7569 58-37-8(2)(b)(i), an agency may not seek to forfeit the property that was seized in
- 7570 accordance with the arrest.
- 7571 (5) If a peace officer seizes an individual's firearm as the result of an offense under Section [
- 7572 ~~76-10-529~~] 76-11-218, an agency may not seek to forfeit the individual's firearm if the
- 7573 individual may lawfully possess the firearm.
- 7574 Section 128. Section **77-11d-101** is amended to read:
- 7575 **77-11d-101 . Definitions.**

7576 As used in this chapter:

7577 (1) "Interest holder" means the same as that term is defined in Section 77-11a-101.

7578 (2)(a) "Lost or mislaid property":

7579 (i) means any property that comes into the possession of a peace officer or law  
7580 enforcement agency:

7581 (A) that is not claimed by anyone who is identified as the owner of the property; or

7582 (B) for which no owner or interest holder can be found after a reasonable and  
7583 diligent search;

7584 (ii) includes any property received by a peace officer or law enforcement agency  
7585 from a person claiming to have found the property; and

7586 (iii) does not include property seized by a peace officer in accordance with Chapter  
7587 11a, Seizure of Property and Contraband.

7588 (b) "Lost or mislaid property" includes a firearm or other dangerous weapon received by  
7589 a law enforcement agency at an airport under Subsection [~~76-10-529(6)~~] 76-11-218(7).

7590 (3) "Owner" means the same as that term is defined in Section 77-11a-101.

7591 (4) "Public interest use" means:

7592 (a) use by a governmental agency as determined by the agency's legislative body; or

7593 (b) donation to a nonprofit charity registered with the state.

7594 Section 129. Section **77-11d-105** is amended to read:

7595 **77-11d-105 . Disposition of unclaimed property.**

7596 (1)(a) Except as provided in Subsection (6), if the owner of any lost or mislaid property  
7597 cannot be determined or notified, or if the owner of the property is determined and  
7598 notified, and fails to appear and claim the property after three months of the  
7599 property's receipt by the local law enforcement agency, the agency shall:

7600 (i) publish notice of the intent to dispose of the unclaimed property on Utah's Public  
7601 Legal Notice Website established in Subsection 45-1-101(2)(b);

7602 (ii) post a similar notice on the public website of the political subdivision within  
7603 which the law enforcement agency is located; and

7604 (iii) post a similar notice in a public place designated for notice within the law  
7605 enforcement agency.

7606 (b) The notice shall:

7607 (i) give a general description of the item; and

7608 (ii) the date of intended disposition.

7609 (c) The agency may not dispose of the lost or mislaid property until at least eight days



- 7610 after the date of publication and posting.
- 7611 (2)(a) If no claim is made for the lost or mislaid property within nine days of publication  
7612 and posting, the agency shall notify the person who turned the property over to the  
7613 local law enforcement agency, if it was turned over by a person under Section  
7614 77-11d-103.
- 7615 (b) Except as provided in Subsection (4), if that person has complied with the provisions  
7616 of this chapter, the person may take the lost or mislaid property if the person:  
7617 (i) pays the costs incurred for advertising and storage; and  
7618 (ii) signs a receipt for the item.
- 7619 (3) If the person who found the lost or mislaid property fails to take the property under the  
7620 provisions of this chapter, the agency shall:  
7621 (a) apply the property to a public interest use as provided in Subsection (4);  
7622 (b) sell the property at public auction and apply the proceeds of the sale to a public  
7623 interest use; or  
7624 (c) destroy the property if it is unfit for a public interest use or sale.
- 7625 (4)(a) Before applying the lost or mislaid property to a public interest use, the agency  
7626 having possession of the property shall obtain from the agency's legislative body:  
7627 (i) permission to apply the property to a public interest use; and  
7628 (ii) the designation and approval of the public interest use of the property.
- 7629 (b) If the agency is a private law enforcement agency as defined in Subsection 53-19-102  
7630 (4), the agency may apply the lost or mislaid property to a public interest use as  
7631 provided in Subsection (4)(a) after obtaining the permission, designation, and  
7632 approval of the legislative body of the municipality in which the agency is located.
- 7633 (5) Any person employed by a law enforcement agency who finds property may not claim  
7634 or receive property under this section.
- 7635 (6)(a) If the lost or mislaid property is a firearm or other dangerous weapon received by  
7636 a law enforcement agency under Subsection [~~76-10-529(6)~~] 76-11-218(7), the law  
7637 enforcement agency may dispose of the firearm or other dangerous weapon three  
7638 months after the property's receipt by the law enforcement agency if the owner of the  
7639 firearm or other dangerous weapon, or the owner's agent:  
7640 (i) fails to retrieve the firearm or other dangerous weapon; or  
7641 (ii) is legally prohibited from possessing the firearm or other dangerous weapon.
- 7642 (b) A law enforcement agency may dispose of a firearm under Subsection (6)(a) by  
7643 following the procedures described in Section 77-11a-403, disposition of firearms no

7644 longer needed as evidence.

7645 Section 130. Section **77-36-1** is amended to read:

7646 **77-36-1 . Definitions.**

7647 As used in this chapter:

7648 (1) "Cohabitant" means the same as that term is defined in Section 78B-7-102.

7649 (2) "Department" means the Department of Public Safety.

7650 (3) "Divorced" means an individual who has obtained a divorce under Title 81, Chapter 4,  
7651 Part 4, Divorce.

7652 (4)(a) "Domestic violence" or "domestic violence offense" means any criminal offense  
7653 involving violence or physical harm or threat of violence or physical harm, or any  
7654 attempt, conspiracy, or solicitation to commit a criminal offense involving violence  
7655 or physical harm, when committed by one cohabitant against another.

7656 (b) "Domestic violence" or "domestic violence offense" includes the commission of or  
7657 attempt to commit, any of the following offenses by one cohabitant against another:

7658 (i) aggravated assault under Section 76-5-103;

7659 (ii) aggravated cruelty to an animal under Subsection 76-9-301(4), with the intent to  
7660 harass or threaten the other cohabitant;

7661 (iii) assault under Section 76-5-102;

7662 (iv) criminal homicide under Section 76-5-201;

7663 (v) harassment under Section 76-5-106;

7664 (vi) electronic communication harassment under Section 76-9-201;

7665 (vii) kidnapping, child kidnapping, or aggravated kidnapping under Sections 76-5-301,  
7666 76-5-301.1, and 76-5-302;

7667 (viii) mayhem under Section 76-5-105;

7668 (ix) propelling a bodily substance or material, as described in Section 76-5-102.9

7669 (x) sexual offenses under Title 76, Chapter 5, Part 4, Sexual Offenses, and [-]sexual  
7670 exploitation of a minor and aggravated sexual exploitation of a minor, as  
7671 described in Sections 76-5b-201 and 76-5b-201.1;

7672 (xi) stalking under Section 76-5-106.5;

7673 (xii) unlawful detention and unlawful detention of a minor under Section 76-5-304;

7674 (xiii) violation of a protective order or ex parte protective order under Section  
7675 76-5-108;

7676 (xiv) an offense against property under Title 76, Chapter 6, Part 1, Property

7677 Destruction, Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass, or Title

7678 76, Chapter 6, Part 3, Robbery;

7679 [~~(xv)~~ possession of a deadly weapon with criminal intent under Section 76-10-507;]

7680 [~~(xvi)~~ discharge of a firearm from a vehicle, near a highway, or in the direction of any

7681 person, building, or vehicle under Section 76-10-508;]

7682 [~~(xvii)~~] (xv) disorderly conduct under Section 76-9-102, if a conviction or

7683 adjudication of disorderly conduct is the result of a plea agreement in which the

7684 perpetrator was originally charged with a domestic violence offense otherwise

7685 described in this Subsection (4), except that a conviction or adjudication of

7686 disorderly conduct as a domestic violence offense, in the manner described in this

7687 Subsection [~~(4)(p)~~] (4)(b)(xv), does not constitute a misdemeanor crime of

7688 domestic violence under 18 U.S.C. Sec. 921, and is exempt from the federal

7689 Firearms Act, 18 U.S.C. Sec. 921 et seq.;

7690 [~~(xviii)~~] (xvi) child abuse under Section 76-5-114;

7691 [~~(xix)~~ threatening use of a dangerous weapon under Section 76-10-506;]

7692 [~~(xx)~~] (xvii) threatening violence under Section 76-5-107;

7693 [~~(xxi)~~] (xviii) tampering with a witness under Section 76-8-508;

7694 [~~(xxii)~~] (xix) retaliation against a witness, victim, or informant under Section

7695 76-8-508.3;

7696 [~~(xxiii)~~] (xx) receiving or soliciting a bribe as a witness under Section 76-8-508.7;

7697 [~~(xxiv)~~] (xxi) unlawful distribution of an intimate image under Section 76-5b-203;

7698 [~~(xxv)~~] (xxii) unlawful distribution of a counterfeit intimate image under Section

7699 76-5b-205;

7700 [~~(xxvi)~~] (xxiii) sexual battery under Section 76-9-702.1;

7701 [~~(xxvii)~~] (xxiv) voyeurism under Section 76-9-702.7;

7702 [~~(xxviii)~~] (xxv) damage to or interruption of a communication device under Section

7703 76-6-108;[~~or~~]

7704 (xxvi) threatening with or using a dangerous weapon in a fight or quarrel under

7705 Section 76-11-207;

7706 (xxvii) possession of a dangerous weapon with criminal intent under Section

7707 76-11-208;

7708 (xxviii) improper discharging of a dangerous weapon under Section 76-11-209; or

7709 (xxix) an offense under Subsection 78B-7-806(1).

7710 (5) "Jail release agreement" means the same as that term is defined in Section 78B-7-801.

7711 (6) "Jail release court order" means the same as that term is defined in Section 78B-7-801.

- 7712 (7) "Marital status" means married and living together, divorced, separated, or not married.
- 7713 (8) "Married and living together" means a couple whose marriage was solemnized under  
7714 Section 81-2-305 or 81-2-407 and who are living in the same residence.
- 7715 (9) "Not married" means any living arrangement other than married and living together,  
7716 divorced, or separated.
- 7717 (10) "Protective order" includes an order issued under Subsection 78B-7-804(3).
- 7718 (11) "Pretrial protective order" means a written order:
- 7719 (a) specifying and limiting the contact a person who has been charged with a domestic  
7720 violence offense may have with an alleged victim or other specified individuals; and
- 7721 (b) specifying other conditions of release under Section 78B-7-802 or 78B-7-803,  
7722 pending trial in the criminal case.
- 7723 (12) "Sentencing protective order" means a written order of the court as part of sentencing  
7724 in a domestic violence case that limits the contact an individual who is convicted or  
7725 adjudicated of a domestic violence offense may have with a victim or other specified  
7726 individuals under Section 78B-7-804.
- 7727 (13) "Separated" means a couple who have had their marriage solemnized under Section  
7728 81-2-305 or 81-2-407 and who are not living in the same residence.
- 7729 (14) "Victim" means a cohabitant who has been subjected to domestic violence.  
7730 Section 131. Section **77-36-2.1** is amended to read:
- 7731 **77-36-2.1 . Duties of law enforcement officers -- Notice to victims -- Lethality**  
7732 **assessments.**
- 7733 (1) As used in this section:[}]
- 7734 (a) "Criminal justice system victim advocate" means the same as that term is defined in  
7735 Section 77-38-403.
- 7736 (b)(i) "Dating relationship" means a social relationship of a romantic or intimate  
7737 nature, or a relationship which has romance or intimacy as a goal by one or both  
7738 parties, regardless of whether the relationship involves sexual intimacy.
- 7739 (ii) "Dating relationship" does not include casual fraternization in a business,  
7740 educational, or social context.
- 7741 (c) "Intimate partner" means an emancipated individual under Section 15-2-1 or an  
7742 individual who is 16 years old or older who:
- 7743 (i) is or was a spouse of the other party;
- 7744 (ii) is or was living as if a spouse of the other party;
- 7745 (iii) has or had one or more children in common with the other party;

