

Firearm and Firearm Accessory Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Nate Blouin

LONG TITLE**General Description:**

This bill addresses firearms and firearm accessories.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires, beginning on January 1, 2027, a manufacturer or seller of gas-operated semiautomatic firearms that is manufacturing or selling the firearms to the government of the United States, a state, or a federally recognized tribe, to mark on the firearm that the firearm may only be used by a government employee in accordance with government policy;
- ▶ amends offenses related to a restricted person in possession of a dangerous weapon to include ammunition;
- ▶ makes possession of a firearm on which the identifying marks have been altered or removed a crime;
- ▶ makes possession of a firearm without identifying marks a crime;
- ▶ amends provisions requiring the Bureau of Criminal Identification to inform local law enforcement when a prohibited person attempts to purchase a firearm from a firearm dealer;
- ▶ creates a criminal offense, beginning on January 1, 2027, for an adult to possess a machinegun firearm attachment;
- ▶ creates a waiting period, with certain exemptions, between the purchase of a firearm from a dealer and the delivery of the firearm to the purchaser;
- ▶ creates a criminal offense, beginning on January 1, 2027, for a person to import, sell, manufacture, transfer, receive, or possess, in certain circumstances, a gas-operated semiautomatic firearm;
- ▶ requires a firearm dealer to post a written notice of potential liability for the negligent storage of a firearm and provides a penalty for failure to post the notice;
- ▶ requires the Department of Public Safety to create a system for individuals who possess

- 32 certain gas-operated semiautomatic firearms before January 1, 2027, to register the
33 firearm with the department;
- 34 ▶ creates a criminal offense beginning on January 1, 2027, for a person to import, sell,
35 manufacture, transfer, receive, or possess, in certain circumstances, a large-capacity
36 ammunition feeding device;
 - 37 ▶ expands the criminal offense of altering a serial number on a pistol or revolver beginning
38 on January 1, 2027, to include all firearms and large-capacity ammunition feeding
39 devices; and
 - 40 ▶ makes technical and conforming changes.

41 **Money Appropriated in this Bill:**

42 None

43 **Other Special Clauses:**

44 This bill provides a special effective date.

45 **Utah Code Sections Affected:**

46 AMENDS:

- 47 **53-5-704**, as last amended by Laws of Utah 2024, Chapter 195
- 48 **53-10-208.1**, as last amended by Laws of Utah 2023, Chapters 184, 328 and 397
- 49 **76-3-203.5**, as last amended by Laws of Utah 2024, Chapters 96, 179
- 50 **76-3-402**, as last amended by Laws of Utah 2024, Chapter 234
- 51 **76-10-501**, as last amended by Laws of Utah 2023, Chapters 161, 397 and 425
- 52 **76-10-503**, as last amended by Laws of Utah 2023, First Special Session, Chapter 2
- 53 **76-10-503.1**, as last amended by Laws of Utah 2023, Chapter 203
- 54 **76-10-509.4**, as last amended by Laws of Utah 2024, Chapter 301
- 55 **76-10-522**, as last amended by Laws of Utah 1993, Chapter 234
- 56 **76-10-526**, as last amended by Laws of Utah 2023, Chapters 330, 397
- 57 **76-10-527**, as last amended by Laws of Utah 2009, Chapter 20
- 58 **76-10-532**, as last amended by Laws of Utah 2023, Chapter 425
- 59 **76-10-1602**, as last amended by Laws of Utah 2024, Chapter 96
- 60 **80-6-104**, as last amended by Laws of Utah 2024, Chapter 20
- 61 **80-6-1004.1**, as enacted by Laws of Utah 2023, Chapter 115

62 ENACTS:

- 63 **53-5a-105**, Utah Code Annotated 1953
- 64 **53-5a-106**, Utah Code Annotated 1953
- 65 **76-10-526.2**, Utah Code Annotated 1953

66 **76-10-527.5**, Utah Code Annotated 1953
 67 **76-10-533**, Utah Code Annotated 1953
 68 **76-10-534**, Utah Code Annotated 1953
 69 **76-10-535**, Utah Code Annotated 1953

70

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

72 Section 1. Section **53-5-704** is amended to read:

73 **53-5-704 . Bureau duties -- Permit to carry concealed firearm -- Certification for**
 74 **concealed firearms instructor -- Requirements for issuance -- Violation -- Denial,**
 75 **suspension, or revocation -- Appeal procedure.**

76 (1)(a) Except as provided in Subsection (1)(b), the bureau shall issue a permit to carry a
 77 concealed firearm for lawful self defense to an applicant who is 21 years old or older
 78 within 60 days after receiving an application, unless the bureau finds proof that the
 79 applicant is not qualified to hold a permit under Subsection (2) or (3).

80 (b)(i) Within 90 days before the day on which a provisional permit holder under
 81 Section 53-5-704.5 reaches 21 years old, the provisional permit holder may apply
 82 under this section for a permit to carry a concealed firearm for lawful self defense.

83 (ii) The bureau shall issue a permit for an applicant under Subsection (1)(b)(i) within
 84 60 days after receiving an application, unless the bureau finds proof that the
 85 applicant is not qualified to hold a permit under Subsection (2) or (3).

86 (iii) A permit issued under this Subsection (1)(b):

87 (A) is not valid until an applicant is 21 years old; and

88 (B) requires a \$10 application fee.

89 (iv) A person who applies for a permit under this Subsection (1)(b) is not required to
 90 retake the firearms training described in Subsection 53-5-704(8).

91 (c) The permit is valid throughout the state for five years, without restriction, except as
 92 otherwise provided by Section 53-5-710.

93 (d) The provisions of Subsections 76-10-504(1) and (2), and Section 76-10-505 do not
 94 apply to an individual issued a permit under Subsection (1)(a) or (b).

95 (e) Subsection (4)(a) does not apply to a nonresident:

96 (i) active duty service member, who presents to the bureau orders requiring the active
 97 duty service member to report for duty in this state; or

98 (ii) active duty service member's spouse, stationed with the active duty service
 99 member, who presents to the bureau the active duty service member's orders

- 100 requiring the service member to report for duty in this state.
- 101 (2)(a) The bureau may deny, suspend, or revoke a concealed firearm permit if the
102 applicant or permit holder:
- 103 (i) has been or is convicted of a felony;
 - 104 (ii) has been or is convicted of a crime of violence;
 - 105 (iii) has been or is convicted of an offense involving the use of alcohol;
 - 106 (iv) has been or is convicted of an offense involving the unlawful use of narcotics or
107 other controlled substances;
 - 108 (v) has been or is convicted of an offense involving moral turpitude;
 - 109 (vi) has been or is convicted of an offense involving domestic violence;
 - 110 (vii) has been or is adjudicated by a state or federal court as mentally incompetent,
111 unless the adjudication has been withdrawn or reversed; and
 - 112 (viii) is not qualified to purchase and possess a firearm or ammunition pursuant to
113 Section 76-10-503 and federal law.
- 114 (b) In determining whether an applicant or permit holder is qualified to hold a permit
115 under Subsection (2)(a), the bureau shall consider mitigating circumstances.
- 116 (3)(a) The bureau may deny, suspend, or revoke a concealed firearm permit if it has
117 reasonable cause to believe that the applicant or permit holder has been or is a danger
118 to self or others as demonstrated by evidence, including:
- 119 (i) past pattern of behavior involving unlawful violence or threats of unlawful
120 violence;
 - 121 (ii) past participation in incidents involving unlawful violence or threats of unlawful
122 violence; or
 - 123 (iii) conviction of an offense in violation of Title 76, Chapter 10, Part 5, Weapons.
- 124 (b) The bureau may not deny, suspend, or revoke a concealed firearm permit solely for a
125 single conviction of an infraction violation of Title 76, Chapter 10, Part 5, Weapons.
- 126 (c) In determining whether the applicant or permit holder has been or is a danger to self
127 or others, the bureau may inspect:
- 128 (i) expunged records of arrests and convictions of adults as provided in Section
129 77-40a-403; and
 - 130 (ii) juvenile court records as provided in Section 78A-6-209.
- 131 (d)(i) The bureau shall suspend a concealed firearm permit if a permit holder
132 becomes a temporarily restricted person in accordance with Section 53-5c-301.
- 133 (ii) Upon removal from the temporary restricted list, the permit holder's permit shall

- 134 be reinstated unless:
- 135 (A) the permit has been revoked, been suspended for a reason other than the
136 restriction described in Subsection (3)(d)(i), or expired; or
- 137 (B) the permit holder has become a restricted person under Section 76-10-503.
- 138 (4)(a) In addition to meeting the other qualifications for the issuance of a concealed
139 firearm permit under this section, a nonresident applicant who resides in a state that
140 recognizes the validity of the Utah permit or has reciprocity with Utah's concealed
141 firearm permit law shall:
- 142 (i) hold a current concealed firearm or concealed weapon permit issued by the
143 appropriate permitting authority of the nonresident applicant's state of residency;
144 and
- 145 (ii) submit a photocopy or electronic copy of the nonresident applicant's current
146 concealed firearm or concealed weapon permit referred to in Subsection (4)(a)(i).
- 147 (b) A nonresident applicant who knowingly and willfully provides false information to
148 the bureau under Subsection (4)(a) is prohibited from holding a Utah concealed
149 firearm permit for a period of 10 years.
- 150 (c) Subsection (4)(a) applies to all applications for the issuance of a concealed firearm
151 permit that are received by the bureau after May 10, 2011.
- 152 (d) Beginning January 1, 2012, Subsection (4)(a) also applies to an application for
153 renewal of a concealed firearm permit by a nonresident.
- 154 (5) The bureau shall issue a concealed firearm permit to a former peace officer who departs
155 full-time employment as a peace officer, in an honorable manner, within five years of
156 that departure if the officer meets the requirements of this section.
- 157 (6) Except as provided in Subsection (7), the bureau shall also require the applicant to
158 provide:
- 159 (a) the address of the applicant's permanent residence;
- 160 (b) one recent dated photograph;
- 161 (c) one set of fingerprints; and
- 162 (d) evidence of general familiarity with the types of firearms to be concealed as defined
163 in Subsection (8).
- 164 (7) An applicant who is a law enforcement officer under Section 53-13-103 may provide a
165 letter of good standing from the officer's commanding officer in place of the evidence
166 required by Subsection (6)(d).
- 167 (8)(a) General familiarity with the types of firearms to be concealed includes training in:

- 168 (i) the safe loading, unloading, storage, and carrying of the types of firearms to be
169 concealed; and
- 170 (ii) current laws defining lawful use of a firearm by a private citizen, including lawful
171 self-defense, use of force by a private citizen, including use of deadly force,
172 transportation, and concealment.
- 173 (b) An applicant may satisfy the general familiarity requirement of Subsection (8)(a) by
174 one of the following:
- 175 (i) completion of a course of instruction conducted by a national, state, or local
176 firearms training organization approved by the bureau;
- 177 (ii) certification of general familiarity by an individual who has been certified by the
178 bureau, which may include a law enforcement officer, military or civilian firearms
179 instructor, or hunter safety instructor; or
- 180 (iii) equivalent experience with a firearm through participation in an organized
181 shooting competition, law enforcement, or military service.
- 182 (c) Instruction taken by a student under this Subsection (8) shall be in person and not
183 through electronic means.
- 184 (d) A person applying for a renewal permit is not required to retake the firearms training
185 described in this Subsection 53-5-704(8) if the person:
- 186 (i) has an unexpired permit; or
- 187 (ii) has a permit that expired less than one year before the date on which the renewal
188 application was submitted.
- 189 (9)(a) An applicant for certification as a Utah concealed firearms instructor shall:
- 190 (i) be at least 21 years old;
- 191 (ii) be currently eligible to possess a firearm and ammunition under Section
192 76-10-503;
- 193 (iii) have:
- 194 (A) completed a firearm instruction training course from the National Rifle
195 Association or another nationally recognized firearm training organization that
196 customarily offers firearm safety and firearm law instructor training or the
197 Department of Public Safety, Division of Peace Officer Safety Standards and
198 Training; or
- 199 (B) received training equivalent to one of the courses referred to in Subsection
200 (9)(a)(iii)(A) as determined by the bureau;
- 201 (iv) have taken a course of instruction and passed a certification test as described in

