H.B. 152

1   # VOLUNTARY COMMITMENT OF A FIREARM AMENDMENTS

2   ## 2019 GENERAL SESSION

3   ## STATE OF UTAH

4   ### Chief Sponsor: A. Cory Maloy

5   Senate Sponsor: _____

6

7   **LONG TITLE**

8   **General Description:**

9   This bill defines "owner cohabitant" for the purpose of the voluntary commitment of a

10   firearm to law enforcement.

11   **Highlighted Provisions:**

12   This bill:

13   ▸   defines "owner cohabitant" as anyone living in the home with an ownership interest

14   in the firearm.

15   **Money Appropriated in this Bill:**

16   None

17   **Other Special Clauses:**

18   None

19   **Utah Code Sections Affected:**

20   AMENDS:

21   **53-5c-201**, as last amended by Laws of Utah 2017, Chapter 334

22

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

24   Section 1. Section **53-5c-201** is amended to read:

25   **53-5c-201. Voluntary commitment of a firearm by owner cohabitant -- Law**

26   **enforcement to hold firearm.**

27   (1) As used in this section, "owner cohabitant" means any individual residing in the

28   home who has an ownership interest in a firearm in the home.

29   [(1)] (2) (a) An owner cohabitant may voluntarily commit a firearm to a law

30   enforcement agency for safekeeping if the owner cohabitant believes that the owner cohabitant

31   or another cohabitant with access to the firearm is an immediate threat to:

32   (i) himself or herself;

33   (ii) the owner cohabitant; or

34   (iii) any other person.

35   (b) A law enforcement agency may not hold a firearm under this section if the law

36   enforcement agency obtains the firearm in a manner other than the owner cohabitant

37   voluntarily presenting, of the owner cohabitant's own free will, the firearm to the law

38   enforcement agency at the agency's office.

39   [(2)] (3) Unless a firearm is an illegal firearm subject to Section 53-5c-202, a law

40   enforcement agency that receives a firearm in accordance with this chapter shall:

41   (a) record:

42   (i) the owner cohabitant's name, address, and phone number;

43   (ii) [the firearm serial number] the make and model of each firearm committed; and

44   (iii) the date that the firearm was voluntarily committed;

45   (b) require the owner cohabitant to sign a document attesting that the owner cohabitant

46   has an ownership interest in the firearm;

47   (c) hold the firearm in safe custody for 60 days after the day on which the firearm is

48   voluntarily committed; and

49   (d) upon proof of identification, return the firearm to:

50   (i) the owner cohabitant after the expiration of the 60-day period or, if the owner

51   cohabitant requests return of the firearm before the expiration of the 60-day period, at the time

52   of the request; or

53   (ii) an owner other than the owner cohabitant in accordance with Section 53-5c-202.

54   [(3)] (4) The law enforcement agency shall hold the firearm for an additional 60 days:

55   (a) if the initial 60-day period expires; and

56   (b) the owner cohabitant requests that the law enforcement agency hold the firearm for

57   an additional 60 days.

58   [(4)] (5) A law enforcement agency may not request or require that the owner

59   cohabitant provide the name or other information of the cohabitant who poses an immediate

60   threat or any other cohabitant.

61   [(5)] (6) Notwithstanding an ordinance or policy to the contrary adopted in accordance

62   with Section 63G-2-701, a law enforcement agency shall destroy a record created under

63   Subsection [(2)] (3), Subsection 53-5c-202[(4)](3)(b)(iii), or any other record created in the

64   application of this chapter [no later than five days after] immediately upon the:

65   (a) [returning] return of a firearm in accordance with Subsection [(2)] (3)(d); or

66   (b) [disposing] disposal of the firearm in accordance with Section 53-5c-202.

67   [(6)] (7) Unless otherwise provided, the provisions of Title 77, Chapter 24a, Lost or

68   Mislaid Personal Property, do not apply to a firearm received by a law enforcement agency in

69   accordance with this chapter.

70   [(7)] (8) A law enforcement agency shall adopt a policy for the safekeeping of a

71   firearm held in accordance with this chapter.