- 7746 (iv) is the biological parent of the other party's unborn child;
- 7747 (v) is or was in a consensual sexual relationship with the other party; or
- 7748 (vi) is or was in a dating relationship with the other party.
- 7749 (d) "Nongovernment organization victim advocate" means the same as that term is
- 7750 defined in Section 77-38-403.
- 7751 (e) "Primary purpose domestic violence organization" means a contract provider of
- 7752 domestic violence services as described in Section 80-2-301.
- 7753 (2) A law enforcement officer who responds to an allegation of domestic violence shall:
- 7754 (a) use all reasonable means to protect the victim and prevent further violence, including:
- 7755 (i) taking the action that, in the officer's discretion, is reasonably necessary to provide
- 7756 for the safety of the victim and any family or household member;
- 7757 (ii) confiscating the weapon or weapons involved in the alleged domestic violence;
- 7758 (iii) making arrangements for the victim and any child to obtain emergency housing
- 7759 or shelter;
- 7760 (iv) providing protection while the victim removes essential personal effects;
- 7761 (v) arrange, facilitate, or provide for the victim and any child to obtain medical
- 7762 treatment;
- 7763 (vi) arrange, facilitate, or provide the victim with immediate and adequate notice of
- 7764 the rights of victims and of the remedies and services available to victims of
- 7765 domestic violence, in accordance with Subsection (3); and
- 7766 (vii) providing the pamphlet created by the department under Section [~~53-5e-201~~
- 7767 53-5a-502] to the victim if the allegation of domestic violence:
- 7768 (A) includes a threat of violence as described in Section 76-5-107;
- 7769 (B) results, or would result, in the owner cohabitant becoming a restricted person
- 7770 under Section [~~76-10-503~~] 76-11-302 or 76-11-303; or
- 7771 (C) is accompanied by a completed lethality assessment that demonstrates the
- 7772 cohabitant is at high risk of being further victimized; and
- 7773 (b) if the allegation of domestic violence is against an intimate partner, complete the
- 7774 lethality assessment protocols described in this section.
- 7775 (3)(a) A law enforcement officer shall give written notice to the victim in simple
- 7776 language, describing the rights and remedies available under this chapter, Title 78B,
- 7777 Chapter 7, Part 6, Cohabitant Abuse Protective Orders, and Title 78B, Chapter 7, Part
- 7778 2, Child Protective Orders.
- 7779 (b) The written notice shall include:

- 7780 (i) a statement that the forms needed in order to obtain an order for protection are  
7781 available from the court clerk's office in the judicial district where the victim  
7782 resides or is temporarily domiciled;
- 7783 (ii) a list of shelters, services, and resources available in the appropriate community,  
7784 together with telephone numbers, to assist the victim in accessing any needed  
7785 assistance; and
- 7786 (iii) the information required to be provided to both parties in accordance with  
7787 Subsections 78B-7-802(8) and (9) .
- 7788 (4) If a weapon is confiscated under this section, the law enforcement agency shall return  
7789 the weapon to the individual from whom the weapon is confiscated if a domestic  
7790 violence protective order is not issued or once the domestic violence protective order is  
7791 terminated.
- 7792 (5) A law enforcement officer shall complete a lethality assessment form by asking the  
7793 victim:
- 7794 (a) if the aggressor has ever used a weapon against the victim or threatened the victim  
7795 with a weapon;
- 7796 (b) if the aggressor has ever threatened to kill the victim or the victim's children;
- 7797 (c) if the victim believes the aggressor will try to kill the victim;
- 7798 (d) if the aggressor has ever tried to choke the victim;
- 7799 (e) if the aggressor has a gun or could easily get a gun;
- 7800 (f) if the aggressor is violently or constantly jealous, or controls most of the daily  
7801 activities of the victim;
- 7802 (g) if the victim left or separated from the aggressor after they were living together or  
7803 married;
- 7804 (h) if the aggressor is unemployed;
- 7805 (i) if the aggressor has ever attempted suicide, to the best of the victim's knowledge;
- 7806 (j) if the victim has a child that the aggressor believes is not the aggressor's biological  
7807 child;
- 7808 (k) if the aggressor follows or spies on the victim, or leaves threatening messages for the  
7809 victim; and
- 7810 (l) if there is anything else that worries the victim about the victim's safety and, if so,  
7811 what worries the victim.
- 7812 (6) A law enforcement officer shall comply with Subsection (7) if:
- 7813 (a) the victim answers affirmatively to any of the questions in Subsections (5)(a) through

- 7814 (d);
- 7815 (b) the victim answers negatively to the questions in Subsections (5)(a) through (d), but  
7816 affirmatively to at least four of the questions in Subsections (5)(e) through (k); or
- 7817 (c) as a result of the victim's response to the question in Subsection (5)(l), the law  
7818 enforcement officer believes the victim is in a potentially lethal situation.
- 7819 (7) If the criteria in Subsections (6)(a), (b), or (c) are met, the law enforcement officer shall:
- 7820 (a) advise the victim of the results of the assessment;
- 7821 (b) refer the victim to a nongovernment organization victim advocate at a primary  
7822 purpose domestic violence organization; and
- 7823 (c) refer the victim to a criminal justice system victim advocate if the responding law  
7824 enforcement agency has a criminal justice system victim advocate available.
- 7825 (8) If a victim does not or is unable to provide information to a law enforcement officer  
7826 sufficient to allow the law enforcement officer to complete a lethality assessment form,  
7827 or does not speak or is unable to speak with a nongovernment organization victim  
7828 advocate, the law enforcement officer shall document this information on the lethality  
7829 assessment form and submit the information to the Department of Public Safety under  
7830 Subsection (9).
- 7831 (9)(a) Except as provided in Subsection (9)(b), a law enforcement officer shall submit  
7832 the results of a lethality assessment to the Department of Public Safety while on  
7833 scene.
- 7834 (b) If a law enforcement officer is not reasonably able to submit the results of a lethality  
7835 assessment while on scene, the law enforcement officer shall submit the results of the  
7836 lethality assessment to the Department of Public Safety as soon as practicable.
- 7837 (c)(i) Before the reporting mechanism described in Subsection (10)(a) is developed, a  
7838 law enforcement officer shall submit the results of a lethality assessment to the  
7839 Department of Public Safety using means prescribed by the Department of Public  
7840 Safety.
- 7841 (ii) After the reporting mechanism described in Subsection (10)(a) is developed, a  
7842 law enforcement officer shall submit the results of a lethality assessment to the  
7843 Department of Public Safety using that reporting mechanism.
- 7844 (10) The Department of Public Safety shall:
- 7845 (a) as soon as practicable, develop and maintain a reporting mechanism by which a law  
7846 enforcement officer will submit the results of a lethality assessment as required by  
7847 Subsection (9);

- 7848 (b) provide prompt analytical support to a law enforcement officer who submits the  
 7849 results of a lethality assessment using the reporting mechanism described in  
 7850 Subsection (10)(a); and
- 7851 (c) create and maintain a database of lethality assessment data provided under this  
 7852 section.
- 7853 (11)(a) Subject to Subsection (11)(b), a law enforcement officer shall include the results  
 7854 of a lethality assessment and any related, relevant analysis provided by the  
 7855 Department of Public Safety under Subsection (10), with:
- 7856 (i) a probable cause statement submitted in accordance with Rule 9 of the Utah Rules  
 7857 of Criminal Procedure; and
- 7858 (ii) an incident report prepared in accordance with Section 77-36-2.2.
- 7859 (b) In a probable cause statement or incident report, a law enforcement officer may not  
 7860 include information about how or where a victim was referred under Subsection  
 7861 (7)(b).
- 7862 Section 132. Section **77-40a-205** is amended to read:
- 7863 **77-40a-205 . Automatic expungement of state records for a clean slate case.**
- 7864 (1) A court shall issue an order of expungement, without the filing of a petition, for all  
 7865 records of the case that are held by the court and the bureau if:
- 7866 (a) on and after October 1, 2024, but before January 1, 2026, the individual submitted a  
 7867 form requesting expungement of a case as described in Section 77-40a-204;
- 7868 (b) the case is eligible for expungement under this section; and
- 7869 (c) the prosecuting agency does not object to the expungement of the case as described  
 7870 in Subsection (6).
- 7871 (2) Except as otherwise provided in Subsection (3), a case is eligible for expungement  
 7872 under this section if:
- 7873 (a)(i) each conviction within the case is a conviction for:
- 7874 (A) a misdemeanor offense for possession of a controlled substance in violation of  
 7875 Subsection 58-37-8(2)(a)(i);
- 7876 (B) a class B misdemeanor offense;
- 7877 (C) a class C misdemeanor offense; or
- 7878 (D) an infraction; and
- 7879 (ii) the following time periods have passed after the day on which the individual is  
 7880 adjudicated:
- 7881 (A) at least five years for the conviction of a class C misdemeanor offense or an



- 7882                   infraction;
- 7883                   (B) at least six years for the conviction of a class B misdemeanor offense; or
- 7884                   (C) at least seven years for the conviction of a class A misdemeanor offense for
- 7885                   possession of a controlled substance in violation of Subsection 58-37-8
- 7886                   (2)(a)(i); or
- 7887                   (b)(i) the case is dismissed as a result of a successful completion of a plea in
- 7888                   abeyance agreement governed by Subsection 77-2a-3(2)(b) or the case is
- 7889                   dismissed without prejudice;
- 7890                   (ii) each charge within the case is:
- 7891                   (A) a misdemeanor offense for possession of a controlled substance in violation of
- 7892                   Subsection 58-37-8(2)(a)(i);
- 7893                   (B) a class B misdemeanor offense;
- 7894                   (C) a class C misdemeanor offense; or
- 7895                   (D) an infraction; and
- 7896                   (iii) the following time periods have passed after the day on which the case is
- 7897                   dismissed:
- 7898                   (A) at least five years for a charge in the case for a class C misdemeanor offense
- 7899                   or an infraction;
- 7900                   (B) at least six years for a charge in the case for a class B misdemeanor offense; or
- 7901                   (C) at least seven years for a charge in the case for a class A misdemeanor offense
- 7902                   for possession of a controlled substance in violation of Subsection 58-37-8
- 7903                   (2)(a)(i).
- 7904                   (3) A case is not eligible for expungement under this section if:
- 7905                   (a) the individual has a total number of convictions in courts of this state that exceed the
- 7906                   limits under Subsection 77-40a-303(4) or (5) without taking into consideration:
- 7907                   (i) the exception in Subsection 77-40a-303(7); or
- 7908                   (ii) any infraction, traffic offense, or minor regulatory offense;
- 7909                   (b) there is a criminal proceeding for a misdemeanor or felony offense pending in a
- 7910                   court of this state against the individual, unless the proceeding is for a traffic offense;
- 7911                   (c) for an individual seeking an automatic expungement on and after January 1, 2025,
- 7912                   the individual is incarcerated in the state prison or on probation or parole that is
- 7913                   supervised by the Department of Corrections;
- 7914                   (d) the case resulted in the individual being found not guilty by reason of insanity;
- 7915                   (e) the case establishes a criminal accounts receivable that:

- 7916 (i) has been entered as a civil accounts receivable or a civil judgment of restitution  
7917 and transferred to the Office of State Debt Collection under Section 77-18-114; or  
7918 (ii) has not been satisfied according to court records; or  
7919 (f) the case resulted in a plea held in abeyance or a conviction for the following offenses:  
7920 (i) any of the offenses listed in Subsection 77-40a-303(2)(a);  
7921 (ii) an offense against the person in violation of Title 76, Chapter 5, Offenses Against  
7922 the Individual;  
7923 (iii) a weapons offense in violation of [~~Title 76, Chapter 10, Part 5, Weapons~~] Title  
7924 76, Chapter 11, Weapons;  
7925 (iv) sexual battery in violation of Section 76-9-702.1;  
7926 (v) an act of lewdness in violation of Section 76-9-702 or 76-9-702.5;  
7927 (vi) an offense in violation of Title 41, Chapter 6a, Part 5, Driving Under the  
7928 Influence and Reckless Driving;  
7929 (vii) damage to or interruption of a communication device in violation of Section  
7930 76-6-108;  
7931 (viii) a domestic violence offense as defined in Section 77-36-1; or  
7932 (ix) any other offense classified in the Utah Code as a felony or a class A  
7933 misdemeanor other than a class A misdemeanor conviction for possession of a  
7934 controlled substance in violation of Subsection 58-37-8(2)(a)(i).  
7935 (4) A prosecuting agency that has complied with Rule 42 of the Utah Rules of Criminal  
7936 Procedure shall receive notice on a monthly basis for any case prosecuted by that agency  
7937 that appears to be eligible for automatic expungement under this section.  
7938 (5) Within 35 days after the day on which the notice described in Subsection (4) is sent, the  
7939 prosecuting agency shall provide written notice in accordance with Rule 42 of the Utah  
7940 Rules of Criminal Procedure if the prosecuting agency objects to an automatic  
7941 expungement for any of the following reasons:  
7942 (a) the prosecuting agency believes that the case is not eligible for expungement under  
7943 this section after reviewing the agency record;  
7944 (b) the individual has not paid restitution to the victim as ordered by the court; or  
7945 (c) the prosecuting agency has a reasonable belief, grounded in supporting facts, that an  
7946 individual involved in the case is continuing to engage in criminal activity within or  
7947 outside of the state.  
7948 (6) If a prosecuting agency provides written notice of an objection for a reason described in  
7949 Subsection (5) within 35 days after the day on which the notice under Subsection (4) is

- 7950 sent, the court may not proceed with automatic expungement of the case.
- 7951 (7) If 35 days pass after the day on which the notice described in Subsection (4) is sent  
7952 without the prosecuting agency providing written notice of an objection under  
7953 Subsection (5), the court shall proceed with automatic expungement of the case.
- 7954 (8) If a court issues an order of expungement under Subsection (1), the court shall:
- 7955 (a) expunge all records of the case held by the court in accordance with Section  
7956 77-40a-401; and
- 7957 (b) notify the bureau and the prosecuting agency identified in the case, based on  
7958 information available to the court, of the order of expungement.
- 7959 Section 133. Section **77-40a-403** is amended to read:
- 7960 **77-40a-403 . Release and use of expunged records -- Agencies.**
- 7961 (1)(a) An agency with an expunged record, or any employee of an agency with an  
7962 expunged record, may not knowingly or intentionally divulge any information  
7963 contained in the expunged record to any person, or another agency, without a court  
7964 order unless:
- 7965 (i) specifically authorized by Subsection (4) or Section 77-40a-404; or  
7966 (ii) subject to Subsection (1)(b), the information in an expunged record is being  
7967 shared with another agency through a records management system that both  
7968 agencies use for the purpose of record management.
- 7969 (b) An agency with a records management system may not disclose any information in  
7970 an expunged record to another agency or person, or allow another agency or person  
7971 access to an expunged record, if that agency or person does not use the records  
7972 management system for the purpose of record management.
- 7973 (2) The following entities or agencies may receive information contained in expunged  
7974 records upon specific request:
- 7975 (a) the Board of Pardons and Parole;
- 7976 (b) Peace Officer Standards and Training;
- 7977 (c) federal authorities if required by federal law;
- 7978 (d) the State Board of Education;
- 7979 (e) the Commission on Criminal and Juvenile Justice, for purposes of investigating  
7980 applicants for judicial office; and
- 7981 (f) a research institution or an agency engaged in research regarding the criminal justice  
7982 system if:
- 7983 (i) the research institution or agency provides a legitimate research purpose for

- 7984 gathering information from the expunged records;
- 7985 (ii) the research institution or agency enters into a data sharing agreement with the
- 7986 court or agency with custody of the expunged records that protects the
- 7987 confidentiality of any identifying information in the expunged records;
- 7988 (iii) any research using expunged records does not include any individual's name or
- 7989 identifying information in any product of that research; and
- 7990 (iv) any product resulting from research using expunged records includes a disclosure
- 7991 that expunged records were used for research purposes.
- 7992 (3) Except as otherwise provided by this section or by court order, a person, an agency, or
- 7993 an entity authorized by this section to view expunged records may not reveal or release
- 7994 any information obtained from the expunged records to anyone outside the specific
- 7995 request, including distribution on a public website.
- 7996 (4) A prosecuting attorney may communicate with another prosecuting attorney, or another
- 7997 prosecutorial agency, regarding information in an expunged record that includes a
- 7998 conviction, or a charge dismissed as a result of a successful completion of a plea in
- 7999 abeyance agreement, for:
- 8000 (a) stalking as described in Section 76-5-106.5;
- 8001 (b) a domestic violence offense as defined in Section 77-36-1;
- 8002 (c) an offense that would require the individual to register as a sex offender, kidnap
- 8003 offender, or child abuse offender as defined in Section 77-41-102; or
- 8004 (d) a weapons offense under [~~Title 76, Chapter 10, Part 5, Weapons~~] Title 76, Chapter
- 8005 11, Weapons.
- 8006 (5) Except as provided in Subsection (7), a prosecuting attorney may not use an expunged
- 8007 record for the purpose of a sentencing enhancement or as a basis for charging an
- 8008 individual with an offense that requires a prior conviction.
- 8009 (6) The bureau may also use the information in the bureau's index as provided in Section [
- 8010 ~~53-5-704~~] 53-5a-303.
- 8011 (7) If an individual is charged with a felony, or an offense eligible for enhancement based
- 8012 on a prior conviction, after obtaining an order of expungement, the prosecuting attorney
- 8013 may petition the court in which the individual is charged to open the expunged records
- 8014 upon a showing of good cause.
- 8015 (8)(a) For judicial sentencing, a court may order any records expunged under this
- 8016 chapter or Section 77-27-5.1 to be opened and admitted into evidence.
- 8017 (b) The records are confidential and are available for inspection only by the court,

8018 parties, counsel for the parties, and any other person who is authorized by the court to  
8019 inspect them.

8020 (c) At the end of the action or proceeding, the court shall order the records expunged  
8021 again.

8022 (d) Any person authorized by this Subsection (8) to view expunged records may not  
8023 reveal or release any information obtained from the expunged records to anyone  
8024 outside the court.

8025 (9) Records released under this chapter are classified as protected under Section 63G-2-305  
8026 and are accessible only as provided under Title 63G, Chapter 2, Part 2, Access to  
8027 Records, and Subsection 53-10-108(2)(k) for records held by the bureau.

8028 Section 134. Section **78A-6-209** is amended to read:

8029 **78A-6-209 . Court records -- Inspection.**

8030 (1) The juvenile court and the juvenile court's probation department shall keep records as  
8031 required by the board and the presiding judge.

8032 (2) A court record shall be open to inspection by:

8033 (a) the parents or guardian of a child, a minor who is at least 18 years old, other parties  
8034 in the case, the attorneys, and agencies to which custody of a minor has been  
8035 transferred;

8036 (b) for information relating to adult offenders alleged to have committed a sexual  
8037 offense, a felony or class A misdemeanor drug offense, or an offense against the  
8038 person under Title 76, Chapter 5, Offenses Against the Individual, the State Board of  
8039 Education for the purpose of evaluating whether an individual should be permitted to  
8040 obtain or retain a license as an educator or serve as an employee or volunteer in a  
8041 school, with the understanding that the State Board of Education must provide the  
8042 individual with an opportunity to respond to any information gathered from the State  
8043 Board of Education's inspection of the records before the State Board of Education  
8044 makes a decision concerning licensure or employment;

8045 (c) the Criminal Investigations and Technical Services Division, established in Section  
8046 53-10-103, for the purpose of a criminal history background check for the purchase  
8047 of a firearm and establishing good character for issuance of a concealed firearm  
8048 permit as provided in Section [~~53-5-704~~] 53-5a-303;

8049 (d) the Division of Child and Family Services for the purpose of Child Protective  
8050 Services Investigations in accordance with Sections 80-2-602 and 80-2-701 and  
8051 administrative hearings in accordance with Section 80-2-707;

- 8052 (e) the Division of Licensing and Background Checks for the purpose of conducting a  
8053 background check in accordance with Section 26B-2-120;
- 8054 (f) for information related to a minor who has committed a sexual offense, a felony, or  
8055 an offense that if committed by an adult would be a misdemeanor, the Department of  
8056 Health and Human Services for the purpose of evaluating under the provisions of  
8057 Subsection 26B-2-406(3) whether a person should be permitted to operate a  
8058 residential child care without a license or a certificate or to obtain or retain a license  
8059 to provide child care, with the understanding that the department must provide the  
8060 individual who committed the offense with an opportunity to respond to any  
8061 information gathered from the Department of Health and Human Services' inspection  
8062 of records before the Department of Health and Human Services makes a decision  
8063 concerning licensure;
- 8064 (g) for information related to a minor who has committed a sexual offense, a felony, or  
8065 an offense that if committed by an adult would be a misdemeanor, the Department of  
8066 Health and Human Services to determine whether an individual meets the  
8067 background screening requirements of Sections 26B-2-238 through 26B-2-241, with  
8068 the understanding that the department must provide the individual who committed the  
8069 offense an opportunity to respond to any information gathered from the Department  
8070 of Health and Human Services' inspection of records before the Department of Health  
8071 and Human Services makes a decision under that part; and
- 8072 (h) for information related to a minor who has committed a sexual offense, a felony, or  
8073 an offense that if committed by an adult would be a misdemeanor, the Bureau of  
8074 Emergency Medical Services to determine whether to grant, deny, or revoke  
8075 background clearance under Section 53-2d-410 for an individual who is seeking or  
8076 who has obtained an emergency medical service personnel license under Section  
8077 53-2d-402, with the understanding that the Bureau of Emergency Medical Services  
8078 must provide the individual who committed the offense an opportunity to respond to  
8079 any information gathered from the inspection of records before the Bureau of  
8080 Emergency Medical Services makes a determination.
- 8081 (3) With the consent of the juvenile court, a court record may be inspected by the child, by  
8082 persons having a legitimate interest in the proceedings, and by persons conducting  
8083 pertinent research studies.
- 8084 (4)(a) Except as provided in Subsection (4)(b), if a petition is filed charging a minor who  
8085 is 14 years old or older with an offense that would be a felony if committed by an

8086 adult, the juvenile court shall make available to any person upon request the petition,  
 8087 any adjudication or disposition orders, and the delinquency history summary for the  
 8088 minor.

8089 (b) A juvenile court may close the records described in Subsection (4)(a) to the public if  
 8090 the juvenile court finds, on the record, that the records are closed for good cause.

8091 (5) A juvenile probation officer's records and reports of social and clinical studies are not  
 8092 open to inspection, except by consent of the juvenile court, given under rules adopted by  
 8093 the board.

8094 (6) The juvenile court may charge a reasonable fee to cover the costs associated with  
 8095 retrieving a requested record that has been archived.

8096 Section 135. Section **78B-4-511** is amended to read:

8097 **78B-4-511 . Regulation of firearms reserved to state -- Lawsuits prohibited.**

8098 (1) As prescribed by Section [~~76-10-500~~] 53-5a-102, all authority to regulate firearms is  
 8099 reserved to the state through the Legislature.