- 202 Subsection (9)(c); and
- 203 (v) possess a Utah concealed firearm permit.
- 204 (b) An instructor's certification is valid for three years from the date of issuance, unless
- 205 revoked by the bureau.
- 206 (c)(i) In order to obtain initial certification or renew a certification, an instructor
- 207 shall attend an instructional course and pass a test under the direction of the
- 208 bureau.
- 209 (ii)(A) The bureau shall provide or contract to provide the course referred to in
- 210 Subsection (9)(c)(i) twice every year.
- 211 (B) The course shall include instruction on current Utah law related to firearms,
- 212 including concealed carry statutes and rules, and the use of deadly force by
- 213 private citizens.
- 214 (d)(i) Each applicant for certification under this Subsection (9) shall pay a fee of
- 215 \$50.00 at the time of application for initial certification.
- 216 (ii) The renewal fee for the certificate is \$25.
- 217 (iii) The bureau may use a fee paid under Subsections (9)(d)(i) and (ii) as a dedicated
- 218 credit to cover the cost incurred in maintaining and improving the instruction
- 219 program required for concealed firearm instructors under this Subsection (9).
- 220 (10) A certified concealed firearms instructor shall provide each of the instructor's students
- 221 with the required course of instruction outline approved by the bureau.
- 222 (11)(a)(i) A concealed firearms instructor shall provide a signed certificate to an
- 223 individual successfully completing the offered course of instruction.
- 224 (ii) The instructor shall sign the certificate with the exact name indicated on the
- 225 instructor's certification issued by the bureau under Subsection (9).
- 226 (iii)(A) The certificate shall also have affixed to it the instructor's official seal,
- 227 which is the exclusive property of the instructor and may not be used by any
- 228 other individual.
- 229 (B) The instructor shall destroy the seal upon revocation or expiration of the
- 230 instructor's certification under Subsection (9).
- 231 (C) The bureau shall determine the design and content of the seal to include at
- 232 least the following:
- 233 (I) the instructor's name as it appears on the instructor's certification;
- 234 (II) the words "Utah Certified Concealed Firearms Instructor," "state of Utah,"
- 235 and "my certification expires on (the instructor's certification expiration

- 236 date)"; and
- 237 (III) the instructor's business or residence address.
- 238 (D) The seal shall be affixed to each student certificate issued by the instructor in
- 239 a manner that does not obscure or render illegible any information or
- 240 signatures contained in the document.
- 241 (b) The applicant shall provide the certificate to the bureau in compliance with
- 242 Subsection (6)(d).
- 243 (12) The bureau may deny, suspend, or revoke the certification of an applicant or a
- 244 concealed firearms instructor if it has reason to believe the applicant or the instructor has:
- 245 (a) become ineligible to possess a firearm or ammunition under Section 76-10-503 or
- 246 federal law; or
- 247 (b) knowingly and willfully provided false information to the bureau.
- 248 (13) An applicant for certification or a concealed firearms instructor has the same appeal
- 249 rights as described in Subsection (16).
- 250 (14) In providing instruction and issuing a permit under this part, the concealed firearms
- 251 instructor and the bureau are not vicariously liable for damages caused by the permit
- 252 holder.
- 253 (15) An individual who knowingly and willfully provides false information on an
- 254 application filed under this part is guilty of a class B misdemeanor, and the application
- 255 may be denied, or the permit may be suspended or revoked.
- 256 (16)(a) In the event of a denial, suspension, or revocation of a permit, the applicant or
- 257 permit holder may file a petition for review with the board within 60 days from the
- 258 date the denial, suspension, or revocation is received by the applicant or permit
- 259 holder by certified mail, return receipt requested.
- 260 (b) The bureau's denial of a permit shall be in writing and shall include the general
- 261 reasons for the action.
- 262 (c) If an applicant or permit holder appeals the denial to the review board, the applicant
- 263 or permit holder may have access to the evidence upon which the denial is based in
- 264 accordance with Title 63G, Chapter 2, Government Records Access and Management
- 265 Act.
- 266 (d) On appeal to the board, the bureau has the burden of proof by a preponderance of the
- 267 evidence.
- 268 (e)(i) Upon a ruling by the board on the appeal of a denial, the board shall issue a
- 269 final order within 30 days stating the board's decision.

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

271 (iii) The final order is final bureau action for purposes of judicial review under

272 Section 63G-4-402.

273 (17) The commissioner may make rules in accordance with Title 63G, Chapter 3, Utah

274 Administrative Rulemaking Act, necessary to administer this chapter.

275 Section 2. Section **53-5a-105** is enacted to read:

276 **53-5a-105 . Manufacturer or seller requirements for gas-operated semiautomatic**
277 **firearms.**

278 (1) As used in this section, "gas-operated semiautomatic firearm" means a firearm that
279 meets the elements described in Subsection 76-10-534(2).

280 (2) A manufacturer or seller of a gas-operated semiautomatic firearm that is lawfully
281 importing, selling, manufacturing, transferring, receiving, or possessing the firearm for
282 the purpose of transferring or selling the firearm to a governmental entity described in
283 Subsection 76-10-534(4)(b), shall clearly mark on the firearm that the firearm may only
284 be used or possessed by a law enforcement officer or employee of that governmental
285 entity in accordance with any applicable government policy.

286 Section 3. Section **53-5a-106** is enacted to read:

287 **53-5a-106 . Registration of gas-operated semiautomatic firearms.**

288 (1) As used in this section:

289 (a) "Immediate family member" means the same as that term is defined in Section
290 76-10-534.

291 (b) "Gas-operated semiautomatic firearm" means the same as that term is defined in
292 Section 53-5a-105.

293 (2) The department shall develop a system for registering gas-operated semiautomatic
294 firearms that are lawfully possessed by individuals as described in Subsection
295 76-10-534(4)(d) or (e) who are required to register the firearm with the department.

296 (3) The registration described in Subsection (2) shall include:

297 (a)(i) an affirmation that the individual possessed the gas-operated semiautomatic
298 firearm before January 1, 2027; or

299 (ii) if the individual received the gas-operated semiautomatic firearm after January 1,
300 2027, an affirmation that the individual received the firearm from an immediate
301 family member who lawfully possessed the firearm before January 1, 2027;

302 (b) the make, model, caliber, and serial number of the gas-operated semiautomatic
303 firearm; and

304 (c) the individual's name, address, telephone number, and date of birth.

305 Section 4. Section **53-10-208.1** is amended to read:

306 **53-10-208.1 . Magistrates and court clerks to supply information.**

307 (1) Every magistrate or clerk of a court responsible for court records in this state shall,
308 within 30 days after the day of the disposition and on forms and in the manner provided
309 by the division, furnish the division with information pertaining to:

310 (a) all dispositions of criminal matters, including:

311 (i) guilty pleas;

312 (ii) convictions;

313 (iii) dismissals;

314 (iv) acquittals;

315 (v) pleas in abeyance;

316 (vi) judgments of not guilty by reason of insanity;

317 (vii) judgments of guilty with a mental condition;

318 (viii) finding of mental incompetence to stand trial; and

319 (ix) probations granted;

320 (b) orders of civil commitment under the terms of Section 26B-5-332;

321 (c) the issuance, recall, cancellation, or modification of all warrants of arrest or
322 commitment as described in Rule 6, Utah Rules of Criminal Procedure and Section
323 78B-6-303, within one day of the action and in a manner provided by the division;
324 and

325 (d) protective orders issued after notice and hearing, pursuant to:

326 (i) Title 77, Chapter 36, Cohabitant Abuse Procedures Act;

327 (ii) Title 78B, Chapter 7, Part 4, Dating Violence Protective Orders;

328 (iii) Title 78B, Chapter 7, Part 5, Sexual Violence Protective Orders;

329 (iv) Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders; or

330 (v) Title 78B, Chapter 7, Part 8, Criminal Protective Orders.

331 (2) When transmitting information on a criminal matter under Subsection (1)(a)(i), (ii), (v),
332 or (vii) for a conviction of misdemeanor assault under Section 76-5-102, the magistrate
333 or clerk of a court shall include available information regarding whether the conviction
334 for assault resulted from an assault against an individual:

335 (a) who is included in at least one of the relationship categories described in Subsection [
336 76-10-503(1)(b)(xii)] 76-10-503(1)(c)(xi); or

337 (b) with whom none of the relationships described in Subsection [76-10-503(1)(b)(xii)]

338 76-10-503(1)(c)(xi) apply.

339 (3) The court in the county where a determination or finding was made shall transmit a
340 record of the determination or finding to the bureau no later than 48 hours after the
341 determination is made, excluding Saturdays, Sundays, and legal holidays, if an
342 individual is:

343 (a) adjudicated as a mental defective; or

344 (b) involuntarily committed to a mental institution in accordance with Subsection
345 26B-5-332(16).

346 (4) The record described in Subsection (3) shall include:

347 (a) an agency record identifier;

348 (b) the individual's name, sex, race, and date of birth; and

349 (c) the individual's social security number, government issued driver license or
350 identification number, alien registration number, government passport number, state
351 identification number, or FBI number.

352 Section 5. Section **76-3-203.5** is amended to read:

353 **76-3-203.5 . Habitual violent offender -- Definition -- Procedure -- Penalty.**

354 (1) As used in this section:

355 (a) "Felony" means any violation of a criminal statute of the state, any other state, the
356 United States, or any district, possession, or territory of the United States for which
357 the maximum punishment the offender may be subjected to exceeds one year in
358 prison.

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

364 (c) "Violent felony" means:

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

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

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

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

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

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

- 372 (F) disarming a police officer as described in Section 76-5-102.8;
- 373 (G) aggravated assault as described in Section 76-5-103;
- 374 (H) aggravated assault by prisoner as described in Section 76-5-103.5;
- 375 (I) mayhem as described in Section 76-5-105;
- 376 (J) stalking as described in Subsection 76-5-106.5(2);
- 377 (K) threat of terrorism as described in Section 76-5-107.3;
- 378 (L) aggravated child abuse as described in Subsection 76-5-109.2(3)(a) or (b);
- 379 (M) commission of domestic violence in the presence of a child as described in
- 380 Section 76-5-114;
- 381 (N) abuse or neglect of a child with a disability as described in Section 76-5-110;
- 382 (O) abuse or exploitation of a vulnerable adult as described in Section 76-5-111,
- 383 76-5-111.2, 76-5-111.3, or 76-5-111.4;
- 384 (P) endangerment of a child or vulnerable adult as described in Section 76-5-112.5;
- 385 (Q) an offense described in Chapter 5, Part 2, Criminal Homicide;
- 386 (R) kidnapping as described in Section 76-5-301;
- 387 (S) child kidnapping as described in Section 76-5-301.1;
- 388 (T) aggravated kidnapping as described in Section 76-5-302;
- 389 (U) rape as described in Section 76-5-402;
- 390 (V) rape of a child as described in Section 76-5-402.1;
- 391 (W) object rape as described in Section 76-5-402.2;
- 392 (X) object rape of a child as described in Section 76-5-402.3;
- 393 (Y) forcible sodomy as described in Section 76-5-403;
- 394 (Z) sodomy on a child as described in Section 76-5-403.1;
- 395 (AA) forcible sexual abuse as described in Section 76-5-404;
- 396 (BB) sexual abuse of a child as described in Section 76-5-404.1;
- 397 (CC) aggravated sexual abuse of a child as described in Section 76-5-404.3;
- 398 (DD) aggravated sexual assault as described in Section 76-5-405;
- 399 (EE) sexual exploitation of a minor as described in Section 76-5b-201;
- 400 (FF) aggravated sexual exploitation of a minor as described in Section 76-5b-201.1;
- 401 (GG) sexual exploitation of a vulnerable adult as described in Section 76-5b-202;
- 402 (HH) burglary as described in Subsection 76-6-202(3)(b);
- 403 (II) aggravated burglary as described in Section 76-6-203;
- 404 (JJ) robbery as described in Section 76-6-301;
- 405 (KK) aggravated robbery as described in Section 76-6-302;

- 406 (LL) theft by extortion as described in Subsection 76-6-406(1)(a)(i) or (1)(a)(ii);
 407 (MM) tampering with a witness as described in Section 76-8-508;
 408 (NN) retaliation against a witness, victim, or informant as described in Section
 409 76-8-508.3;
 410 (OO) tampering or retaliating against a juror as described in Subsection 76-8-508.5
 411 (2)(a)(iii);
 412 (PP) extortion to dismiss a criminal proceeding as described in Subsection
 413 76-6-406(1)(a)(i), (ii), or (ix);
 414 (QQ) possession, use, or removal of explosive, chemical, or incendiary devices as
 415 described in Subsections 76-10-306(3) through (6);
 416 (RR) unlawful delivery of explosive, chemical, or incendiary devices as described
 417 in Section 76-10-307;
 418 (SS) purchase or possession of a dangerous weapon or ~~handgun~~ ammunition by a
 419 restricted person as described in Section 76-10-503;
 420 (TT) aggravated exploitation of prostitution as described in Subsection 76-10-1306
 421 (1)(a);
 422 (UU) bus hijacking as described in Section 76-10-1504; and
 423 (VV) discharging firearms and hurling missiles as described in Section 76-10-1505;
 424 or
 425 (ii) any felony violation of a criminal statute of any other state, the United States, or
 426 any district, possession, or territory of the United States which would constitute a
 427 violent felony as defined in this Subsection (1) if committed in this state.
- 428 (2) If a person is convicted in this state of a violent felony by plea or by verdict and the trier
 429 of fact determines beyond a reasonable doubt that the person is a habitual violent
 430 offender under this section, the penalty for a:
- 431 (a) third degree felony is as if the conviction were for a first degree felony;
 432 (b) second degree felony is as if the conviction were for a first degree felony; or
 433 (c) first degree felony remains the penalty for a first degree penalty except:
 434 (i) the convicted person is not eligible for probation; and
 435 (ii) the Board of Pardons and Parole shall consider that the convicted person is a
 436 habitual violent offender as an aggravating factor in determining the length of
 437 incarceration.
- 438 (3)(a) The prosecuting attorney, or grand jury if an indictment is returned, shall provide
 439 notice in the information or indictment that the defendant is subject to punishment as

440 a habitual violent offender under this section. Notice shall include the case number,
441 court, and date of conviction or commitment of any case relied upon by the
442 prosecution.

