

1 **SALE OF A FIREARM AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: A. Cory Maloy**

5 Senate Sponsor: Jacob L. Anderegg

6

7 **LONG TITLE**

8 **General Description:**

9 This bill addresses the sale of a firearm.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ directs the Bureau of Criminal Identification to create an online process that allows
13 an individual involved in the sale of a firearm to determine if the other party to the
14 sale has a valid concealed carry permit or the firearm has been reported as stolen;
15 and

16 ▶ includes a sunset date.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 This bill provides a special effective date.

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **63I-1-276**, as last amended by Laws of Utah 2019, Chapters 136, 440

24 ENACTS:

25 **76-10-526.1**, Utah Code Annotated 1953

26

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

28 Section 1. Section **63I-1-276** is amended to read:

29 **63I-1-276. Repeal dates: Title 76.**

30 Section 76-10-526.1, relating to an information check before the private sale of a
31 firearm, is repealed July 1, 2025.

32 Section 2. Section **76-10-526.1** is enacted to read:

33 **76-10-526.1. Information check before private sale of firearm.**

34 (1) As used in this section:

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

36 (b) "Law enforcement agency" means the same as that term is defined in Section
37 53-1-102.

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

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

42 (a) if the other individual involved in the sale of the firearm has a valid concealed carry
43 permit; or

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

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

46 (4) The bureau may not:

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

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

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

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

55 (7) After responding to a request under Subsection (2), the bureau shall immediately

56 dispose of all information related to the request.

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

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

61 **Section 3. Effective date.**

62 This bill takes effect on July 1, 2023.