8100 (2) A person who lawfully designs, manufactures, markets, advertises, transports, or sells  
 8101 firearms or ammunition to the public may not be sued by the state or any of its political  
 8102 subdivisions for the subsequent use, whether lawfully or unlawfully, of the firearm or  
 8103 ammunition, unless the suit is based on the breach of a contract or warranty for a firearm  
 8104 or ammunition purchased by the state or political subdivision.

8105 Section 136. Section **78B-5-502** is amended to read:

8106 **78B-5-502 . Definitions.**

8107 As used in this part:

8108 (1) "Civil accounts receivable" means the same as that term is defined in Section  
 8109 77-32b-102.

8110 (2) "Civil judgment of restitution" means the same as that term is defined in Section  
 8111 77-32b-102.

8112 (3) "Curio or relic firearm" means a firearm that:

8113 (a) is of special interest to a collector because of a quality that is not associated with  
 8114 firearms intended for:

8115 (i) sporting use;

8116 (ii) use as an offensive weapon; or

8117 (iii) use as a defensive weapon;

8118 (b)(i) was manufactured at least 50 years before the current date; and

8119 (ii) is not a replica of a firearm described in Subsection (3)(b)(i);

- 8120 (c) is certified by the curator of a municipal, state, or federal museum that exhibits  
 8121 firearms to be a curio or relic of museum interest;
- 8122 (d) derives a substantial part of the firearm's monetary value:
- 8123 (i) from the fact that the firearm is:
- 8124 (A) novel;  
 8125 (B) rare; or  
 8126 (C) bizarre; or
- 8127 (ii) because of the firearm's association with an historical:
- 8128 (A) figure;  
 8129 (B) period; or  
 8130 (C) event; and
- 8131 (e) has been designated as a curio or relic firearm by the director of the United States  
 8132 Treasury Department Bureau of Alcohol, Tobacco, and Firearms under 27 C.F.R.  
 8133 Sec. 478.11.
- 8134 [~~(3)~~] (4) "Debt" means a legally enforceable monetary obligation or liability of an  
 8135 individual, whether arising out of contract, tort, or otherwise.
- 8136 [~~(4)~~] (5) "Dependent" means the spouse of an individual, and the grandchild or the natural or  
 8137 adoptive child of an individual who derives support primarily from that individual.
- 8138 [~~(5)~~] (6) "Exempt" means protected, and "exemption" means protection from subjection to a  
 8139 judicial process to collect an unsecured debt.
- 8140 (7) "Firearm" means the same as that term is defined in Section 76-11-101.
- 8141 [~~(6)~~] (8) "Judicial lien" means a lien on property obtained by judgment or other legal process  
 8142 instituted for the purpose of collecting an unsecured debt.
- 8143 [~~(7)~~] (9) "Levy" means the seizure of property pursuant to any legal process issued for the  
 8144 purpose of collecting an unsecured debt.
- 8145 [~~(8)~~] (10) "Lien" means a judicial, or statutory lien, in property securing payment of a debt  
 8146 or performance of an obligation.
- 8147 [~~(9)~~] (11) "Liquid assets" means deposits, securities, notes, drafts, unpaid earnings not  
 8148 otherwise exempt, accrued vacation pay, refunds, prepayments, and other receivables.
- 8149 [~~(10)~~] (12) "Security interest" means an interest in property created by contract to secure  
 8150 payment or performance of an obligation.
- 8151 [~~(11)~~] (13) "Statutory lien" means a lien arising by force of a statute, but does not include a  
 8152 security interest or a judicial lien.
- 8153 [~~(12)~~] (14) "Value" means fair market value of an individual's interest in property, exclusive



8154 of valid liens.

8155 Section 137. Section **78B-5-505** is amended to read:

8156 **78B-5-505 . Property exempt from execution.**

8157 (1)(a) An individual is entitled to exemption of the following property:

8158 (i) a burial plot for the individual and the individual's family;

8159 (ii) health aids reasonably necessary to enable the individual or a dependent to work  
8160 or sustain health;

8161 (iii) benefits that the individual or the individual's dependent have received or are  
8162 entitled to receive from any source because of:

8163 (A) disability;

8164 (B) illness; or

8165 (C) unemployment;

8166 (iv) benefits paid or payable for medical, surgical, or hospital care to the extent that  
8167 the benefits are used by an individual or the individual's dependent to pay for that  
8168 care;

8169 (v) veterans benefits;

8170 (vi) money or property received, and rights to receive money or property for child  
8171 support;

8172 (vii) money or property received, and rights to receive money or property for alimony  
8173 or separate maintenance, to the extent reasonably necessary for the support of the  
8174 individual and the individual's dependents;

8175 (viii)(A) one:

8176 (I) clothes washer and dryer;

8177 (II) refrigerator;

8178 (III) freezer;

8179 (IV) stove;

8180 (V) microwave oven; and

8181 (VI) sewing machine;

8182 (B) all carpets in use;

8183 (C) provisions sufficient for 12 months actually provided for individual or family  
8184 use;

8185 (D) all wearing apparel of every individual and dependent, not including jewelry  
8186 or furs; and

8187 (E) all beds and bedding for every individual or dependent;

- 8188 (ix) except for works of art held by the debtor as part of a trade or business, works of  
8189 art:
- 8190 (A) depicting the debtor or the debtor and the debtor's resident family; or  
8191 (B) produced by the debtor or the debtor and the debtor's resident family;
- 8192 (x) proceeds of insurance, a judgment, or a settlement, or other rights accruing as a  
8193 result of bodily injury of the individual or of the wrongful death or bodily injury  
8194 of another individual of whom the individual was or is a dependent to the extent  
8195 that those proceeds are compensatory;
- 8196 (xi) the proceeds or benefits of any life insurance contracts or policies paid or  
8197 payable to the debtor or any trust of which the debtor is a beneficiary upon the  
8198 death of the spouse or children of the debtor, provided that the contract or policy  
8199 has been owned by the debtor for a continuous unexpired period of one year;
- 8200 (xii) the proceeds or benefits of any life insurance contracts or policies paid or  
8201 payable to the spouse or children of the debtor or any trust of which the spouse or  
8202 children are beneficiaries upon the death of the debtor, provided that the contract  
8203 or policy has been in existence for a continuous unexpired period of one year;
- 8204 (xiii) proceeds and avails of any unmatured life insurance contracts owned by the  
8205 debtor or any revocable grantor trust created by the debtor, excluding any  
8206 payments made on the contract during the one year immediately preceding a  
8207 creditor's levy or execution;
- 8208 (xiv) except as provided in Subsection (1)(b), and except for a judgment described in  
8209 Subsection 75-7-503(2)(c), any money or other assets held for or payable to the  
8210 individual as an owner, participant, or beneficiary from or an interest of the  
8211 individual as an owner, participant, or beneficiary in a fund or account, including  
8212 an inherited fund or account, in a retirement plan or arrangement that is described  
8213 in Section 401(a), 401(h), 401(k), 403(a), 403(b), 408, 408A, 409, 414(d), 414(e),  
8214 or 457, Internal Revenue Code, including an owner's, a participant's, or a  
8215 beneficiary's interest that arises by inheritance, designation, appointment, or  
8216 otherwise;
- 8217 (xv) the interest of or any money or other assets payable to an alternate payee under a  
8218 qualified domestic relations order as those terms are defined in Section 414(p),  
8219 Internal Revenue Code;
- 8220 (xvi) unpaid earnings of the household of the filing individual due as of the date of  
8221 the filing of a bankruptcy petition in the amount of 1/24 of the Utah State annual

- 8222 median family income for the household size of the filing individual as  
 8223 determined by the Utah State Annual Median Family Income reported by the  
 8224 United States Census Bureau and as adjusted based upon the Consumer Price  
 8225 Index for All Urban Consumers for an individual whose unpaid earnings are paid  
 8226 more often than once a month or, if unpaid earnings are not paid more often than  
 8227 once a month, then in the amount of 1/12 of the Utah State annual median family  
 8228 income for the household size of the individual as determined by the Utah State  
 8229 Annual Median Family Income reported by the United States Census Bureau and  
 8230 as adjusted based upon the Consumer Price Index for All Urban Consumers;
- 8231 (xvii) except for curio or relic firearms~~[, as defined in Section 76-10-501,]~~ any three  
 8232 of the following:
- 8233 (A) one handgun and ammunition for the handgun not exceeding 1,000 rounds;  
 8234 (B) one shotgun and ammunition for the shotgun not exceeding 1,000 rounds; and  
 8235 (C) one shoulder arm and ammunition for the shoulder arm not exceeding 1,000  
 8236 rounds; and
- 8237 (xviii) money, not exceeding \$200,000, in the aggregate, that an individual deposits,  
 8238 more than 18 months before the day on which the individual files a petition for  
 8239 bankruptcy or an action is filed by a creditor against the individual, as applicable,  
 8240 in all tax-advantaged accounts for saving for higher education costs on behalf of a  
 8241 particular individual that meets the requirements of Section 529, Internal Revenue  
 8242 Code.
- 8243 (b)(i) Any money, asset, or other interest in a fund or account that is exempt from a  
 8244 claim of a creditor of the owner, beneficiary, or participant under Subsection  
 8245 (1)(a)(xiv) does not cease to be exempt after the owner's, participant's, or  
 8246 beneficiary's death by reason of a direct transfer or eligible rollover to an inherited  
 8247 individual retirement account as defined in Section 408(d)(3), Internal Revenue  
 8248 Code.
- 8249 (ii) Subsections (1)(a)(xiv) and (1)(b)(i) apply to all inherited individual retirement  
 8250 accounts without regard to the date on which the account was created.
- 8251 (c)(i) The exemption granted by Subsection (1)(a)(xiv) does not apply to:
- 8252 (A) an alternate payee under a qualified domestic relations order, as those terms  
 8253 are defined in Section 414(p), Internal Revenue Code; or  
 8254 (B) amounts contributed or benefits accrued by or on behalf of a debtor within one  
 8255 year before the debtor files for bankruptcy, except amounts directly rolled over

- 8256 from other funds that are exempt from attachment under this section.
- 8257 (ii) The exemptions in Subsections (1)(a)(xi), (xii), and (xiii) do not apply to the
- 8258 secured creditor's interest in proceeds and avails of any matured or unmatured life
- 8259 insurance contract assigned or pledged as collateral for repayment of a loan or
- 8260 other legal obligation.
- 8261 (2)(a) Disability benefits, as described in Subsection (1)(a)(iii)(A), and veterans benefits,
- 8262 as described in Subsection (1)(a)(v), may be garnished on behalf of a victim who is a
- 8263 child if the person receiving the benefits has been convicted of a felony sex offense
- 8264 against the victim and ordered by the sentencing court to pay restitution to the victim.
- 8265 (b) The exemption from execution under this Subsection (2) shall be reinstated upon
- 8266 payment of the restitution in full.
- 8267 (3) The exemptions under this section do not limit items that may be claimed as exempt
- 8268 under Section 78B-5-506.
- 8269 (4)(a) The exemptions described in Subsections (1)(a)(iii), (iv), (vi), (vii), (x), (xii), (xiii),
- 8270 (xiv), (xv), (xvii), and (xviii) do not apply to a civil accounts receivable or a civil
- 8271 judgment of restitution for an individual who is found in contempt under Section
- 8272 78B-6-317.
- 8273 (b) Subsection (4)(a) does not apply to the benefits described in Subsection (1)(a)(iii) if
- 8274 the individual's dependent received, or is entitled to receive, the benefits.
- 8275 Section 138. Section **78B-6-1107** is amended to read:
- 8276 **78B-6-1107 . Nuisance -- Drug houses and drug dealing -- Gambling -- Group**
- 8277 **criminal activity -- Party house -- Prostitution -- Weapons -- Abatement by eviction.**
- 8278 (1) Every building or place is a nuisance where:
- 8279 (a) the unlawful sale, manufacture, service, storage, distribution, dispensing, or
- 8280 acquisition occurs of any controlled substance, precursor, or analog specified in Title
- 8281 58, Chapter 37, Utah Controlled Substances Act;
- 8282 (b) gambling is permitted to be played, conducted, or dealt upon as prohibited in Title
- 8283 76, Chapter 10, Part 11, Gambling, which creates the conditions of a nuisance as
- 8284 defined in Subsection 78B-6-1101(1);
- 8285 (c) criminal activity is committed in concert with three or more persons as provided in
- 8286 Section 76-3-203.1;
- 8287 (d) criminal activity is committed for the benefit of, at the direction of, or in association
- 8288 with any criminal street gang as defined in Section 76-9-802;
- 8289 (e) criminal activity is committed to gain recognition, acceptance, membership, or