443 (b)(i) The defendant shall serve notice in writing upon the prosecutor if the
444 defendant intends to deny that:

445 (A) the defendant is the person who was convicted or committed;

446 (B) the defendant was represented by counsel or had waived counsel; or

447 (C) the defendant's plea was understandingly or voluntarily entered.

448 (ii) The notice of denial shall be served not later than five days prior to trial and shall
449 state in detail the defendant's contention regarding the previous conviction and
450 commitment.

451 (4)(a) If the defendant enters a denial under Subsection (3)(b) and if the case is tried to a
452 jury, the jury may not be told, until after [it] the jury returns [its] the jury's verdict on
453 the underlying felony charge, of the:

454 (i) defendant's previous convictions for violent felonies, except as otherwise provided
455 in the Utah Rules of Evidence; or

456 (ii) allegation against the defendant of being a habitual violent offender.

457 (b) If the jury's verdict is guilty, the defendant shall be tried regarding the allegation of
458 being an habitual violent offender by the same jury, if practicable, unless the
459 defendant waives the jury, in which case the allegation shall be tried immediately to
460 the court.

461 (c)(i) Before or at the time of sentencing the trier of fact shall determine if this
462 section applies.

463 (ii) The trier of fact shall consider any evidence presented at trial and the prosecution
464 and the defendant shall be afforded an opportunity to present any necessary
465 additional evidence.

466 (iii) Before sentencing under this section, the trier of fact shall determine whether this
467 section is applicable beyond a reasonable doubt.

468 (d) If any previous conviction and commitment is based upon a plea of guilty or no
469 contest, there is a rebuttable presumption that the conviction and commitment were
470 regular and lawful in all respects if the conviction and commitment occurred after
471 January 1, 1970. If the conviction and commitment occurred prior to January 1,
472 1970, the burden is on the prosecution to establish by a preponderance of the
473 evidence that the defendant was then represented by counsel or had lawfully waived

474 the right to have counsel present, and that the defendant's plea was understandingly
 475 and voluntarily entered.
 476 (e) If the trier of fact finds this section applicable, the court shall enter that specific
 477 finding on the record and shall indicate in the order of judgment and commitment
 478 that the defendant has been found by the trier of fact to be a habitual violent offender
 479 and is sentenced under this section.

480 (5)(a) The sentencing enhancement provisions of Section 76-3-407 supersede the
 481 provisions of this section.

482 (b) Notwithstanding Subsection (5)(a), the "violent felony" offense defined in
 483 Subsection (1)(c) shall include any felony sexual offense violation of Chapter 5, Part
 484 4, Sexual Offenses, to determine if the convicted person is a habitual violent offender.

485 (6) The sentencing enhancement described in this section does not apply if:

486 (a) the offense for which the person is being sentenced is:

- 487 (i) a grievous sexual offense;
- 488 (ii) child kidnapping, Section 76-5-301.1;
- 489 (iii) aggravated kidnapping, Section 76-5-302; or
- 490 (iv) forcible sexual abuse, Section 76-5-404; and

491 (b) applying the sentencing enhancement provided for in this section would result in a
 492 lower maximum penalty than the penalty provided for under the section that
 493 describes the offense for which the person is being sentenced.

494 Section 6. Section **76-3-402** is amended to read:

495 **76-3-402 . Conviction of lower degree of offense -- Procedure and limitations.**

496 (1) As used in this section:

497 (a) "Lower degree of offense" includes an offense for which:

- 498 (i) a statutory enhancement is charged in the information or indictment that would
 499 increase either the maximum or the minimum sentence; and
- 500 (ii) the court removes the statutory enhancement in accordance with this section.

501 (b) "Minor regulatory offense" means the same as that term is defined in Section
 502 77-40a-101.

503 (c)(i) "Rehabilitation program" means a program designed to reduce criminogenic
 504 and recidivism risks.

505 (ii) "Rehabilitation program" includes:

- 506 (A) a domestic violence treatment program, as that term is defined in Section
 507 26B-2-101;

- 508 (B) a residential, vocational, and life skills program, as that term is defined in
509 Section 13-53-102;
- 510 (C) a substance abuse treatment program, as that term is defined in Section
511 26B-2-101;
- 512 (D) a substance use disorder treatment program, as that term is defined in Section
513 26B-2-101;
- 514 (E) a youth program, as that term is defined in Section 26B-2-101;
- 515 (F) a program that meets the standards established by the Department of
516 Corrections under Section 64-13-25;
- 517 (G) a drug court, a veterans court, or a mental health court certified by the Judicial
518 Council; or
- 519 (H) a program that is substantially similar to a program described in Subsections
520 (1)(c)(ii)(A) through (G).
- 521 (d) "Serious offense" means a felony or misdemeanor offense that is not a minor
522 regulatory offense or a traffic offense.
- 523 (e) "Traffic offense" means the same as that term is defined in Section 77-40a-101.
- 524 (f)(i) Except as provided in Subsection (1)(f)(ii), "violent felony" means the same as
525 that term is defined in Section 76-3-203.5.
- 526 (ii) "Violent felony" does not include an offense, or any attempt, solicitation, or
527 conspiracy to commit an offense, for:
- 528 (A) the possession, use, or removal of explosive, chemical, or incendiary devices
529 under Subsection 76-10-306(3), (5), or (6); or
- 530 (B) the purchase or possession of a dangerous weapon or ~~handgun~~ ammunition
531 by a restricted person under Section 76-10-503.
- 532 (2) The court may enter a judgment of conviction for a lower degree of offense than
533 established by statute and impose a sentence at the time of sentencing for the lower
534 degree of offense if the court:
- 535 (a) takes into account:
- 536 (i) the nature and circumstances of the offense of which the defendant was found
537 guilty; and
- 538 (ii) the history and character of the defendant;
- 539 (b) gives any victim present at the sentencing and the prosecuting attorney an
540 opportunity to be heard; and
- 541 (c) concludes that the degree of offense established by statute would be unduly harsh to

- 542 record as a conviction on the record for the defendant.
- 543 (3) Upon a motion from the prosecuting attorney or the defendant, the court may enter a
544 judgment of conviction for a lower degree of offense than established by statute:
- 545 (a) after the defendant is successfully discharged from probation or parole for the
546 conviction; and
- 547 (b) if the court finds that entering a judgment of conviction for a lower degree of offense
548 is in the interest of justice in accordance with Subsection (7).
- 549 (4) Upon a motion from the prosecuting attorney or the defendant, the court may enter a
550 judgment of conviction for a lower degree of offense than established by statute if:
- 551 (a) the defendant's probation or parole for the conviction did not result in a successful
552 discharge but the defendant is successfully discharged from probation or parole for a
553 subsequent conviction of an offense;
- 554 (b)(i) at least five years have passed after the day on which the defendant is
555 sentenced for the subsequent conviction; or
- 556 (ii) at least three years have passed after the day on which the defendant is sentenced
557 for the subsequent conviction and the prosecuting attorney consents to the
558 reduction;
- 559 (c) the defendant is not convicted of a serious offense during the time period described
560 in Subsection (4)(b);
- 561 (d) there are no criminal proceedings pending against the defendant;
- 562 (e) the defendant is not on probation, on parole, or currently incarcerated for any other
563 offense;
- 564 (f) if the offense for which the reduction is sought is a violent felony, the prosecuting
565 attorney consents to the reduction; and
- 566 (g) the court finds that entering a judgment of conviction for a lower degree of offense is
567 in the interest of justice in accordance with Subsection (7).
- 568 (5) Upon a motion from the prosecuting attorney or the defendant, the court may enter a
569 judgment of conviction for a lower degree of offense than established by statute if:
- 570 (a) the defendant's probation or parole for the conviction did not result in a successful
571 discharge but the defendant is successfully discharged from a rehabilitation program;
- 572 (b) at least three years have passed after the day on which the defendant is successfully
573 discharged from the rehabilitation program;
- 574 (c) the defendant is not convicted of a serious offense during the time period described
575 in Subsection (5)(b);

- 576 (d) there are no criminal proceedings pending against the defendant;
- 577 (e) the defendant is not on probation, on parole, or currently incarcerated for any other
578 offense;
- 579 (f) if the offense for which the reduction is sought is a violent felony, the prosecuting
580 attorney consents to the reduction; and
- 581 (g) the court finds that entering a judgment of conviction for a lower degree of offense is
582 in the interest of justice in accordance with Subsection (7).
- 583 (6) Upon a motion from the prosecuting attorney or the defendant, the court may enter a
584 judgment of conviction for a lower degree of offense than established by statute if:
- 585 (a) at least five years have passed after the day on which the defendant's probation or
586 parole for the conviction did not result in a successful discharge;
- 587 (b) the defendant is not convicted of a serious offense during the time period described
588 in Subsection (6)(a);
- 589 (c) there are no criminal proceedings pending against the defendant;
- 590 (d) the defendant is not on probation, on parole, or currently incarcerated for any other
591 offense;
- 592 (e) if the offense for which the reduction is sought is a violent felony, the prosecuting
593 attorney consents to the reduction; and
- 594 (f) the court finds that entering a judgment of conviction for a lower degree of offense is
595 in the interest of justice in accordance with Subsection (7).
- 596 (7) In determining whether entering a judgment of a conviction for a lower degree of
597 offense is in the interest of justice under Subsection (3), (4), (5), or (6):
- 598 (a) the court shall consider:
- 599 (i) the nature, circumstances, and severity of the offense for which a reduction is
600 sought;
- 601 (ii) the physical, emotional, or other harm that the defendant caused any victim of the
602 offense for which the reduction is sought; and
- 603 (iii) any input from a victim of the offense; and
- 604 (b) the court may consider:
- 605 (i) any special characteristics or circumstances of the defendant, including the
606 defendant's criminogenic risks and needs;
- 607 (ii) the defendant's criminal history;
- 608 (iii) the defendant's employment and community service history;
- 609 (iv) whether the defendant participated in a rehabilitative program and successfully

- 610 completed the program;
- 611 (v) any effect that a reduction would have on the defendant's ability to obtain or
612 reapply for a professional license from the Department of Commerce;
- 613 (vi) whether the level of the offense has been reduced by law after the defendant's
614 conviction;
- 615 (vii) any potential impact that the reduction would have on public safety; or
616 (viii) any other circumstances that are reasonably related to the defendant or the
617 offense for which the reduction is sought.
- 618 (8)(a) A court may only enter a judgment of conviction for a lower degree of offense
619 under Subsection (3), (4), (5), or (6) after:
- 620 (i) notice is provided to the other party;
- 621 (ii) reasonable efforts have been made by the prosecuting attorney to provide notice
622 to any victims; and
- 623 (iii) a hearing is held if a hearing is requested by either party.
- 624 (b) A prosecuting attorney is entitled to a hearing on a motion seeking to reduce a
625 judgment of conviction for a lower degree of offense under Subsection (3), (4), (5),
626 or (6).
- 627 (c) In a motion under Subsection (3), (4), (5), or (6) and at a requested hearing on the
628 motion, the moving party has the burden to provide evidence sufficient to
629 demonstrate that the requirements under Subsection (3), (4), (5), or (6) are met.
- 630 (d) If a defendant files a motion under this section, the prosecuting attorney shall
631 respond to the motion within 35 days after the day on which the motion is filed with
632 the court.
- 633 (9) A court has jurisdiction to consider and enter a judgment of conviction for a lower
634 degree of offense under Subsection (3), (4), (5), or (6) regardless of whether the
635 defendant is committed to jail as a condition of probation or is sentenced to prison.
- 636 (10)(a) An offense may be reduced only one degree under this section, unless the
637 prosecuting attorney specifically agrees in writing or on the court record that the
638 offense may be reduced two degrees.
- 639 (b) An offense may not be reduced under this section by more than two degrees.
- 640 (11) This section does not preclude an individual from obtaining or being granted an
641 expungement of the individual's record in accordance with [~~Title 44, Chapter 40A~~] Title
642 77, Chapter 40a, Expungement of Criminal Records.
- 643 (12) The court may not enter a judgment for a conviction for a lower degree of offense

644 under this section if:

645 (a) the reduction is specifically precluded by law; or

646 (b) any unpaid balance remains on court-ordered restitution for the offense for which the
647 reduction is sought.

648 (13) When the court enters a judgment for a lower degree of offense under this section, the
649 actual title of the offense for which the reduction is made may not be altered.

650 (14)(a) An individual may not obtain a reduction under this section of a conviction that
651 requires the individual to register as a sex offender, kidnap offender, or child abuse
652 offender until the registration requirements under Title 77, Chapter 41, Sex, Kidnap,
653 and Child Abuse Offender Registry, have expired.