- 8290 increased status with a criminal street gang as defined in Section 76-9-802;
- 8291 (f) parties occur frequently which create the conditions of a nuisance as defined in
- 8292 Subsection 78B-6-1101(1);
- 8293 (g) prostitution or promotion of prostitution is regularly carried on by one or more
- 8294 persons as provided in Title 76, Chapter 10, Part 13, Prostitution; and
- 8295 (h) a violation of [~~Title 76, Chapter 10, Part 5, Weapons~~] an offense under Title 76,
- 8296 Chapter 11, Weapons, occurs on the premises.
- 8297 (2) It is a defense to nuisance under Subsection (1)(a) if the defendant can prove that the
- 8298 defendant is lawfully entitled to possession of a controlled substance.
- 8299 (3) Sections 78B-6-1108 through 78B-6-1114 govern only an abatement by eviction of the
- 8300 nuisance as defined in Subsection (1).

8301 Section 139. Section **78B-6-2301** is amended to read:

8302 **78B-6-2301 . Definitions.**

8303 As used in this part:

- 8304 (1) "Directive" means an ordinance, regulation, measure, rule, enactment, order, or policy
- 8305 issued, enacted, or required by a local or state governmental entity.
- 8306 (2) "Firearm" means the same as that term is defined in Section 53-5a-102.
- 8307 (3) "Legislative firearm preemption" means the preemption provided for in [~~Sections~~
- 8308 Section 53-5a-102[-~~and 76-10-500~~].
- 8309 (4) "Local or state governmental entity" means:
- 8310 (a) a department, commission, board, council, agency, institution, officer, corporation,
- 8311 fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or
- 8312 other administrative unit of the state, including the Utah Board of Higher Education,
- 8313 each institution of higher education, and the boards of trustees of each higher
- 8314 education institution; or
- 8315 (b) a county, city, town, special district, local education agency, public school, school
- 8316 district, charter school, special service district under Title 17D, Chapter 1, Special
- 8317 Service District Act, an entity created by interlocal cooperation agreement under Title
- 8318 11, Chapter 13, Interlocal Cooperation Act, or any other governmental entity
- 8319 designated in statute as a political subdivision of the state.

8320 Section 140. Section **80-6-103** is amended to read:

8321 **80-6-103 . Notification to a school -- Civil and criminal liability.**

- 8322 (1) As used in this section:
- 8323 (a) "School" means a school in a local education agency.

- 8324 (b) "Local education agency" means a school district, a charter school, or the Utah  
8325 Schools for the Deaf and the Blind.
- 8326 (c) "School official" means the superintendent of a school district or the director of a  
8327 charter school or designee in which the minor resides or attends school.
- 8328 (d) "Serious offense" means:  
8329 (i) a violent felony as defined in Section 76-3-203.5;  
8330 (ii) an offense that is a violation of an offense under Title 76, Chapter 6, Part 4, Theft,  
8331 and the property stolen is a firearm; or  
8332 (iii) an offense that is a violation of [~~Title 76, Chapter 10, Part 5, Weapons~~] an offense  
8333 under Title 76, Chapter 11, Weapons.
- 8334 (e) "Transferee school official" means the superintendent of a school district or the  
8335 director of a charter school or designee in which the minor resides or attends school if  
8336 the minor is admitted to home detention.
- 8337 (2) A notification under this section is provided for a minor's supervision and student safety.
- 8338 (3)(a) If a minor is taken into temporary custody under Section 80-6-201 for a serious  
8339 offense, the peace officer, or other person who has taken the minor into temporary  
8340 custody, shall notify a school official within five days after the day on which the  
8341 minor is taken into temporary custody.
- 8342 (b) A notification under this Subsection (3) shall only disclose:  
8343 (i) the name of the minor;  
8344 (ii) the offense for which the minor was taken into temporary custody or admitted to  
8345 detention; and  
8346 (iii) if available, the name of the victim if the victim resides in the same school  
8347 district as the minor or attends the same school as the minor.
- 8348 (4) After a detention hearing for a minor who is alleged to have committed a serious  
8349 offense, the juvenile court shall order a juvenile probation officer to notify a school  
8350 official, or a transferee school official, and the appropriate local law enforcement agency  
8351 of the juvenile court's decision, including any disposition, order, or no-contact order.
- 8352 (5) If a designated staff member of a detention facility admits a minor to home detention  
8353 under Section 80-6-205 and notifies the juvenile court of that admission, the juvenile  
8354 court shall order a juvenile probation officer to notify a school official, or a transferee  
8355 school official, and the appropriate local law enforcement agency that the minor has  
8356 been admitted to home detention.
- 8357 (6)(a) If the juvenile court adjudicates a minor for a serious offense, the juvenile court

- 8358 shall order a juvenile probation officer to notify a school official, or a transferee  
8359 school official, of the adjudication.
- 8360 (b) A notification under this Subsection (6) shall be given to a school official, or a  
8361 transferee school official, within three days after the day on which the minor is  
8362 adjudicated.
- 8363 (c) A notification under this section shall include:  
8364 (i) the name of the minor;  
8365 (ii) the offense for which the minor was adjudicated; and  
8366 (iii) if available, the name of the victim if the victim:  
8367 (A) resides in the same school district as the minor; or  
8368 (B) attends the same school as the minor.
- 8369 (7) If the juvenile court orders formal probation under Section 80-6-702, the juvenile court  
8370 shall order a juvenile probation officer to notify the appropriate local law enforcement  
8371 agency and the school official of the juvenile court's order for formal probation.
- 8372 (8)(a) An employee of the local law enforcement agency, or the school the minor  
8373 attends, who discloses a notification under this section is not:  
8374 (i) civilly liable except when the disclosure constitutes fraud or willful misconduct as  
8375 provided in Section 63G-7-202; and  
8376 (ii) civilly or criminally liable except when the disclosure constitutes a knowing  
8377 violation of Section 63G-2-801.
- 8378 (b) An employee of a governmental agency is immune from any criminal liability for  
8379 failing to provide the information required by this section, unless the employee fails  
8380 to act due to malice, gross negligence, or deliberate indifference to the consequences.
- 8381 (9)(a) A notification under this section shall be classified as a protected record under  
8382 Section 63G-2-305.
- 8383 (b) All other records of disclosures under this section are governed by Title 63G,  
8384 Chapter 2, Government Records Access and Management Act, and the Family  
8385 Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.  
8386 Section 141. Section **80-6-104** is amended to read:  
8387 **80-6-104 . Data collection on offenses committed by minors -- Reporting**  
8388 **requirement.**
- 8389 (1) As used in this section:  
8390 (a) "Firearm" means the same as that term is defined in Section ~~[76-10-501]~~ 76-11-101.  
8391 (b) "Firearm-related offense" means a criminal offense involving a firearm.

- 8392 (c) "School is in session" means the same as that term is defined in Section 53E-3-516.
- 8393 (d) "School-sponsored activity" means the same as that term is defined in Section
- 8394 53E-3-516.
- 8395 (2) Before July 1 of each year, the Administrative Office of the Courts shall submit the
- 8396 following data to the State Commission on Criminal and Juvenile Justice, broken down
- 8397 by judicial district, for the preceding calendar year:
- 8398 (a) the number of referrals to the juvenile court;
- 8399 (b) the number of minors diverted to a nonjudicial adjustment;
- 8400 (c) the number of minors that satisfy the conditions of a nonjudicial adjustment;
- 8401 (d) the number of minors for whom a petition for an offense is filed in the juvenile court;
- 8402 (e) the number of minors for whom an information is filed in the juvenile court;
- 8403 (f) the number of minors bound over to the district court by the juvenile court;
- 8404 (g) the number of petitions for offenses committed by minors that were dismissed by the
- 8405 juvenile court;
- 8406 (h) the number of adjudications in the juvenile court for offenses committed by minors;
- 8407 (i) the number of guilty pleas entered into by minors in the juvenile court;
- 8408 (j) the number of dispositions resulting in secure care, community-based placement,
- 8409 formal probation, and intake probation; and
- 8410 (k) for each minor charged in the juvenile court with a firearm-related offense:
- 8411 (i) the minor's age at the time the offense was committed or allegedly committed;
- 8412 (ii) the minor's zip code at the time that the offense was referred to the juvenile court;
- 8413 (iii) whether the minor is a restricted person under [~~Subsection 76-10-503(1)(a)(iv) or~~
- 8414 ~~(1)(b)(iii)] Subsection 76-11-302(4) or 76-11-303(4);~~
- 8415 (iv) the type of offense for which the minor is charged;
- 8416 (v) the outcome of the minor's case in juvenile court, including whether the minor
- 8417 was bound over to the district court or adjudicated by the juvenile court; and
- 8418 (vi) if a disposition was entered by the juvenile court, whether the disposition
- 8419 resulted in secure care, community-based placement, formal probation, or intake
- 8420 probation.
- 8421 (3) The State Commission on Criminal and Juvenile Justice shall track the disposition of a
- 8422 case resulting from a firearm-related offense committed, or allegedly committed, by a
- 8423 minor when the minor is found in possession of a firearm while school is in session or
- 8424 during a school-sponsored activity.
- 8425 (4) In collaboration with the Administrative Office of the Courts, the division, and other



8426 agencies, the State Commission on Criminal and Juvenile Justice shall collect data for  
8427 the preceding calendar year on:

8428 (a) the length of time that minors spend in the juvenile justice system, including the total  
8429 amount of time minors spend under juvenile court jurisdiction, on community  
8430 supervision, and in each out-of-home placement;

8431 (b) recidivism of minors who are diverted to a nonjudicial adjustment and minors for  
8432 whom dispositions are ordered by the juvenile court, including tracking minors into  
8433 the adult corrections system;

8434 (c) changes in aggregate risk levels from the time minors receive services, are under  
8435 supervision, and are in out-of-home placement; and

8436 (d) dosages of programming.

8437 (5) On and before October 1 of each year, the State Commission on Criminal and Juvenile  
8438 Justice shall prepare and submit a written report to the Judiciary Interim Committee and  
8439 the Law Enforcement and Criminal Justice Interim Committee that includes:

8440 (a) data collected by the State Commission on Criminal and Juvenile Justice under this  
8441 section;

8442 (b) data collected by the State Board of Education under Section 53E-3-516; and

8443 (c) recommendations for legislative action with respect to the data described in this  
8444 Subsection (5).

8445 (6) After submitting the written report described in Subsection (5), the State Commission  
8446 on Criminal and Juvenile Justice may supplement the report at a later time with updated  
8447 data and information the State Board of Education collects under Section 53E-3-516.