654 (b) An individual required to register as a sex offender, kidnap offender, or child abuse
655 offender for the individual's lifetime under Subsection 77-41-105(3)(c) may not be
656 granted a reduction of the conviction for the offense or offenses that require the
657 individual to register as a sex offender, kidnap offender, or child abuse offender.

658 Section 7. Section **76-10-501** is amended to read:

659 **76-10-501 . Definitions.**

660 As used in this part:

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

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

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

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

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

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

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

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

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

674 (b) "Antique firearm" does not include:

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

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

677 (iii) a muzzle loading weapon that can be readily converted to fire fixed ammunition

- 678 by replacing the:
- 679 (A) barrel;
- 680 (B) bolt;
- 681 (C) breechblock; or
- 682 (D) any combination of Subsection (1)(b)(iii)(A), (B), or (C).
- 683 (2) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201
- 684 within the Department of Public Safety.
- 685 (3)(a) "Concealed firearm" means a firearm that is:
- 686 (i) covered, hidden, or secreted in a manner that the public would not be aware of its
- 687 presence; and
- 688 (ii) readily accessible for immediate use.
- 689 (b) A firearm that is unloaded and securely encased is not a concealed firearm for the
- 690 purposes of this part.
- 691 (4) "Criminal history background check" means a criminal background check conducted by
- 692 a licensed firearms dealer on every purchaser of a handgun, except a Federal Firearms
- 693 Licensee, through the bureau or the local law enforcement agency where the firearms
- 694 dealer conducts business.
- 695 (5) "Curio or relic firearm" means a firearm that:
- 696 (a) is of special interest to a collector because of a quality that is not associated with
- 697 firearms intended for:
- 698 (i) sporting use;
- 699 (ii) use as an offensive weapon; or
- 700 (iii) use as a defensive weapon;
- 701 (b)(i) was manufactured at least 50 years before the current date; and
- 702 (ii) is not a replica of a firearm described in Subsection (5)(b)(i);
- 703 (c) is certified by the curator of a municipal, state, or federal museum that exhibits
- 704 firearms to be a curio or relic of museum interest;
- 705 (d) derives a substantial part of its monetary value:
- 706 (i) from the fact that the firearm is:
- 707 (A) novel;
- 708 (B) rare; or
- 709 (C) bizarre; or
- 710 (ii) because of the firearm's association with an historical:
- 711 (A) figure;

- 712 (B) period; or
713 (C) event; and
714 (e) has been designated as a curio or relic firearm by the director of the [~~United States~~
715 ~~Treasury Department~~] federal Bureau of Alcohol, Tobacco, and Firearms under 27
716 C.F.R. Sec. 478.11.
- 717 (6)(a) "Dangerous weapon" means:
718 (i) a firearm; or
719 (ii) an object that in the manner of its use or intended use is capable of causing death
720 or serious bodily injury.
- 721 (b) The following factors are used in determining whether any object, other than a
722 firearm, is a dangerous weapon:
723 (i) the location and circumstances in which the object was used or possessed;
724 (ii) the primary purpose for which the object was made;
725 (iii) the character of the wound, if any, produced by the object's unlawful use;
726 (iv) the manner in which the object was unlawfully used;
727 (v) whether the manner in which the object is used or possessed constitutes a
728 potential imminent threat to public safety; and
729 (vi) the lawful purposes for which the object may be used.
- 730 (c) "Dangerous weapon" does not include an explosive, chemical, or incendiary device
731 as defined by Section 76-10-306.
- 732 (7)(a) "Dating relationship" means a romantic or intimate relationship between
733 individuals.
- 734 (b) "Dating relationship" does not include a casual acquaintanceship or ordinary
735 fraternization in a business or social context.
- 736 (8) "Dealer" means a person who is:
737 (a) licensed under 18 U.S.C. Sec. 923; and
738 (b) engaged in the business of selling, leasing, or otherwise transferring a handgun,
739 whether the person is a retail or wholesale dealer, pawnbroker, or otherwise.
- 740 (9) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 741 (10) "Enter" means intrusion of the entire body.
- 742 (11) "Federal Firearms Licensee" means a person who:
743 (a) holds a valid Federal Firearms License issued under 18 U.S.C. Sec. 923; and
744 (b) is engaged in the activities authorized by the specific category of license held.
- 745 (12)(a) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle or

- 746 short barreled rifle, or a device that could be used as a dangerous weapon from which
747 is expelled a projectile by action of an explosive.
- 748 (b) As used in Sections 76-10-526 and 76-10-527, "firearm" does not include an antique
749 firearm.
- 750 (13) "Firearms transaction record form" means a form created by the bureau to be
751 completed by a person purchasing, selling, or transferring a handgun from a dealer in the
752 state.
- 753 (14) "Fully automatic weapon" means a firearm which fires, is designed to fire, or can be
754 readily restored to fire, automatically more than one shot without manual reloading by a
755 single function of the trigger.
- 756 (15)(a) "Handgun" means a pistol, revolver, or other firearm of any description, loaded
757 or unloaded, from which a shot, bullet, or other missile can be discharged, the length
758 of which, not including any revolving, detachable, or magazine breech, does not
759 exceed 12 inches.
- 760 (b) As used in Sections 76-10-520[;] and 76-10-521, [~~and 76-10-522,~~] "handgun" and
761 "pistol or revolver" do not include an antique firearm.
- 762 (16) "House of worship" means a church, temple, synagogue, mosque, or other building set
763 apart primarily for the purpose of worship in which religious services are held and the
764 main body of which is kept for that use and not put to any other use inconsistent with its
765 primary purpose.
- 766 (17) "Machinegun firearm attachment" means any part or combination of parts added to a
767 semiautomatic firearm that allows the firearm to fire as a fully automatic weapon.
- 768 (18) "Prohibited area" means a place where it is unlawful to discharge a firearm.
- 769 (19) "Readily accessible for immediate use" means that a firearm or other dangerous
770 weapon is carried on the person or within such close proximity and in such a manner
771 that it can be retrieved and used as readily as if carried on the person.
- 772 (20) "Residence" means an improvement to real property used or occupied as a primary or
773 secondary residence.
- 774 (21) "Securely encased" means not readily accessible for immediate use, such as held in a
775 gun rack, or in a closed case or container, whether or not locked, or in a trunk or other
776 storage area of a motor vehicle, not including a glove box or console box.
- 777 (22) "Short barreled shotgun" or "short barreled rifle" means a shotgun having a barrel or
778 barrels of fewer than 18 inches in length, or in the case of a rifle, having a barrel or
779 barrels of fewer than 16 inches in length, or a dangerous weapon made from a rifle or

- 780 shotgun by alteration, modification, or otherwise, if the weapon as modified has an
781 overall length of fewer than 26 inches.
- 782 (23) "Shotgun" means a smooth bore firearm designed to fire cartridges containing pellets
783 or a single slug.
- 784 (24) "Shoulder arm" means a firearm that is designed to be fired while braced against the
785 shoulder.
- 786 (25) "Single criminal episode" means the same as that term is defined in Section 76-1-401.
- 787 (26) "Slug" means a single projectile discharged from a shotgun shell.
- 788 (27) "State entity" means a department, commission, board, council, agency, institution,
789 officer, corporation, fund, division, office, committee, authority, laboratory, library, unit,
790 bureau, panel, or other administrative unit of the state.
- 791 (28) "Violent felony" means the same as that term is defined in Section 76-3-203.5.

792 Section 8. Section **76-10-503** is amended to read:

793 **76-10-503 . Restrictions on possession, purchase, transfer, and ownership of**
794 **dangerous weapons by certain persons -- Exceptions.**

795 (1) For purposes of this section:

796 (a) "Ammunition" means a live round with a projectile, designed for use in and capable
797 of being fired from a firearm.

798 [~~(a)~~] (b) A Category I restricted person is a person who:

- 799 (i) has been convicted of a violent felony;
800 (ii) is on probation or parole for a felony;
801 (iii) is on parole from secure care, as defined in Section 80-1-102;
802 (iv) within the last 10 years has been adjudicated under Section 80-6-701 for an
803 offense which if committed by an adult would have been a violent felony as
804 defined in Section 76-3-203.5;
- 805 (v) is an alien who is illegally or unlawfully in the United States; or
806 (vi) is on probation for a conviction of possessing:
807 (A) a substance classified in Section 58-37-4 as a Schedule I or II controlled
808 substance;
809 (B) a controlled substance analog; or
810 (C) a substance listed in Section 58-37-4.2.

811 [~~(b)~~] (c) A Category II restricted person is a person who:

- 812 (i) has been convicted of:
813 (A) a domestic violence offense that is a felony;

- 814 (B) a felony that is not a domestic violence offense or a violent felony and within
815 seven years after completing the sentence for the conviction, has been
816 convicted of or charged with another felony or class A misdemeanor;
- 817 (C) multiple felonies that are part of a single criminal episode and are not
818 domestic violence offenses or violent felonies and within seven years after
819 completing the sentence for the convictions, has been convicted of or charged
820 with another felony or class A misdemeanor; or
- 821 (D) multiple felonies that are not part of a single criminal episode;
- 822 (ii)(A) within the last seven years has completed a sentence for:
- 823 (I) a conviction for a felony that is not a domestic violence offense or a violent
824 felony; or
- 825 (II) convictions for multiple felonies that are part of a single criminal episode
826 and are not domestic violence offenses or violent felonies; and
- 827 (B) within the last seven years and after the completion of a sentence for a
828 conviction described in Subsection [~~(1)(b)(ii)(A)~~] (1)(c)(ii)(A), has not been
829 convicted of or charged with another felony or class A misdemeanor;
- 830 (iii) within the last seven years has been adjudicated delinquent for an offense which
831 if committed by an adult would have been a felony;
- 832 (iv) is an unlawful user of a controlled substance as defined in Section 58-37-2;
- 833 (v) is in possession of a dangerous weapon and is knowingly and intentionally in
834 unlawful possession of a Schedule I or II controlled substance as defined in
835 Section 58-37-2;
- 836 (vi) has been found not guilty by reason of insanity for a felony offense;
- 837 (vii) has been found mentally incompetent to stand trial for a felony offense;
- 838 (viii) has been adjudicated as mentally defective as provided in the Brady Handgun
839 Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993), or has been
840 committed to a mental institution;
- 841 (ix) has been dishonorably discharged from the armed forces;
- 842 (x) has renounced the individual's citizenship after having been a citizen of the
843 United States;
- 844 (xi) is a respondent or defendant subject to a protective order or child protective order
845 that is issued after a hearing for which the respondent or defendant received actual
846 notice and at which the respondent or defendant has an opportunity to participate,
847 that restrains the respondent or defendant from harassing, stalking, threatening, or

- 848 engaging in other conduct that would place an intimate partner, as defined in 18
849 U.S.C. Sec. 921, or a child of the intimate partner, in reasonable fear of bodily
850 injury to the intimate partner or child of the intimate partner, and that:
- 851 (A) includes a finding that the respondent or defendant represents a credible threat
852 to the physical safety of an individual who meets the definition of an intimate
853 partner in 18 U.S.C. Sec. 921 or the child of the individual; or
- 854 (B) explicitly prohibits the use, attempted use, or threatened use of physical force
855 that would reasonably be expected to cause bodily harm against an intimate
856 partner or the child of an intimate partner; or
- 857 (xii) except as provided in Subsection [~~(1)~~](1)(e), has been convicted of the
858 commission or attempted commission of misdemeanor assault under Section
859 76-5-102 or aggravated assault under Section 76-5-103 against an individual:
- 860 (A) who is a current or former spouse, parent, or guardian;
- 861 (B) with whom the restricted person shares a child in common;
- 862 (C) who is cohabitating or has cohabitated with the restricted person as a spouse,
863 parent, or guardian;
- 864 (D) involved in a dating relationship with the restricted person within the last five
865 years; or
- 866 (E) similarly situated to a spouse, parent, or guardian of the restricted person.
- 867 [~~(e)~~](d)(i) As used in this section, a conviction of a felony or adjudication of
868 delinquency for an offense which would be a felony if committed by an adult does
869 not include:
- 870 (A) a conviction or an adjudication under Section 80-6-701 for an offense
871 pertaining to antitrust violations, unfair trade practices, restraint of trade, or
872 other similar offenses relating to the regulation of business practices not
873 involving theft or fraud; or
- 874 (B) a conviction or an adjudication under Section 80-6-701 which, in accordance
875 with the law of the jurisdiction in which the conviction or adjudication
876 occurred, has been expunged, set aside, reduced to a misdemeanor by court
877 order, pardoned or regarding which the person's civil rights have been restored
878 unless the pardon, reduction, expungement, or restoration of civil rights
879 expressly provides that the person may not ship, transport, possess, or receive
880 firearms.
- 881 (ii) As used in this section, a conviction for misdemeanor assault under Subsection [

882 ~~(1)(b)(xii)] (1)(c)(xii)~~, does not include a conviction which, in accordance with the
 883 law of the jurisdiction in which the conviction occurred, has been expunged, set
 884 aside, reduced to an infraction by court order, pardoned, or regarding which the
 885 person's civil rights have been restored, unless the pardon, reduction,
 886 expungement, or restoration of civil rights expressly provides that the person may
 887 not ship, transport, possess, or receive firearms.

888 (iii) It is the burden of the defendant in a criminal case to provide evidence that a
 889 conviction or an adjudication under Section 80-6-701 is subject to an exception
 890 provided in this Subsection [~~(1)(e)] (1)(d)~~, after which it is the burden of the state
 891 to prove beyond a reasonable doubt that the conviction or the adjudication is not
 892 subject to that exception.

893 [~~(d)] (e)~~ A person is not a restricted person for a conviction under Subsection [
 894 ~~(1)(b)(xii)(D)] (1)(c)(xii)(D)~~ if:

895 (i) five years have elapsed from the later of:

896 (A) the day on which the conviction is entered;

897 (B) the day on which the person is released from incarceration following the
 898 conviction; or

899 (C) the day on which the person's probation for the conviction is successfully
 900 terminated;

901 (ii) the person only has a single conviction for misdemeanor assault as described in
 902 Subsection [~~(1)(b)(xii)(D)] (1)(c)(xii)(D)~~; and

903 (iii) the person is not otherwise a restricted person under Subsection [~~(1)(a) or (b)]
 904 (1)(b) or (c)~~.

905 (2) A Category I restricted person who intentionally or knowingly agrees, consents, offers,
 906 or arranges to purchase, transfer, possess, use, or have under the person's custody or
 907 control, or who intentionally or knowingly purchases, transfers, possesses, uses, or has
 908 under the person's custody or control:

909 (a) a firearm or ammunition is guilty of a second degree felony; or

910 (b) a dangerous weapon other than a firearm is guilty of a third degree felony.

911 (3) A Category II restricted person who intentionally or knowingly purchases, transfers,
 912 possesses, uses, or has under the person's custody or control:

913 (a) a firearm or ammunition is guilty of a third degree felony; or

914 (b) a dangerous weapon other than a firearm is guilty of a class A misdemeanor.

915 (4) A person may be subject to the restrictions of both categories at the same time.

- 916 (5) A Category I or Category II restricted person may not use an antique firearm for an
917 activity regulated under Title 23A, Wildlife Resources Act.
- 918 (6) If a higher penalty than is prescribed in this section is provided in another section for
919 one who purchases, transfers, possesses, uses, or has under this custody or control a
920 dangerous weapon or ammunition, the penalties of that section control.
- 921 (7) It is an affirmative defense to a charge based on the definition in Subsection [~~(1)(b)(v)~~]
922 (1)(c)(v) that the person was:
- 923 (a) in possession of a controlled substance [~~pursuant to~~] under a lawful order of a
924 practitioner for use of a member of the person's household or for administration to an
925 animal owned by the person or a member of the person's household; or
- 926 (b) otherwise authorized by law to possess the substance.
- 927 (8)(a) It is an affirmative defense to transferring a firearm, [~~or~~] other dangerous weapon,
928 or ammunition by a person restricted under Subsection (2) or (3) that the firearm[~~or~~],
929 other dangerous weapon, or ammunition:
- 930 (i) was possessed by the person or was under the person's custody or control before
931 the person became a restricted person;
- 932 (ii) was not used in or possessed during the commission of a crime or subject to
933 disposition under [~~Section~~] Title 77, Chapter 11a, Part 4, Disposal of Seized
934 Property and Contraband;
- 935 (iii) is not being held as evidence by a court or law enforcement agency;
- 936 (iv) was transferred to a person not legally prohibited from possessing the [~~weapon~~]
937 firearm, other dangerous weapon, or ammunition; and
- 938 (v) unless a different time is ordered by the court, was transferred within 10 days of
939 the person becoming a restricted person.
- 940 (b) Subsection (8)(a) is not a defense to the use, purchase, or possession on the person of
941 a firearm[~~or~~], other dangerous weapon, or ammunition by a restricted person.
- 942 (9)(a) A person may not sell, transfer, or otherwise dispose of a firearm[~~or~~], other
943 dangerous weapon, or ammunition to a person, knowing that the recipient is a person
944 described in Subsection [~~(1)(a) or (b)~~] (1)(b) or (c).
- 945 (b) A person who violates Subsection (9)(a) when the recipient is:
- 946 (i) a person described in Subsection [~~(1)(a)~~] (1)(b) and the transaction involves a
947 firearm, is guilty of a second degree felony;
- 948 (ii) a person described in Subsection [~~(1)(a)~~] (1)(b) and the transaction involves a
949 dangerous weapon other than a firearm, and the transferor has knowledge that the

- 950 recipient intends to use the dangerous weapon for any unlawful purpose, is guilty
 951 of a third degree felony;
- 952 (iii) a person described in Subsection ~~[(1)(b)]~~ (1)(c) and the transaction involves a
 953 firearm or ammunition, is guilty of a third degree felony; or
- 954 (iv) a person described in Subsection ~~[(1)(b)]~~ (1)(c) and the transaction involves a
 955 dangerous weapon other than a firearm, and the transferor has knowledge that the
 956 recipient intends to use the dangerous weapon for an unlawful purpose, is guilty of
 957 a class A misdemeanor.
- 958 (10)(a) As used in this Subsection (10), "materially false information" means
 959 information that portrays an illegal transaction as legal or a legal transaction as illegal.
- 960 (b) A person may not knowingly solicit, persuade, encourage or entice a dealer or other
 961 person to sell, transfer or otherwise dispose of a firearm~~[-or]~~ , other dangerous weapon,
 962 or ammunition under circumstances ~~[which]~~ that the person knows would be a
 963 violation of the law.
- 964 ~~[(b)]~~ (c) A person may not provide to a dealer or other person information that the person
 965 knows to be materially false information with intent to deceive the dealer or other
 966 person about the legality of a sale, transfer or other disposition of a firearm~~[-or]~~ , other
 967 dangerous weapon, or ammunition.
- 968 ~~[(e) "Materially false information" means information that portrays an illegal~~
 969 ~~transaction as legal or a legal transaction as illegal.]~~
- 970 (d) A person who violates this Subsection (10) is guilty of:
- 971 (i) a third degree felony if the transaction involved a firearm or ammunition; or
 972 (ii) a class A misdemeanor if the transaction involved a dangerous weapon other than
 973 a firearm.

974 Section 9. Section **76-10-503.1** is amended to read:

975 **76-10-503.1 . Firearm restriction notification requirement.**

- 976 (1) As used in this section:
- 977 (a) "Peace officer" means an officer described Section 53-13-102.
- 978 (b) "Possess" means actual physical possession, actual or purported ownership, or
 979 exercising control of an item.
- 980 (c) "Restricted person" means an individual who is restricted from possessing,
 981 purchasing, transferring, or owning a firearm or ammunition under Section 76-10-503.
- 982 (2) A defendant intending to plead guilty or no contest to a criminal charge that will, upon
 983 conviction, cause the defendant to become a restricted person shall, before entering a

- 984 plea before a court, sign an acknowledgment that states:
- 985 (a) the defendant's attorney or the prosecuting attorney has informed the defendant:
- 986 (i) that conviction of the charge will classify the defendant as a restricted person;
- 987 (ii) that a restricted person may not possess a firearm or ammunition; and
- 988 (iii) of the criminal penalties associated with possession of a firearm or ammunition
- 989 by a restricted person of the same category the defendant will become upon
- 990 entering a plea for the criminal charge; and
- 991 (b) the defendant acknowledges and understands that, by pleading guilty or no contest to
- 992 the criminal charge, the defendant:
- 993 (i) will be a restricted person;
- 994 (ii) upon conviction, shall forfeit possession of each firearm and all ammunition
- 995 currently possessed by the defendant; and
- 996 (iii) will be in violation of federal and state law if the defendant possesses a firearm
- 997 or ammunition.
- 998 (3) The prosecuting attorney or the defendant's attorney shall provide the acknowledgment
- 999 described in Subsection (2) to the court before the defendant's entry of a plea, if the
- 1000 defendant pleads guilty or no contest.
- 1001 (4) A defendant who is convicted by trial of a criminal charge resulting in the defendant
- 1002 becoming a restricted person shall, at the time of sentencing:
- 1003 (a) be verbally informed by the court, prosecuting attorney, or defendant's attorney:
- 1004 (i) that the defendant is a restricted person;
- 1005 (ii) that, as a restricted person, the defendant may not possess a firearm or ammunition;
- 1006 and
- 1007 (iii) of the criminal penalties associated with possession of a firearm or ammunition
- 1008 by a restricted person of the defendant's category; and
- 1009 (b) sign an acknowledgment in the presence of the court attesting that the defendant
- 1010 acknowledges and understands that the defendant:
- 1011 (i) is a restricted person;
- 1012 (ii) shall forfeit possession of each firearm and all ammunition; and
- 1013 (iii) will be in violation of federal and state law if the defendant possesses a firearm
- 1014 or ammunition.
- 1015 (5) The prosecuting attorney and the defendant's attorney shall inform the court at the
- 1016 preliminary hearing if a charge filed against the defendant would qualify the defendant
- 1017 as a restricted person if the defendant is convicted of the charge.

- 1018 (6) The failure to inform or obtain a signed acknowledgment from the defendant may not
 1019 render the plea invalid, form the basis for withdrawal of the plea, or create a basis to
 1020 challenge a conviction or sentence.
- 1021 (7) An individual who becomes a restricted person as a result of being served with a pretrial
 1022 protective order in accordance with Section 78B-7-803, a sentencing protective order in
 1023 accordance with Section 77-36-5, or a continuous protective order in accordance with
 1024 Section 77-36-5, shall, at the time of service of the protective order:
- 1025 (a) be verbally informed by the court, prosecuting attorney, defendant's attorney, or, if a
 1026 peace officer is serving the protective order, the peace officer:
- 1027 (i) that the individual is a restricted person;
- 1028 (ii) that, as a restricted person, the individual may not possess a firearm or
 1029 ammunition; and
- 1030 (iii) of the criminal penalties associated with possession of a firearm or ammunition
 1031 by a restricted person of the individual's category; and
- 1032 (b) sign, in the presence of the court or, if a peace officer serves the protective order, in
 1033 the presence of the peace officer, an acknowledgment contained within the protective
 1034 order document attesting that the individual acknowledges and understands that the
 1035 individual:
- 1036 (i) is a restricted person;
- 1037 (ii) is required to relinquish possession of each firearm and all ammunition;
- 1038 (iii) will be in violation of federal and state law if the individual possesses a firearm
 1039 or ammunition; and
- 1040 (iv) may be eligible for an affirmative defense to a state-law prosecution for
 1041 possession of a firearm or ammunition under Section 76-10-503 if the individual
 1042 lawfully transfers the individual's firearms within 10 days of becoming a restricted
 1043 person.

1044 Section 10. Section **76-10-509.4** is amended to read:

1045 **76-10-509.4 . Possession of a dangerous weapon by a minor.**

- 1046 (1) As used in this section, "responsible adult" means an individual:
- 1047 (a) who is 18 years old or older; and
- 1048 (b) who may lawfully possess a dangerous weapon.
- 1049 (2) An actor who is under 18 years old may not possess a dangerous weapon.
- 1050 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is:
- 1051 (i) a class B misdemeanor for a first offense; and

- 1052 (ii) a class A misdemeanor for each subsequent offense.
- 1053 (b) A violation of Subsection (2) is a third degree felony if the dangerous weapon is:
- 1054 (i) a handgun;
- 1055 (ii) a short barreled rifle;
- 1056 (iii) a short barreled shotgun; or
- 1057 (iv) a fully automatic weapon[; ~~or~~] .
- 1058 [~~(v) a machinegun firearm attachment.~~]
- 1059 (4) For an actor who is younger than 14 years old, this section does not apply if the actor:
- 1060 (a) possesses a dangerous weapon;
- 1061 (b) has permission from the actor's parent or guardian to possess the dangerous weapon;
- 1062 (c) is accompanied by the actor's parent or guardian, or a responsible adult, while the
- 1063 actor has the dangerous weapon in the actor's possession; and
- 1064 (d) does not use the dangerous weapon in the commission of a crime.
- 1065 (5) For an actor who is 14 years old or older but younger than 18 years old, this section
- 1066 does not apply if the actor:
- 1067 (a) possesses a dangerous weapon;
- 1068 (b) has permission from the actor's parent or guardian to possess the dangerous weapon;
- 1069 and
- 1070 (c) does not use the dangerous weapon in the commission of a crime.

1071 Section 11. Section **76-10-522** is amended to read:

1072 **76-10-522 . Alteration of number or mark on a firearm -- Possession of firearm**
 1073 **without identification mark.**

- 1074 (1) Any person who changes, alters, removes, or obliterates the name of the maker, the
- 1075 model, manufacturer's number, or other mark of identification, including any
- 1076 distinguishing number or mark assigned by the Department of Public Safety, on [~~any~~
- 1077 ~~pistol or revolver~~] a firearm or large-capacity ammunition feeding device described in
- 1078 Section 76-10-535, without first having secured written permission from the Department
- 1079 of Public Safety to make the change, alteration, or removal, is guilty of a class A
- 1080 misdemeanor.
- 1081 (2) A person is guilty of a class A misdemeanor if the person possesses:
- 1082 (a) a firearm that has been altered as described in Subsection (1); or
- 1083 (b) a firearm that does not have a manufacturer's number or other mark of identification
- 1084 to identify the firearm.