8448 (7) Nothing in this section shall be construed to require the disclosure of information or  
8449 data that is classified as controlled, private, or protected under Title 63G, Chapter 2,  
8450 Government Records Access and Management Act.

8451 Section 142. Section **80-6-303.5** is amended to read:

8452 **80-6-303.5 . Preliminary inquiry by juvenile probation officer -- Eligibility for**  
8453 **nonjudicial adjustment.**

8454 (1) If the juvenile court receives a referral for an offense committed by a minor that is, or  
8455 appears to be, within the juvenile court's jurisdiction, or for the minor being a habitual  
8456 truant, a juvenile probation officer shall make a preliminary inquiry in accordance with  
8457 this section to determine whether the minor is eligible to enter into a nonjudicial  
8458 adjustment.

8459 (2) If a minor is referred to the juvenile court for multiple offenses arising from a single

- 8460 criminal episode, and the minor is eligible under this section for a nonjudicial  
8461 adjustment, the juvenile probation officer shall offer the minor one nonjudicial  
8462 adjustment for all offenses arising from the single criminal episode.
- 8463 (3)(a) The juvenile probation officer may:
- 8464 (i) conduct a validated risk and needs assessment; and
  - 8465 (ii) request that a prosecuting attorney review a referral in accordance with Section  
8466 80-6-304.5 if:
    - 8467 (A) the results of the validated risk and needs assessment indicate the minor is  
8468 high risk; or
    - 8469 (B) the results of the validated risk and needs assessment indicate the minor is  
8470 moderate risk and the referral is for a class A misdemeanor violation under  
8471 Title 76, Chapter 5, Offenses Against the Individual, or Title 76, Chapter 9,  
8472 Part 7, Miscellaneous Provisions.
- 8473 (b) If the referral involves an offense that is a violation of Section 41-6a-502, the minor  
8474 shall:
- 8475 (i) undergo a drug and alcohol screening;
  - 8476 (ii) if found appropriate by the screening, participate in an assessment; and
  - 8477 (iii) if warranted by the screening and assessment, follow the recommendations of the  
8478 assessment.
- 8479 (4) Except for an offense that is not eligible under Subsection (8), the juvenile probation  
8480 officer shall offer a nonjudicial adjustment to a minor if:
- 8481 (a) the minor:
    - 8482 (i) is referred for an offense that is a misdemeanor, infraction, or status offense;
    - 8483 (ii) has no more than two prior adjudications; and
    - 8484 (iii) has no more than two prior unsuccessful nonjudicial adjustment attempts;
  - 8485 (b) the minor is referred for an offense that is alleged to have occurred before the minor  
8486 was 12 years old; or
  - 8487 (c) the minor is referred for being a habitual truant.
- 8488 (5) For purposes of determining a minor's eligibility for a nonjudicial adjustment under  
8489 Subsection (4), the juvenile probation officer shall treat all offenses arising out of a  
8490 single criminal episode that resulted in a nonjudicial adjustment as one prior nonjudicial  
8491 adjustment.
- 8492 (6) For purposes of determining a minor's eligibility for a nonjudicial adjustment under  
8493 Subsection (4), the juvenile probation officer shall treat all offenses arising out of a

- 8494 single criminal episode that resulted in one or more prior adjudications as a single  
8495 adjudication.
- 8496 (7) Except for a referral that involves an offense described in Subsection (8), the juvenile  
8497 probation officer may offer a nonjudicial adjustment to a minor who does not meet the  
8498 criteria described in Subsection (4)(a).
- 8499 (8) The juvenile probation officer may not offer a minor a nonjudicial adjustment if the  
8500 referral involves:
- 8501 (a) an offense alleged to have occurred when the minor was 12 years old or older that is:
- 8502 (i) a felony offense; or
- 8503 (ii) a misdemeanor violation of:
- 8504 (A) Section 41-6a-502, driving under the influence;
- 8505 (B) Section 76-5-107, threat of violence;
- 8506 (C) Section 76-5-107.1, threats against schools;
- 8507 (D) Section 76-5-112, reckless endangerment creating a substantial risk of death  
8508 or serious bodily injury;
- 8509 (E) Section 76-5-206, negligent homicide;
- 8510 (F) Section 76-9-702.1, sexual battery;
- 8511 [~~(G) Section 76-10-505.5, possession of a dangerous weapon, firearm, or short~~  
8512 ~~barreled shotgun on or about school premises;~~]
- 8513 [~~(H) Section 76-10-506, threatening with or using a dangerous weapon in fight or~~  
8514 ~~quarrel;~~]
- 8515 [~~(I) Section 76-10-507, possession of a deadly weapon with criminal intent; or]~~
- 8516 [~~(J) Section 76-10-509.4, possession of a dangerous weapon by a minor;~~]
- 8517 (G) Section 76-11-205, carrying a dangerous weapon at an elementary school or  
8518 secondary school;
- 8519 (H) Section 76-11-206, carrying a dangerous weapon at a daycare;
- 8520 (I) Section 76-11-207, threatening with or using a dangerous weapon in a fight or  
8521 quarrel;
- 8522 (J) Section 76-11-208, possession of a dangerous weapon with criminal intent; or
- 8523 (K) Section 76-11-211, possession of a dangerous weapon by a minor; or
- 8524 (b) an offense alleged to have occurred before the minor is 12 years old that is a felony  
8525 violation of:
- 8526 (i) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
- 8527 (ii) Section 76-5-202, aggravated murder or attempted aggravated murder;

- 8528 (iii) Section 76-5-203, murder or attempted murder;
- 8529 (iv) Section 76-5-302, aggravated kidnapping;
- 8530 (v) Section 76-5-405, aggravated sexual assault;
- 8531 (vi) Section 76-6-103, aggravated arson;
- 8532 (vii) Section 76-6-203, aggravated burglary;
- 8533 (viii) Section 76-6-302, aggravated robbery; or
- 8534 (ix) Section [~~76-10-508.1~~] 76-11-210, felony discharge of a firearm.
- 8535 (9) The juvenile probation officer shall request that a prosecuting attorney review a referral
- 8536 if:
- 8537 (a) the referral involves an offense described in Subsection (8); or
- 8538 (b) the minor has a current suspended order for custody under Section 80-6-711.
- 8539 Section 143. Section **80-6-305** is amended to read:
- 8540 **80-6-305 . Petition for a delinquency proceeding -- Amending a petition --**
- 8541 **Continuance.**
- 8542 (1) A prosecuting attorney shall file a petition, in accordance with Utah Rules of Juvenile
- 8543 Procedure, Rule 17, to commence a proceeding against a minor for an adjudication of an
- 8544 alleged offense, except as provided in:
- 8545 (a) Subsection (2);
- 8546 (b) Section 80-6-302;
- 8547 (c) Section 80-6-502; and
- 8548 (d) Section 80-6-503.
- 8549 (2) A prosecuting attorney may not file a petition under Subsection (1) against an individual
- 8550 for an offense alleged to have occurred before the individual was 12 years old, unless:
- 8551 (a) the individual is alleged to have committed a felony violation of:
- 8552 (i) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
- 8553 (ii) Section 76-5-202, aggravated murder or attempted aggravated murder;
- 8554 (iii) Section 76-5-203, murder or attempted murder;
- 8555 (iv) Section 76-5-302, aggravated kidnapping;
- 8556 (v) Section 76-5-405, aggravated sexual assault;
- 8557 (vi) Section 76-6-103, aggravated arson;
- 8558 (vii) Section 76-6-203, aggravated burglary;
- 8559 (viii) Section 76-6-302, aggravated robbery; or
- 8560 (ix) Section [~~76-10-508.1~~] 76-11-210, felony discharge of a firearm; or
- 8561 (b) an offer for a nonjudicial adjustment is made under Section 80-6-303.5 and the

8562 minor:

8563 (i) declines to accept the offer for the nonjudicial adjustment; or

8564 (ii) fails to substantially comply with the conditions agreed upon as part of the  
8565 nonjudicial adjustment.

8566 (3) A juvenile court may dismiss a petition under this section at any stage of the  
8567 proceedings.

8568 (4)(a) When evidence is presented during any proceeding in a minor's case that points to  
8569 material facts not alleged in the petition, the juvenile court may consider the  
8570 additional or different material facts raised by the evidence if the parties consent.

8571 (b) The juvenile court, on a motion from any interested party or on the court's own  
8572 motion, shall direct that the petition be amended to conform to the evidence.

8573 (c) If an amended petition under Subsection (4)(b) results in a substantial departure from  
8574 the material facts originally alleged, the juvenile court shall grant a continuance as  
8575 justice may require in accordance with Utah Rules of Juvenile Procedure, Rule 54.

8576 Section 144. Section **80-6-503** is amended to read:

8577 **80-6-503 . Criminal information for a minor in juvenile court -- Extending**  
8578 **juvenile court jurisdiction.**

8579 (1) If a prosecuting attorney charges a minor with a felony, the prosecuting attorney may  
8580 file a criminal information in the juvenile court if the minor was a principal actor in an  
8581 offense and the information alleges:

8582 (a)(i) the minor was 16 or 17 years old at the time of the offense; and

8583 (ii) the offense for which the minor is being charged is a felony violation of:

8584 (A) Section 76-5-103, aggravated assault resulting in serious bodily injury to  
8585 another;

8586 (B) Section 76-5-202, attempted aggravated murder;

8587 (C) Section 76-5-203, attempted murder;

8588 (D) Section 76-5-302, aggravated kidnapping;

8589 (E) Section 76-5-405, aggravated sexual assault;

8590 (F) Section 76-6-103, aggravated arson;

8591 (G) Section 76-6-203, aggravated burglary;

8592 (H) Section 76-6-302, aggravated robbery;

8593 (I) Section [~~76-10-508.1~~] 76-11-210, felony discharge of a firearm; or

8594 (J) an offense other than an offense listed in Subsections (1)(a)(ii)(A) through (I)  
8595 involving the use of a dangerous weapon if the offense would be a felony had

8596 an adult committed the offense, and the minor has been previously adjudicated  
8597 or convicted of an offense involving the use of a dangerous weapon that would  
8598 have been a felony if committed by an adult; or

8599 (b)(i) the minor was 14 or 15 years old at the time of the offense; and

8600 (ii) the offense for which the minor is being charged is a felony violation of:

8601 (A) Section 76-5-202, aggravated murder or attempted aggravated murder; or

8602 (B) Section 76-5-203, murder or attempted murder.

8603 (2) At the time that a prosecuting attorney files an information under this section, a party  
8604 may file a motion to extend the juvenile court's continuing jurisdiction in accordance  
8605 with Section 80-6-605.

8606 Section 145. Section **80-6-605** is amended to read:

8607 **80-6-605 . Extension of juvenile court jurisdiction -- Procedure.**

8608 (1) At the time that a prosecuting attorney files a petition under Section 80-6-305, or a  
8609 criminal information under Section 80-6-503, for a felony offense alleged to have been  
8610 committed by a minor who is 14 years old or older, either party may file a motion to  
8611 extend the juvenile court's continuing jurisdiction over the minor's case until the minor is  
8612 25 years old if:

8613 (a) the minor was the principal actor in the offense; and

8614 (b) the petition or information alleges a felony violation of:

8615 (i) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;

8616 (ii) Section 76-5-202, aggravated murder or attempted aggravated murder;

8617 (iii) Section 76-5-203, murder or attempted murder;

8618 (iv) Section 76-5-302, aggravated kidnapping;

8619 (v) Section 76-5-405, aggravated sexual assault;

8620 (vi) Section 76-6-103, aggravated arson;

8621 (vii) Section 76-6-203, aggravated burglary;

8622 (viii) Section 76-6-302, aggravated robbery;

8623 (ix) Section [76-10-508.1] 76-11-210, felony discharge of a firearm; or

8624 (x)(A) an offense other than the offenses listed in Subsections (1)(b)(i) through (ix)  
8625 involving the use of a dangerous weapon that would be a felony if committed  
8626 by an adult; and

8627 (B) the minor has been previously adjudicated or convicted of an offense

8628 involving the use of a dangerous weapon that would have been a felony if  
8629 committed by an adult.