1085 Section 12. Section **76-10-526** is amended to read:

- 1086 **76-10-526 . Criminal background check prior to purchase of a firearm -- Fee --**
1087 **Exemption for concealed firearm permit holders and law enforcement officers.**
- 1088 (1) For purposes of this section, "valid permit to carry a concealed firearm" does not
1089 include a temporary permit issued under Section 53-5-705.
- 1090 (2)(a) To establish personal identification and residence in this state for purposes of this
1091 part, a dealer shall require an individual receiving a firearm to present one photo
1092 identification on a form issued by a governmental agency of the state.
- 1093 (b) A dealer may not accept a driving privilege card issued under Section 53-3-207 as
1094 proof of identification for the purpose of establishing personal identification and
1095 residence in this state as required under this Subsection (2).
- 1096 (3)(a) A criminal history background check is required for the sale of a firearm by a
1097 licensed firearm dealer in the state.
- 1098 (b) Subsection (3)(a) does not apply to the sale of a firearm to a Federal Firearms
1099 Licensee.
- 1100 (4)(a) An individual purchasing a firearm from a dealer shall consent in writing to a
1101 criminal background check, on a form provided by the bureau.
- 1102 (b) The form shall contain the following information:
- 1103 (i) the dealer identification number;
- 1104 (ii) the name and address of the individual receiving the firearm;
- 1105 (iii) the date of birth, height, weight, eye color, and hair color of the individual
1106 receiving the firearm; and
- 1107 (iv) the social security number or any other identification number of the individual
1108 receiving the firearm.
- 1109 (5)(a) The dealer shall send the information required by Subsection (4) to the bureau
1110 immediately upon its receipt by the dealer.
- 1111 (b) A dealer may not sell or transfer a firearm to an individual until the dealer has
1112 provided the bureau with the information in Subsection (4) and has received approval
1113 from the bureau under Subsection (7).
- 1114 (6) The dealer shall make a request for criminal history background information by
1115 telephone or other electronic means to the bureau and shall receive approval or denial of
1116 the inquiry by telephone or other electronic means.
- 1117 (7) When the dealer calls for or requests a criminal history background check, the bureau
1118 shall:
- 1119 (a) review the criminal history files, including juvenile court records, and the temporary

- 1120 restricted file created under Section 53-5c-301, to determine if the individual is
1121 prohibited from purchasing, possessing, or transferring a firearm by state or federal
1122 law;
- 1123 (b) inform the dealer that:
- 1124 (i) the records indicate the individual is prohibited; or
1125 (ii) the individual is approved for purchasing, possessing, or transferring a firearm;
- 1126 (c) provide the dealer with a unique transaction number for that inquiry; and
1127 (d) provide a response to the requesting dealer during the call for a criminal background
1128 check, or by return call, or other electronic means, without delay, except in case of
1129 electronic failure or other circumstances beyond the control of the bureau, the bureau
1130 shall advise the dealer of the reason for the delay and give the dealer an estimate of
1131 the length of the delay.
- 1132 (8)(a) The bureau may not maintain any records of the criminal history background
1133 check longer than 20 days from the date of the dealer's request, if the bureau
1134 determines that the individual receiving the firearm is not prohibited from
1135 purchasing, possessing, or transferring the firearm under state or federal law.
- 1136 (b) However, the bureau shall maintain a log of requests containing the dealer's federal
1137 firearms number, the transaction number, and the transaction date for a period of 12
1138 months.
- 1139 (9)(a) If the criminal history background check discloses information indicating that the
1140 individual attempting to purchase the firearm is prohibited from purchasing,
1141 possessing, or transferring a firearm, the bureau shall:
- 1142 (i) within [~~24 hours~~] 30 minutes after determining that the purchaser is prohibited
1143 from purchasing, possessing, or transferring a firearm, and before informing the
1144 dealer as described in Subsection (7)(b), notify the law enforcement agency in the
1145 jurisdiction where the dealer is located; and
- 1146 (ii) inform the law enforcement agency in the jurisdiction where the individual
1147 resides.
- 1148 (b) Subsection (9)(a) does not apply to an individual prohibited from purchasing a
1149 firearm solely due to placement on the temporary restricted list under Section
1150 53-5c-301.
- 1151 (c) A law enforcement agency that receives information from the bureau under
1152 Subsection (9)(a) shall provide a report before August 1 of each year to the bureau
1153 that includes:

- 1154 (i) based on the information the bureau provides to the law enforcement agency under
1155 Subsection (9)(a), the number of cases that involve an individual who is
1156 prohibited from purchasing, possessing, or transferring a firearm as a result of a
1157 conviction for an offense involving domestic violence; and
- 1158 (ii) of the cases described in Subsection (9)(c)(i):
1159 (A) the number of cases the law enforcement agency investigates; and
1160 (B) the number of cases the law enforcement agency investigates that result in a
1161 criminal charge.
- 1162 (d) The bureau shall:
1163 (i) compile the information from the reports described in Subsection (9)(c);
1164 (ii) omit or redact any identifying information in the compilation; and
1165 (iii) submit the compilation to the Law Enforcement and Criminal Justice Interim
1166 Committee before November 1 of each year.
- 1167 (10) If an individual is denied the right to purchase a firearm under this section, the
1168 individual may review the individual's criminal history information and may challenge
1169 or amend the information as provided in Section 53-10-108.
- 1170 (11) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah
1171 Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of
1172 all records provided by the bureau under this part are in conformance with the
1173 requirements of the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107
1174 Stat. 1536 (1993).
- 1175 (12)(a) A dealer shall collect a criminal history background check fee for the sale of a
1176 firearm under this section.
- 1177 (b) The fee described under Subsection (12)(a) remains in effect until changed by the
1178 bureau through the process described in Section 63J-1-504.
- 1179 (c)(i) The dealer shall forward at one time all fees collected for criminal history
1180 background checks performed during the month to the bureau by the last day of
1181 the month following the sale of a firearm.
- 1182 (ii) The bureau shall deposit the fees in the General Fund as dedicated credits to
1183 cover the cost of administering and conducting the criminal history background
1184 check program.
- 1185 (13) An individual with a concealed firearm permit issued under Title 53, Chapter 5, Part 7,
1186 Concealed Firearm Act, is exempt from the background check and corresponding fee
1187 required in this section for the purchase of a firearm if:

1188 (a) the individual presents the individual's concealed firearm permit to the dealer prior to
1189 purchase of the firearm; and

1190 (b) the dealer verifies with the bureau that the individual's concealed firearm permit is
1191 valid.

1192 (14)(a) A law enforcement officer, as defined in Section 53-13-103, is exempt from the
1193 background check fee required in this section for the purchase of a personal firearm
1194 to be carried while off-duty if the law enforcement officer verifies current
1195 employment by providing a letter of good standing from the officer's commanding
1196 officer and current law enforcement photo identification.

1197 (b) Subsection (14)(a) may only be used by a law enforcement officer to purchase a
1198 personal firearm once in a 24-month period.

1199 (15) A dealer engaged in the business of selling, leasing, or otherwise transferring a firearm
1200 shall:

1201 (a) make the firearm safety brochure described in Subsection 26B-5-211(3) available to
1202 a customer free of charge; and

1203 (b) at the time of purchase, or at the time of delivering the firearm if the waiting period
1204 described in Subsection 76-10-526.2(2) applies, distribute a cable-style gun lock
1205 provided to the dealer under Subsection 26B-5-211(3) to a customer purchasing a
1206 shotgun, short barreled shotgun, short barreled rifle, rifle, or another firearm that
1207 federal law does not require be accompanied by a gun lock at the time of purchase.

1208 Section 13. Section **76-10-526.2** is enacted to read:

1209 **76-10-526.2 . Waiting period for purchase of firearm -- Exceptions -- Penalty.**

1210 (1) As used in this section, "valid permit to carry a concealed firearm" does not include a
1211 temporary permit issued under Section 53-5-705.

1212 (2) Except as provided in Subsection (3), a dealer may not deliver a firearm to a purchaser
1213 before the later of:

1214 (a) five days after the day on which the firearm was purchased; or

1215 (b) the day on which the background check described in Section 76-10-526 is completed.

1216 (3) The waiting period described in Subsection (2) does not apply:

1217 (a) to the trade of one firearm for another firearm; or

1218 (b) to a purchase of a firearm by:

1219 (i) an individual with a valid permit to carry a concealed firearm who is exempt from
1220 the criminal background check fee under Subsection 76-10-526(13);

1221 (ii) a law enforcement officer who is exempt from the criminal background check fee

- 1222 under Subsection 76-10-526(14); or
- 1223 (iii) a Federal Firearm Licensee.
- 1224 (4) A violation of Subsection (2) is subject to the penalties described in Section 76-10-527.
- 1225 Section 14. Section **76-10-527** is amended to read:
- 1226 **76-10-527 . Penalties.**
- 1227 (1) A dealer is guilty of a class A misdemeanor who willfully and intentionally:
- 1228 (a) requests, obtains, or seeks to obtain criminal history background information under
- 1229 false pretenses;
- 1230 (b) disseminates criminal history background information; or
- 1231 (c) violates Section 76-10-526 or 76-10-526.2.
- 1232 (2) [~~A person~~] An actor who purchases or transfers a firearm is guilty of a [~~felony of the~~]
- 1233 third degree felony if the [~~person~~] actor willfully and intentionally makes a false
- 1234 statement of the information required for:
- 1235 (a) [~~-~~] a criminal background check in Section 76-10-526[-] ; or
- 1236 (b) an exemption to the waiting period under Section 76-10-526.2.
- 1237 (3) Except as otherwise provided in Subsection (1), a dealer is guilty of a [~~felony of the~~]
- 1238 third degree felony if the dealer willfully and intentionally sells or transfers a firearm in
- 1239 violation of this part.
- 1240 (4) [~~A person~~] An actor is guilty of [~~a felony of the~~] a third degree felony if the [~~person~~] actor
- 1241 purchases a firearm with the intent to:
- 1242 (a) resell or otherwise provide a firearm to a person who is ineligible to purchase or
- 1243 receive a firearm from a dealer; or
- 1244 (b) transport a firearm out of this state to be resold to an ineligible person.
- 1245 Section 15. Section **76-10-527.5** is enacted to read:
- 1246 **76-10-527.5 . Dealer written warning requirements.**
- 1247 (1)(a) A dealer shall conspicuously post the following written warning at a purchase
- 1248 counter: "A FIREARM SHOULD BE SECURED WITH A LOCKING DEVICE OR
- 1249 STORED IN A LOCKED CONTAINER OR LOCATION. FAILURE TO
- 1250 PROPERLY SECURE A FIREARM MAY RESULT IN CRIMINAL OR CIVIL
- 1251 LIABILITY."
- 1252 (b) A dealer shall print the written warning described in Subsection (1)(a) on yellow
- 1253 paper in black, capital letters using Arial, Calibri, Cambria, or Times New Roman in
- 1254 no smaller than 35-point font.
- 1255 (2) A violation of Subsection (1) is a class C misdemeanor.

1256 Section 16. Section **76-10-532** is amended to read:

1257 **76-10-532 . Removal from National Instant Check System database.**

1258 (1) A person who is subject to the restrictions in Subsection [~~76-10-503(1)(b)(vi), (vii), or~~
1259 ~~(viii)] 76-10-503(1)(c)(vi), (vii), or (viii), or 18 U.S.C. 922(d)(4) and (g)(4) based on a
1260 commitment, finding, or adjudication that occurred in this state may petition the district
1261 court in the county in which the commitment, finding, or adjudication occurred to
1262 remove the disability imposed.~~

1263 (2) The petition shall be filed in the district court in the county where the commitment,
1264 finding, or adjudication occurred. The petition shall include:

1265 (a) a listing of facilities, with their addresses, where the petitioner has ever received
1266 mental health treatment;

1267 (b) a release signed by the petitioner to allow the prosecutor or county attorney to obtain
1268 the petitioner's mental health records;

1269 (c) a verified report of a mental health evaluation conducted by a licensed psychiatrist
1270 occurring within 30 days prior to the filing of the petition, which shall include a
1271 statement regarding:

1272 (i) the nature of the commitment, finding, or adjudication that resulted in the
1273 restriction on the petitioner's ability to purchase or possess a dangerous weapon;

1274 (ii) the petitioner's previous and current mental health treatment;

1275 (iii) the petitioner's previous violent behavior, if any;

1276 (iv) the petitioner's current mental health medications and medication management;

1277 (v) the length of time the petitioner has been stable;

1278 (vi) external factors that may influence the petitioner's stability;

1279 (vii) the ability of the petitioner to maintain stability with or without medication; and

1280 (viii) whether the petitioner is dangerous to public safety; and

1281 (d) a copy of the petitioner's state and federal criminal history record.