- 8630 (2)(a) Notwithstanding Subsection (1), either party may file a motion to extend the  
8631 juvenile[-] court's continuing jurisdiction after a determination by the juvenile court  
8632 that the minor will not be bound over to the district court under Section 80-6-504.
- 8633 (3) The juvenile[-] court shall make a determination on a motion under Subsection (1) or (2)  
8634 at the time of disposition.
- 8635 (4) The juvenile[-] court shall extend the continuing jurisdiction over the minor's case until  
8636 the minor is 25 years old if the juvenile[-] court finds, by a preponderance of the  
8637 evidence, that extending continuing jurisdiction is in the best interest of the minor and  
8638 the public.
- 8639 (5) In considering whether it is in the best interest of the minor and the public for the court  
8640 to extend jurisdiction over the minor's case until the minor is 25 years old, the juvenile[-]  
8641 court shall consider and base the juvenile[-] court's decision on:
- 8642 (a) whether the protection of the community requires an extension of jurisdiction beyond  
8643 the age of 21;
- 8644 (b) the extent to which the minor's actions in the offense were committed in an  
8645 aggressive, violent, premeditated, or willful manner;
- 8646 (c) the minor's mental, physical, educational, trauma, and social history; and  
8647 (d) the criminal record and previous history of the minor.
- 8648 (6) The amount of weight that each factor in Subsection (5) is given is in the juvenile[-]  
8649 court's discretion.
- 8650 (7)(a) The juvenile[-] court may consider written reports and other materials relating to  
8651 the minor's mental, physical, educational, trauma, and social history.
- 8652 (b) Upon request by the minor, the minor's parent, guardian, or other interested party, the  
8653 juvenile[-] court shall require the person preparing the report or other material to  
8654 appear and be subject to both direct and cross-examination.
- 8655 (8) A minor may testify under oath, call witnesses, cross-examine witnesses, and present  
8656 evidence on the factors described in Subsection (5).
- 8657 Section 146. Section **80-6-712** is amended to read:
- 8658 **80-6-712 . Time periods for supervision of probation or placement --**  
8659 **Termination of continuing jurisdiction.**
- 8660 (1) If the juvenile court places a minor on probation under Section 80-6-702, the juvenile  
8661 court shall establish a period of time for supervision for the minor that is:
- 8662 (a) if the minor is placed on intake probation, no more than three months; or  
8663 (b) if the minor is placed on formal probation, from four to six months, but may not

- 8664 exceed six months.
- 8665 (2)(a) If the juvenile court commits a minor to the division under Section 80-6-703, and  
8666 the minor's case is under the jurisdiction of the court, the juvenile court shall  
8667 establish:
- 8668 (i) for a minor placed out of the home, a period of custody from three to six months,  
8669 but may not exceed six months; and
- 8670 (ii) for aftercare services if the minor was placed out of the home, a period of  
8671 supervision from three to four months, but may not exceed four months.
- 8672 (b) A minor may be supervised for aftercare services under Subsection (2)(a)(ii):
- 8673 (i) in the home of a qualifying relative or guardian;
- 8674 (ii) at an independent living program contracted or operated by the division; or
- 8675 (iii) in a family-based setting with approval by the director or the director's designee  
8676 if the minor does not qualify for an independent living program due to age,  
8677 disability, or another reason or the minor cannot be placed with a qualifying  
8678 relative or guardian.
- 8679 (3) If the juvenile court orders a minor to secure care, the authority shall:
- 8680 (a) have jurisdiction over the minor's case; and
- 8681 (b) apply the provisions of Part 8, Commitment and Parole.
- 8682 (4)(a) The juvenile court shall terminate continuing jurisdiction over a minor's case at  
8683 the end of the time period described in Subsection (1) for probation or Subsection (2)  
8684 for commitment to the division, unless:
- 8685 (i) termination would interrupt the completion of the treatment program determined  
8686 to be necessary by the results of a validated risk and needs assessment under  
8687 Section 80-6-606;
- 8688 (ii) the minor commits a new misdemeanor or felony offense;
- 8689 (iii) the minor has not completed community or compensatory service hours;
- 8690 (iv) there is an outstanding fine; or
- 8691 (v) the minor has not paid restitution in full.
- 8692 (b) The juvenile court shall determine whether a minor has completed a treatment  
8693 program under Subsection (4)(a)(i) by considering:
- 8694 (i) the recommendations of the licensed service provider for the treatment program;
- 8695 (ii) the minor's record in the treatment program; and
- 8696 (iii) the minor's completion of the goals of the treatment program.
- 8697 (5) Subject to Subsections (6) and (7), if one of the circumstances under Subsection (4)



- 8698 exists the juvenile court may extend supervision for the time needed to address the  
8699 specific circumstance.
- 8700 (6) If the juvenile court extends supervision solely on the ground that the minor has not yet  
8701 completed community or compensatory service hours under Subsection (4)(a)(iii), the  
8702 juvenile court may only extend supervision:
- 8703 (a) one time for no more than three months; and  
8704 (b) as intake probation.
- 8705 (7)(a) If the juvenile court extends jurisdiction solely on the ground that the minor has  
8706 not paid restitution in full as described in Subsection (4)(a)(v):
- 8707 (i) the juvenile court may only:
- 8708 (A) extend jurisdiction up to four times for no more than three months at a time;  
8709 (B) consider the efforts of the minor to pay restitution in full when determining  
8710 whether to extend jurisdiction under Subsection (7)(a)(i); and  
8711 (C) make orders concerning the payment of restitution during the period for which  
8712 jurisdiction is extended;
- 8713 (ii) the juvenile court shall terminate any intake probation or formal probation of the  
8714 minor; and  
8715 (iii) a designated staff member of the juvenile court shall submit a report to the  
8716 juvenile court every three months regarding the minor's efforts to pay restitution.
- 8717 (b) If the juvenile court finds that a minor is not making an effort to pay restitution, the  
8718 juvenile court shall:
- 8719 (i) terminate jurisdiction over the minor's case; and  
8720 (ii) record the amount of unpaid restitution as a civil judgment in accordance with  
8721 Subsection 80-6-709(8).
- 8722 (8) If the juvenile court extends supervision or jurisdiction under this section, the grounds  
8723 for the extension and the length of any extension shall be recorded in the court records  
8724 and tracked in the data system used by the Administrative Office of the Courts and the  
8725 division.
- 8726 (9) If a minor leaves supervision without authorization for more than 24 hours, the  
8727 supervision period for the minor shall toll until the minor returns.
- 8728 (10) This section does not apply to any minor adjudicated under this chapter for:
- 8729 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;  
8730 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;  
8731 (c) Section 76-5-203, murder or attempted murder;

- 8732 (d) Section 76-5-205, manslaughter;
- 8733 (e) Section 76-5-206, negligent homicide;
- 8734 (f) Section 76-5-207, automobile homicide;
- 8735 (g) Section 76-5-207.5, automobile homicide involving using a wireless communication
- 8736 device while operating a motor vehicle;
- 8737 (h) Section 76-5-208, child abuse homicide;
- 8738 (i) Section 76-5-209, homicide by assault;
- 8739 (j) Section 76-5-302, aggravated kidnapping;
- 8740 (k) Section 76-5-405, aggravated sexual assault;
- 8741 (l) a felony violation of Section 76-6-103, aggravated arson;
- 8742 (m) Section 76-6-203, aggravated burglary;
- 8743 (n) Section 76-6-302, aggravated robbery;
- 8744 (o) Section ~~[76-10-508.1]~~ 76-11-210, felony discharge of a firearm;
- 8745 (p)(i) an offense other than an offense listed in Subsections (10)(a) through (o)
- 8746 involving the use of a dangerous weapon, as defined in Section 76-1-101.5, that is
- 8747 a felony; and
- 8748 (ii) the minor has been previously adjudicated or convicted of an offense involving
- 8749 the use of a dangerous weapon; or
- 8750 (q) a felony offense other than an offense listed in Subsections (10)(a) through (p) and
- 8751 the minor has been previously committed to the division for secure care.
- 8752 Section 147. Section **80-6-804** is amended to read:
- 8753 **80-6-804 . Review and termination of secure care.**
- 8754 (1) If a juvenile offender is ordered to secure care under Section 80-6-705, the juvenile
- 8755 offender shall appear before the authority within 45 days after the day on which the
- 8756 juvenile offender is ordered to secure care for review of a treatment plan and to establish
- 8757 parole release guidelines.
- 8758 (2)(a) Except as provided in Subsections (2)(b) and (2)(h), if a juvenile offender is
- 8759 ordered to secure care under Section 80-6-705, the authority shall set a presumptive
- 8760 term of secure care for the juvenile offender from three to six months, but the
- 8761 presumptive term may not exceed six months.
- 8762 (b) If a juvenile offender is ordered to secure care for a misdemeanor offense, the
- 8763 authority may immediately release the juvenile offender on parole if there is a
- 8764 treatment program available for the juvenile offender in a community-based setting.
- 8765 (c) Except as provided in Subsection (2)(h), the authority shall release the juvenile

- 8766 offender on parole at the end of the presumptive term of secure care unless:
- 8767 (i) termination would interrupt the completion of a treatment program determined to
- 8768 be necessary by the results of a validated risk and needs assessment under Section
- 8769 80-6-606; or
- 8770 (ii) the juvenile offender commits a new misdemeanor or felony offense.
- 8771 (d) The authority shall determine whether a juvenile offender has completed a treatment
- 8772 program under Subsection (2)(c)(i) by considering:
- 8773 (i) the recommendations of the licensed service provider for the treatment program;
- 8774 (ii) the juvenile offender's record in the treatment program; and
- 8775 (iii) the juvenile offender's completion of the goals of the treatment program.
- 8776 (e) Except as provided in Subsection (2)(h), the authority may extend the length of
- 8777 secure care and delay parole release for the time needed to address the specific
- 8778 circumstance if one of the circumstances under Subsection (2)(c) exists.
- 8779 (f) The authority shall:
- 8780 (i) record the length of the extension and the grounds for the extension; and
- 8781 (ii) report annually the length and grounds of extension to the commission.
- 8782 (g) Records under Subsection (2)(f) shall be tracked in the data system used by the
- 8783 juvenile court and the division.
- 8784 (h) If a juvenile offender is ordered to secure care for a misdemeanor offense, the
- 8785 authority may not:
- 8786 (i) set a juvenile offender's presumptive term of secure care under Subsection (2)(a)
- 8787 that would result in a term of secure care that exceeds a term of incarceration for
- 8788 an adult under Section 76-3-204 for the same misdemeanor offense; or
- 8789 (ii) extend the juvenile offender's term of secure care under Subsections (2)(c) and (e)
- 8790 if the extension would result in a term of secure care that exceeds the term of
- 8791 incarceration for an adult under Section 76-3-204 for the same misdemeanor
- 8792 offense.
- 8793 (3)(a) If a juvenile offender is ordered to secure care, the authority shall set a
- 8794 presumptive term of parole supervision, including aftercare services, from three to
- 8795 four months, but the presumptive term may not exceed four months.
- 8796 (b) If the authority determines that a juvenile offender is unable to return home
- 8797 immediately upon release, the juvenile offender may serve the term of parole:
- 8798 (i) in the home of a qualifying relative or guardian;
- 8799 (ii) at an independent living program contracted or operated by the division; or