1282 (3) The petitioner shall serve the petition on the prosecuting entity that prosecuted the case
1283 or, if the disability is not based on a criminal case, on the county or district attorney's
1284 office having jurisdiction where the petition was filed and the individual who filed the
1285 original action which resulted in the disability.

1286 (4) The court shall schedule a hearing as soon as practicable. The petitioner may present
1287 evidence and subpoena witnesses to appear at the hearing. The prosecuting, county
1288 attorney, or the individual who filed the original action which resulted in the disability
1289 may object to the petition and present evidence in support of the objection.

- 1290 (5) The court shall consider the following evidence:
- 1291 (a) the facts and circumstances that resulted in the commitment, finding, or adjudication;
- 1292 (b) the person's mental health and criminal history records; and
- 1293 (c) the person's reputation, including the testimony of character witnesses.
- 1294 (6) The court shall grant the relief if the court finds by clear and convincing evidence that:
- 1295 (a) the person is not a danger to the person or to others;
- 1296 (b) the person is not likely to act in a manner dangerous to public safety; and
- 1297 (c) the requested relief would not be contrary to the public interest.
- 1298 (7) The court shall issue an order with its findings and send a copy to the bureau.
- 1299 (8) The bureau, upon receipt of a court order removing a person's disability under
- 1300 Subsection [~~76-10-503(1)(b)(viii)] 76-10-503(1)(c)(viii), shall send a copy of the court~~
- 1301 order to the National Instant Check System requesting removal of the person's name
- 1302 from the database. In addition, if the person is listed in a state database utilized by the
- 1303 bureau to determine eligibility for the purchase or possession of a firearm or to obtain a
- 1304 concealed firearm permit, the bureau shall remove the petitioner's name or send a copy
- 1305 of the court's order to the agency responsible for the database for removal of the
- 1306 petitioner's name.
- 1307 (9) If the court denies the petition, the petitioner may not petition again for relief until at
- 1308 least two years after the date of the court's final order.
- 1309 (10) The petitioner may appeal a denial of the requested relief. The review on appeal shall
- 1310 be de novo.

1311 Section 17. Section **76-10-533** is enacted to read:

1312 **76-10-533 . Unlawful possession, manufacture, distribution, or sale of a**

1313 **machinegun firearm attachment.**

1314 (1) The terms defined in Sections 76-1-101.5 and 76-10-501 apply to this section.

1315 (2) An actor commits unlawful possession, manufacture, distribution, or sale of a

1316 machinegun firearm attachment if the actor intentionally or knowingly:

- 1317 (a) possesses a machinegun firearm attachment;
- 1318 (b) manufactures a machinegun firearm attachment;
- 1319 (c) distributes a machinegun firearm attachment; or
- 1320 (d) sells a machinegun firearm attachment.

1321 (3)(a) A violation of Subsection (2) is a class B misdemeanor if the actor is 18 years old

1322 or older.

1323 (b) A violation of Subsection (2) is a third degree felony if the actor is younger than 18

1324 years old.

1325 Section 18. Section **76-10-534** is enacted to read:

1326 **76-10-534 . Unlawful activity regarding a gas-operated semiautomatic firearm.**

1327 (1)(a) As used in this section:

1328 (i) "Cartridge" means a package that contains:

1329 (A) a bullet or projectile;

1330 (B) a propellant that creates the pressure to fire the bullet;

1331 (C) a primer that ignites the propellant when struck by a firing pin; and

1332 (D) a case typically made from brass or steel that holds the components described
1333 in Subsections (1)(a)(i)(A) through (C) together.

1334 (ii) "Cycle the action" means to extract an expended cartridge, chamber the next
1335 cartridge, and prepare the firing mechanism to fire again.

1336 (iii) "Gas-operated firearm" means a firearm that harnesses or traps a portion of
1337 high-pressure gas from a fired cartridge to cycle the action using:

1338 (A) a long-stroke piston, in which gas is vented from the barrel to a piston that is
1339 mechanically fixed to the bolt group and moves to cycle the action;

1340 (B) a short-stroke piston, in which gas is vented from the barrel to a piston that
1341 moves separately from the bolt group so that the energy is imparted through a
1342 gas piston to cycle the action;

1343 (C) a system that traps and vents gas from either the barrel or the chamber to
1344 directly strike or impinge the bolt, bolt carrier, or slide assembly to unlock and
1345 cycle the action;

1346 (D) a hybrid system that combines elements of a system described in Subsection
1347 (1)(a)(iii)(C) with a system described in Subsection (1)(a)(iii)(A) or (B) to
1348 capture gas vented from the barrel to cycle the action;

1349 (E) a blowback-operated system that directly uses the expanding gases of the
1350 ignited propellant powder acting on the cartridge to drive the breechblock or
1351 breechbolt rearward; or

1352 (F) a recoil-operated system that uses the recoil force to unlock the breech bolt
1353 and then to complete the cycle of extracting, ejecting, and reloading.

1354 (iv) "Immediate family member" means:

1355 (A) a spouse, parent, brother, sister, or child of an individual;

1356 (B) an individual to whom another individual stands in loco parentis; or

1357 (C) an individual living in the household of another individual and related to that

- 1358 other individual by blood or marriage.
- 1359 (v) "Semiautomatic firearm" means a firearm that:
- 1360 (A) upon initiating the firing sequence, fires the first chambered cartridge and uses
- 1361 a portion of the energy from firing the cartridges to:
- 1362 (I) extract the expended cartridge;
- 1363 (II) chamber the next cartridge; and
- 1364 (III) prepare the firing mechanism to fire again;
- 1365 (B) requires a separate pull, release, push, or initiation of the trigger to fire each
- 1366 cartridge; and
- 1367 (C) is not a fully automatic weapon.
- 1368 (b) The terms defined in Sections 76-1-101.5 and 76-10-501 apply to this section.
- 1369 (2) Except as provided in Subsection (4), an actor commits unlawful activity regarding a
- 1370 gas-operated semiautomatic firearm if the actor intentionally or knowingly imports,
- 1371 sells, manufactures, transfers, receives, or possesses a firearm that:
- 1372 (a) is a gas-operated firearm;
- 1373 (b) is a semiautomatic firearm; and
- 1374 (c)(i) has a detachable magazine;
- 1375 (ii) has a permanently fixed magazine that holds, or can be converted to hold, more
- 1376 than 15 cartridges if the firearm is a handgun; or
- 1377 (iii) has a permanently fixed magazine that holds, or can be converted to hold, more
- 1378 than 10 cartridges if the firearm is not a handgun.
- 1379 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B
- 1380 misdemeanor.
- 1381 (b) A violation of Subsection (2) is a third degree felony if the actor uses the firearm to
- 1382 commit a criminal offense.
- 1383 (4) This section does not apply to:
- 1384 (a) an actor who lawfully imports, sells, manufactures, transfers, receives, or possesses a
- 1385 firearm described in Subsection (2) that is designed to accept, and capable of
- 1386 operating only with, .22 caliber rimfire cartridges;
- 1387 (b) an actor who imports, sells, manufactures, transfers, receives, or possesses a firearm
- 1388 described in Subsection (2) if the actor is otherwise lawfully importing, selling,
- 1389 manufacturing, transferring, receiving, or possessing the firearm for the purpose of
- 1390 transferring or selling the firearm to the United States, a state of the United States, or
- 1391 a federally recognized Indian tribe;

- 1392 (c) a law enforcement officer or other employee of the United States, a state of the
1393 United States, or a federally recognized Indian tribe, who imports, sells,
1394 manufactures, transfers, receives, or possesses a firearm described in Subsection (2)
1395 in accordance with any applicable government policy;
- 1396 (d) an actor who possesses a firearm described in Subsection (2) if the actor lawfully
1397 possessed the firearm before January 1, 2027, and complies with the registration
1398 requirements described in Section 53-5a-106; or
- 1399 (e) an actor who receives a firearm described in Subsection (2) from another individual
1400 after January 1, 2027, if:
- 1401 (i) the firearm that is transferred to the actor was lawfully possessed by the transferor
1402 before January 1, 2027;
- 1403 (ii) the actor is an immediate family member of the other individual who transferred
1404 the firearm to the actor; and
- 1405 (iii) the actor complies with the registration requirements described in Section
1406 53-5a-106.

1407 Section 19. Section **76-10-535** is enacted to read:

1408 **76-10-535 . Unlawful activity regarding a large-capacity ammunition feeding**
1409 **device.**

1410 (1)(a) As used in this section:

1411 (i) "Ammunition" means the same as that term is defined in Section 53-5d-102.

1412 (ii) "Ammunition feeding device" means a magazine, belt, drum, feed strip, clip,
1413 helical feeding device, or similar device that is not permanently fixed to a firearm.

1414 (b) The terms defined in Sections 76-1-101.5 and 76-10-501 apply to this section.

1415 (2) Except as provided in Subsection (4), an actor commits unlawful activity regarding a
1416 large-capacity ammunition feeding device if the actor intentionally or knowingly
1417 imports, sells, manufactures, transfers, receives, or possesses an ammunition feeding
1418 device that has an overall capacity of, or that can be readily restored, altered, or
1419 converted to accept, more than 10 rounds of ammunition.

1420 (3) A violation of Subsection (2) is a class B misdemeanor.

1421 (4) This section does not apply to:

1422 (a) an actor who lawfully imports, sells, manufactures, transfers, receives, or possesses
1423 an ammunition feeding device described in Subsection (2) if the ammunition feeding
1424 device only accepts .22 caliber or smaller caliber rimfire ammunition;

1425 (b) an actor who imports, sells, manufactures, transfers, receives, or possesses an

1426 ammunition feeding device described in Subsection (2) if the actor is otherwise
 1427 lawfully importing, selling, manufacturing, transferring, receiving, or possessing the
 1428 ammunition feeding device for the purpose of transferring or selling the ammunition
 1429 feeding device to the United States, a state of the United States, or a federally
 1430 recognized Indian tribe; or
 1431 (c) a law enforcement officer or other employee of the the United States, a state of the
 1432 United States, or a federally recognized Indian tribe, who imports, sells,
 1433 manufactures, transfers, receives, or possesses an ammunition feeding device
 1434 described in Subsection (2) in accordance with any applicable government policy.

1435 Section 20. Section **76-10-1602** is amended to read:

1436 **76-10-1602 . Definitions.**

1437 As used in this part:

- 1438 (1) "Enterprise" means any individual, sole proprietorship, partnership, corporation,
 1439 business trust, association, or other legal entity, and any union or group of individuals
 1440 associated in fact although not a legal entity, and includes illicit as well as licit entities.
- 1441 (2) "Pattern of unlawful activity" means engaging in conduct which constitutes the
 1442 commission of at least three episodes of unlawful activity, which episodes are not
 1443 isolated, but have the same or similar purposes, results, participants, victims, or methods
 1444 of commission, or otherwise are interrelated by distinguishing characteristics. Taken
 1445 together, the episodes shall demonstrate continuing unlawful conduct and be related
 1446 either to each other or to the enterprise. At least one of the episodes comprising a
 1447 pattern of unlawful activity shall have occurred after July 31, 1981. The most recent act
 1448 constituting part of a pattern of unlawful activity as defined by this part shall have
 1449 occurred within five years of the commission of the next preceding act alleged as part of
 1450 the pattern.
- 1451 (3) "Person" includes any individual or entity capable of holding a legal or beneficial
 1452 interest in property, including state, county, and local governmental entities.
- 1453 (4) "Unlawful activity" means to directly engage in conduct or to solicit, request, command,
 1454 encourage, or intentionally aid another person to engage in conduct which would
 1455 constitute any offense described by the following crimes or categories of crimes, or to
 1456 attempt or conspire to engage in an act which would constitute any of those offenses,
 1457 regardless of whether the act is in fact charged or indicted by any authority or is
 1458 classified as a misdemeanor or a felony:
- 1459 (a) an act prohibited by the criminal provisions under Title 13, Chapter 10, Unauthorized