- 8800 (iii) in a family-based setting with approval by the director or the director's designee  
8801 if the minor does not qualify for an independent living program due to age,  
8802 disability, or another reason or the minor cannot be placed with a qualifying  
8803 relative or guardian.
- 8804 (c) The authority shall release a juvenile offender from parole and terminate the  
8805 authority's jurisdiction at the end of the presumptive term of parole, unless:
- 8806 (i) termination would interrupt the completion of a treatment program that is  
8807 determined to be necessary by the results of a validated risk and needs assessment  
8808 under Section 80-6-606;
- 8809 (ii) the juvenile offender commits a new misdemeanor or felony offense; or  
8810 (iii) restitution has not been completed.
- 8811 (d) The authority shall determine whether a juvenile offender has completed a treatment  
8812 program under Subsection (3)(c)(i) by considering:
- 8813 (i) the recommendations of the licensed service provider;  
8814 (ii) the juvenile offender's record in the treatment program; and  
8815 (iii) the juvenile offender's completion of the goals of the treatment program.
- 8816 (e) If one of the circumstances under Subsection (3)(c) exists, the authority may delay  
8817 parole release only for the time needed to address the specific circumstance.
- 8818 (f) The authority shall:
- 8819 (i) record the grounds for extension of the presumptive length of parole and the  
8820 length of the extension; and  
8821 (ii) report annually the extension and the length of the extension to the commission.
- 8822 (g) Records under Subsection (3)(f) shall be tracked in the data system used by the  
8823 juvenile court and the division.
- 8824 (h) If a juvenile offender leaves parole supervision without authorization for more than  
8825 24 hours, the term of parole shall toll until the juvenile offender returns.
- 8826 (4) Subsections (2) and (3) do not apply to a juvenile offender ordered to secure care for:
- 8827 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;  
8828 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;  
8829 (c) Section 76-5-203, murder or attempted murder;  
8830 (d) Section 76-5-205, manslaughter;  
8831 (e) Section 76-5-206, negligent homicide;  
8832 (f) Section 76-5-207, automobile homicide;  
8833 (g) Section 76-5-207.5, automobile homicide involving using a wireless communication

- 8834 device while operating a motor vehicle;
- 8835 (h) Section 76-5-208, child abuse homicide;
- 8836 (i) Section 76-5-209, homicide by assault;
- 8837 (j) Section 76-5-302, aggravated kidnapping;
- 8838 (k) Section 76-5-405, aggravated sexual assault;
- 8839 (l) a felony violation of Section 76-6-103, aggravated arson;
- 8840 (m) Section 76-6-203, aggravated burglary;
- 8841 (n) Section 76-6-302, aggravated robbery;
- 8842 (o) Section [~~76-10-508.1~~] 76-11-210, felony discharge of a firearm;
- 8843 (p)(i) an offense other than an offense listed in Subsections (4)(a) through (o)
- 8844 involving the use of a dangerous weapon, as defined in Section 76-1-101.5, that is
- 8845 a felony; and
- 8846 (ii) the juvenile offender has been previously adjudicated or convicted of an offense
- 8847 involving the use of a dangerous weapon, as defined in Section 76-1-101.5; or
- 8848 (q) an offense other than an offense listed in Subsections (4)(a) through (p) and the
- 8849 juvenile offender has been previously ordered to secure care.

8850 Section 148. Section **80-6-1004.1** is amended to read:

8851 **80-6-1004.1 . Petition to expunge adjudication -- Hearing and notice -- Waiver --**

8852 **Order.**

- 8853 (1) An individual may petition the juvenile court for an order to expunge the individual's
- 8854 juvenile record if:
- 8855 (a) the individual was adjudicated for an offense in the juvenile court;
- 8856 (b) the individual has reached 18 years old; and
- 8857 (c) at least one year has passed from the day on which:
- 8858 (i) the juvenile court's continuing jurisdiction was terminated; or
- 8859 (ii) if the individual was committed to secure care, the individual was unconditionally
- 8860 released from the custody of the division.
- 8861 (2) If a petitioner is 18 years old or older and seeks an expungement under Subsection (1),
- 8862 the petition shall include a criminal history report obtained from the Bureau of Criminal
- 8863 Identification in accordance with Section 53-10-108.
- 8864 (3) If the juvenile court finds and states on the record the reason why the waiver is
- 8865 appropriate, the juvenile court may waive:
- 8866 (a) the age requirement under Subsection (1)(b) for a petition; or
- 8867 (b) the one-year requirement under Subsection (1)(c) for a petition.

- 8868 (4)(a) Upon the filing of a petition described in Subsection [~~(1)~~(a)] (1), the juvenile court  
8869 shall:
- 8870 (i) set a date for a hearing; and
- 8871 (ii) at least 30 days before the day on which the hearing on the petition is scheduled,  
8872 notify the prosecuting attorney and any affected agency identified in the  
8873 petitioner's juvenile record:
- 8874 (A) that the petition has been filed; and
- 8875 (B) of the date of the hearing.
- 8876 (b)(i) The juvenile court shall provide a victim with the opportunity to request notice  
8877 of a petition described in Subsection (1).
- 8878 (ii) Upon the victim's request under Subsection (4)(b)(i), the victim shall receive  
8879 notice of the petition at least 30 days before the day on which the hearing is  
8880 scheduled if, before the day on which an expungement order is made, the victim,  
8881 or the victim's next of kin or authorized representative if the victim is a child or an  
8882 individual who is incapacitated or deceased, submits a written and signed request  
8883 for notice to the juvenile court in the judicial district in which the offense occurred  
8884 or judgment is entered.
- 8885 (iii) The notice described in Subsection (4)(b)(ii) shall include a copy of the petition  
8886 and any statutes and rules applicable to the petition.
- 8887 (c) At the hearing, the prosecuting attorney, a victim, and any other individual who may  
8888 have relevant information about the petitioner may testify.
- 8889 (d) The juvenile court may waive the hearing for the petition if:
- 8890 (i)(A) there is no victim; or
- 8891 (B) if there is a victim, the victim agrees to the waiver; and
- 8892 (ii) the prosecuting attorney agrees to the waiver.
- 8893 (5)(a) Except as provided in Subsection (6), the juvenile court may grant a petition  
8894 described in Subsection (1) and order expungement of the petitioner's juvenile record  
8895 if the juvenile court finds that the petitioner is rehabilitated to the satisfaction of the  
8896 court in accordance with Subsection (5)(b).
- 8897 (b) In deciding whether to grant a petition described in Subsection (1), the juvenile court  
8898 shall consider:
- 8899 (i) whether expungement of the petitioner's juvenile record is in the best interest of  
8900 the petitioner;
- 8901 (ii) the petitioner's response to programs and treatment;

- 8902 (iii) the nature and seriousness of the conduct for which the petitioner was  
 8903 adjudicated;
- 8904 (iv) the petitioner's behavior subsequent to adjudication;
- 8905 (v) the petitioner's reason for seeking expungement of the petitioner's juvenile record;  
 8906 and
- 8907 (vi) if the petitioner is a restricted person under Subsection [76-10-503(1)(a)(iv) or  
 8908 ~~(b)(iii)] 76-11-302(4) or 76-11-303(4):~~
- 8909 (A) whether the offense for which the petitioner is a restricted person was  
 8910 committed with a weapon;
- 8911 (B) whether expungement of the petitioner's juvenile record poses an unreasonable  
 8912 risk to public safety; and
- 8913 (C) the amount of time that has passed since the adjudication of the offense for  
 8914 which the petitioner is a restricted person.
- 8915 (6) The juvenile court may not grant a petition described in Subsection (1) and order  
 8916 expungement of the petitioner's juvenile record if:
- 8917 (a) the petitioner has been convicted of a violent felony within five years before the day  
 8918 on which the petition for expungement is filed;
- 8919 (b) there are delinquency or criminal proceedings pending against the petitioner;
- 8920 (c) the petitioner has not satisfied a judgment of restitution entered by the juvenile court  
 8921 for an adjudication in the petitioner's juvenile record;
- 8922 (d) the petitioner has not satisfied restitution that was a condition of a nonjudicial  
 8923 adjustment in the petitioner's juvenile record; or
- 8924 (e) the petitioner's juvenile record contains an adjudication for a violation of:
- 8925 (i) Section 76-5-202, aggravated murder; or
- 8926 (ii) Section 76-5-203, murder.
- 8927 Section 149. Section **80-6-1004.5** is amended to read:
- 8928 **80-6-1004.5 . Automatic expungement of successful nonjudicial adjustment --**  
 8929 **Effect of successful nonjudicial adjustment.**
- 8930 (1) Except as provided in Subsection (2), the juvenile court shall issue, without a petition,  
 8931 an order to expunge an individual's juvenile record if:
- 8932 (a) the individual has reached 18 years old;
- 8933 (b) the individual's juvenile record consists solely of nonjudicial adjustments;
- 8934 (c) the individual has successfully completed each nonjudicial adjustment; and
- 8935 (d) all nonjudicial adjustments were completed on or after October 1, 2023.

- 8936 (2) An individual's juvenile record is not eligible for expungement under Subsection (1) if  
 8937 the individual's juvenile record contains a nonjudicial adjustment for a violation of:  
 8938 (a) Section 41-6a-502, driving under the influence;  
 8939 (b) Section 76-5-112, reckless endangerment creating a substantial risk of death or  
 8940 serious bodily injury;  
 8941 (c) Section 76-5-206, negligent homicide;  
 8942 (d) Section 76-9-702.1, sexual battery;  
 8943 (e) Section [~~76-10-505.5, possession of a dangerous weapon, firearm, or short barreled~~  
 8944 ~~shotgun on or about school premises]~~ 76-11-205, carrying a dangerous weapon at an  
 8945 elementary school or secondary school;  
 8946 (f) Section 76-11-206, carrying a dangerous weapon at a daycare; or  
 8947 [(f)] (g) Section [76-10-509.4] 76-11-211, possession of a dangerous weapon by a minor.  
 8948 (3) If an individual's juvenile record consists solely of nonjudicial adjustments that were  
 8949 completed before October 1, 2023:  
 8950 (a) any nonjudicial adjustment in the individual's juvenile record is considered to never  
 8951 have occurred if:  
 8952 (i) the individual has reached 18 years old;  
 8953 (ii) the individual has satisfied restitution that was a condition of any nonjudicial  
 8954 adjustment in the individual's juvenile record; and  
 8955 (iii) the nonjudicial adjustment was for an offense that is not an offense described in  
 8956 Subsection (2); and  
 8957 (b) the individual may reply to any inquiry about the nonjudicial adjustment as though  
 8958 there never was a nonjudicial adjustment.

8959 Section 150. **Repealer.**

8960 This bill repeals:

8961 Section **53-5-701, Title.**

8962 Section **53-5-710, Cross-references to concealed firearm permit restrictions.**

8963 Section **53-5b-101, Title.**

8964 Section **76-10-500, Uniform law.**

8965 Section **76-10-503, Restrictions on possession, purchase, transfer, and ownership of**  
 8966 **dangerous weapons by certain persons -- Exceptions.**

8967 Section **76-10-512, Target concessions, shooting ranges, competitions, and hunting**  
 8968 **excepted from prohibitions.**

8969 Section **76-10-521, Unlawful marking of pistol or revolver.**



8970           Section 151. **Effective date.**  
8971           This bill takes effect on May 7, 2025.  
8972           Section 152. **Coordinating H.B. 133 with S.B. 14.**  
8973           If H.B. 133, Dangerous Weapons Amendments, and S.B. 14, Private Sale of a Firearm  
\_ 8974           Sunset Review Amendments, both pass and become law, the Legislature intends that, on May  
\_ 8975           7, 2025, Subsection 63I-1-253(9) enacted by H.B. 133 be deleted and the remaining  
\_ 8976           subsections renumbered accordingly.