- 1460 Recording Practices Act;
- 1461 (b) an act prohibited by the criminal provisions under Title 19, Environmental Quality
1462 Code, Sections 19-1-101 through 19-7-109;
- 1463 (c) taking, destroying, or possessing wildlife or parts of wildlife for the primary purpose
1464 of sale, trade, or other pecuniary gain under Title 23A, Wildlife Resources Act, or
1465 Section 23A-5-311;
- 1466 (d) false claims for medical benefits, kickbacks, or other acts prohibited under Title 26B,
1467 Chapter 3, Part 11, Utah False Claims Act, Sections 26B-3-1101 through 26B-3-1112;
- 1468 (e) an act prohibited by the criminal provisions under Title 32B, Chapter 4, Criminal
1469 Offenses and Procedure Act;
- 1470 (f) an act prohibited by the criminal provisions under Title 57, Chapter 11, Utah
1471 Uniform Land Sales Practices Act;
- 1472 (g) an act prohibited by the criminal provisions under Title 58, Chapter 37, Utah
1473 Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances
1474 Act, Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58,
1475 Chapter 37d, Clandestine Drug Lab Act;
- 1476 (h) an act prohibited by the criminal provisions under Title 61, Chapter 1, Utah Uniform
1477 Securities Act;
- 1478 (i) an act prohibited by the criminal provisions under Title 63G, Chapter 6a, Utah
1479 Procurement Code;
- 1480 (j) assault under Section 76-5-102;
- 1481 (k) aggravated assault under Section 76-5-103;
- 1482 (l) a threat of terrorism under Section 76-5-107.3;
- 1483 (m) a criminal homicide offense under Section 76-5-201;
- 1484 (n) kidnapping under Section 76-5-301;
- 1485 (o) aggravated kidnapping under Section 76-5-302;
- 1486 (p) human trafficking for labor under Section 76-5-308;
- 1487 (q) human trafficking for sexual exploitation under Section 76-5-308.1;
- 1488 (r) human smuggling under Section 76-5-308.3;
- 1489 (s) human trafficking of a child under Section 76-5-308.5;
- 1490 (t) benefiting from trafficking and human smuggling under Section 76-5-309;
- 1491 (u) aggravated human trafficking under Section 76-5-310;
- 1492 (v) sexual exploitation of a minor under Section 76-5b-201;
- 1493 (w) aggravated sexual exploitation of a minor under Section 76-5b-201.1;

- 1494 (x) arson under Section 76-6-102;
- 1495 (y) aggravated arson under Section 76-6-103;
- 1496 (z) causing a catastrophe under Section 76-6-105;
- 1497 (aa) burglary under Section 76-6-202;
- 1498 (bb) aggravated burglary under Section 76-6-203;
- 1499 (cc) burglary of a vehicle under Section 76-6-204;
- 1500 (dd) manufacture or possession of an instrument for burglary or theft under Section
- 1501 76-6-205;
- 1502 (ee) robbery under Section 76-6-301;
- 1503 (ff) aggravated robbery under Section 76-6-302;
- 1504 (gg) theft under Section 76-6-404;
- 1505 (hh) theft by deception under Section 76-6-405;
- 1506 (ii) theft by extortion under Section 76-6-406;
- 1507 (jj) receiving stolen property under Section 76-6-408;
- 1508 (kk) theft of services under Section 76-6-409;
- 1509 (ll) forgery under Section 76-6-501;
- 1510 (mm) unlawful use of financial transaction card under Section 76-6-506.2;
- 1511 (nn) unlawful acquisition, possession, or transfer of financial transaction card under
- 1512 Section 76-6-506.3;
- 1513 (oo) financial transaction card offenses under Section 76-6-506.6;
- 1514 (pp) deceptive business practices under Section 76-6-507;
- 1515 (qq) bribery or receiving bribe by person in the business of selection, appraisal, or
- 1516 criticism of goods under Section 76-6-508;
- 1517 (rr) bribery of a labor official under Section 76-6-509;
- 1518 (ss) defrauding creditors under Section 76-6-511;
- 1519 (tt) acceptance of deposit by insolvent financial institution under Section 76-6-512;
- 1520 (uu) unlawful dealing with property by fiduciary under Section 76-6-513;
- 1521 (vv) bribery or threat to influence contest under Section 76-6-514;
- 1522 (ww) making a false credit report under Section 76-6-517;
- 1523 (xx) criminal simulation under Section 76-6-518;
- 1524 (yy) criminal usury under Section 76-6-520;
- 1525 (zz) insurance fraud under Section 76-6-521;
- 1526 (aaa) retail theft under Section 76-6-602;
- 1527 (bbb) computer crimes under Section 76-6-703;

- 1528 (ccc) identity fraud under Section 76-6-1102;
- 1529 (ddd) mortgage fraud under Section 76-6-1203;
- 1530 (eee) sale of a child under Section 76-7-203;
- 1531 (fff) bribery to influence official or political actions under Section 76-8-103;
- 1532 (ggg) threat to influence official or political action under Section 76-8-104;
- 1533 (hhh) receiving bribe or bribery by public servant under Section 76-8-105;
- 1534 (iii) receiving bribe for endorsement of person as a public servant under Section
- 1535 76-8-106;
- 1536 (jjj) bribery for endorsement of person as public servant under Section 76-8-106.1;
- 1537 (kkk) official misconduct based on unauthorized act or failure of duty under Section
- 1538 76-8-201;
- 1539 (lll) official misconduct concerning inside information under Section 76-8-202;
- 1540 (mmm) obstruction of justice in a criminal investigation or proceeding under Section
- 1541 76-8-306;
- 1542 (nnn) acceptance of bribe or bribery to prevent criminal prosecution under Section
- 1543 76-8-308;
- 1544 (ooo) harboring or concealing offender who has escaped from official custody under
- 1545 Section 76-8-309.2;
- 1546 (ppp) making a false or inconsistent material statement under Section 76-8-502;
- 1547 (qqq) making a false or inconsistent statement under Section 76-8-503;
- 1548 (rrr) making a written false statement under Section 76-8-504;
- 1549 (sss) tampering with a witness under Section 76-8-508;
- 1550 (ttt) retaliation against a witness, victim, or informant under Section 76-8-508.3;
- 1551 (uuu) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
- 1552 (vvv) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509;
- 1553 (www) tampering with evidence under Section 76-8-510.5;
- 1554 (xxx) falsification or alteration of a government record under Section 76-8-511, if the
- 1555 record is a record described in Title 20A, Election Code, or Title 36, Chapter 11,
- 1556 Lobbyist Disclosure and Regulation Act;
- 1557 (yyy) public assistance fraud by an applicant for public assistance under Section
- 1558 76-8-1203.1;
- 1559 (zzz) public assistance fraud by a recipient of public assistance under Section
- 1560 76-8-1203.3;
- 1561 (aaa) public assistance fraud by a provider under Section 76-8-1203.5;

- 1562 (bbbb) fraudulently misappropriating public assistance funds under Section 76-8-1203.7;
1563 (cccc) false statement to obtain or increase unemployment compensation under Section
1564 76-8-1301;
1565 (dddd) false statement to prevent or reduce unemployment compensation or liability
1566 under Section 76-8-1302;
1567 (eeee) unlawful failure to comply with Employment Security Act requirements under
1568 Section 76-8-1303;
1569 (ffff) unlawful use or disclosure of employment information under Section 76-8-1304;
1570 (gggg) intentionally or knowingly causing one animal to fight with another under
1571 Subsection 76-9-301(2)(d) or (e), or Section 76-9-301.1;
1572 (hhhh) possession, use, or removal of explosives, chemical, or incendiary devices or
1573 parts under Section 76-10-306;
1574 (iiii) delivery to common carrier, mailing, or placement on premises of an incendiary
1575 device under Section 76-10-307;
1576 (jjjj) possession of a deadly weapon with intent to assault under Section 76-10-507;
1577 (kkkk) unlawful marking of pistol or revolver under Section 76-10-521;
1578 (llll) alteration of number or mark on [~~pistol or revolver~~] a firearm or possession of a
1579 firearm that has been altered or does not have an identification mark under Section
1580 76-10-522;
1581 (mmmm) forging or counterfeiting trademarks, trade name, or trade device under
1582 Section 76-10-1002;
1583 (nnnn) selling goods under counterfeited trademark, trade name, or trade devices under
1584 Section 76-10-1003;
1585 (oooo) sales in containers bearing registered trademark of substituted articles under
1586 Section 76-10-1004;
1587 (pppp) selling or dealing with article bearing registered trademark or service mark with
1588 intent to defraud under Section 76-10-1006;
1589 (qqqq) gambling under Section 76-10-1102;
1590 (rrrr) gambling fraud under Section 76-10-1103;
1591 (ssss) gambling promotion under Section 76-10-1104;
1592 (tttt) possessing a gambling device or record under Section 76-10-1105;
1593 (uuuu) confidence game under Section 76-10-1109;
1594 (vvvv) distributing pornographic material under Section 76-10-1204;
1595 (wwww) inducing acceptance of pornographic material under Section 76-10-1205;

1596 (xxxx) dealing in harmful material to a minor under Section 76-10-1206;
 1597 (yyyy) distribution of pornographic films under Section 76-10-1222;
 1598 (zzzz) indecent public displays under Section 76-10-1228;
 1599 (aaaa) prostitution under Section 76-10-1302;
 1600 (bbbb) aiding prostitution under Section 76-10-1304;
 1601 (ccccc) exploiting prostitution under Section 76-10-1305;
 1602 (dddd) aggravated exploitation of prostitution under Section 76-10-1306;
 1603 (eeee) communications fraud under Section 76-10-1801;
 1604 (ffff) an act prohibited by the criminal provisions of Part 19, Money Laundering and
 1605 Currency Transaction Reporting Act;
 1606 (ggggg) vehicle compartment for contraband under Section 76-10-2801;
 1607 (hhhhh) an act prohibited by the criminal provisions of the laws governing taxation in
 1608 this state; or
 1609 (iiii) an act illegal under the laws of the United States and enumerated in 18 U.S.C. Sec.
 1610 1961(1)(B), (C), and (D).

1611 Section 21. Section **80-6-104** is amended to read:

1612 **80-6-104 . Data collection on offenses committed by minors -- Reporting**
 1613 **requirement.**

- 1614 (1) As used in this section:
- 1615 (a) "Firearm" means the same as that term is defined in Section 76-10-501.
 - 1616 (b) "Firearm-related offense" means a criminal offense involving a firearm.
 - 1617 (c) "School is in session" means the same as that term is defined in Section 53E-3-516.
 - 1618 (d) "School-sponsored activity" means the same as that term is defined in Section
 1619 53E-3-516.
- 1620 (2) Before July 1 of each year, the Administrative Office of the Courts shall submit the
 1621 following data to the State Commission on Criminal and Juvenile Justice, broken down
 1622 by judicial district, for the preceding calendar year:
- 1623 (a) the number of referrals to the juvenile court;
 - 1624 (b) the number of minors diverted to a nonjudicial adjustment;
 - 1625 (c) the number of minors that satisfy the conditions of a nonjudicial adjustment;
 - 1626 (d) the number of minors for whom a petition for an offense is filed in the juvenile court;
 - 1627 (e) the number of minors for whom an information is filed in the juvenile court;
 - 1628 (f) the number of minors bound over to the district court by the juvenile court;
 - 1629 (g) the number of petitions for offenses committed by minors that were dismissed by the

- 1630 juvenile court;
- 1631 (h) the number of adjudications in the juvenile court for offenses committed by minors;
- 1632 (i) the number of guilty pleas entered into by minors in the juvenile court;
- 1633 (j) the number of dispositions resulting in secure care, community-based placement,
- 1634 formal probation, and intake probation; and
- 1635 (k) for each minor charged in the juvenile court with a firearm-related offense:
- 1636 (i) the minor's age at the time the offense was committed or allegedly committed;
- 1637 (ii) the minor's zip code at the time that the offense was referred to the juvenile court;
- 1638 (iii) whether the minor is a restricted person under Subsection [76-10-503(1)(a)(iv) or
- 1639 ~~(1)(b)(iii)] 76-10-503(1)(b)(iv) or (1)(c)(iii);~~
- 1640 (iv) the type of offense for which the minor is charged;
- 1641 (v) the outcome of the minor's case in juvenile court, including whether the minor
- 1642 was bound over to the district court or adjudicated by the juvenile court; and
- 1643 (vi) if a disposition was entered by the juvenile court, whether the disposition
- 1644 resulted in secure care, community-based placement, formal probation, or intake
- 1645 probation.
- 1646 (3) The State Commission on Criminal and Juvenile Justice shall track the disposition of a
- 1647 case resulting from a firearm-related offense committed, or allegedly committed, by a
- 1648 minor when the minor is found in possession of a firearm while school is in session or
- 1649 during a school-sponsored activity.
- 1650 (4) In collaboration with the Administrative Office of the Courts, the division, and other
- 1651 agencies, the State Commission on Criminal and Juvenile Justice shall collect data for
- 1652 the preceding calendar year on:
- 1653 (a) the length of time that minors spend in the juvenile justice system, including the total
- 1654 amount of time minors spend under juvenile court jurisdiction, on community
- 1655 supervision, and in each out-of-home placement;
- 1656 (b) recidivism of minors who are diverted to a nonjudicial adjustment and minors for
- 1657 whom dispositions are ordered by the juvenile court, including tracking minors into
- 1658 the adult corrections system;
- 1659 (c) changes in aggregate risk levels from the time minors receive services, are under
- 1660 supervision, and are in out-of-home placement; and
- 1661 (d) dosages of programming.
- 1662 (5) On and before October 1 of each year, the State Commission on Criminal and Juvenile
- 1663 Justice shall prepare and submit a written report to the Judiciary Interim Committee and

- 1664 the Law Enforcement and Criminal Justice Interim Committee that includes:
- 1665 (a) data collected by the State Commission on Criminal and Juvenile Justice under this
1666 section;
- 1667 (b) data collected by the State Board of Education under Section 53E-3-516; and
- 1668 (c) recommendations for legislative action with respect to the data described in this
1669 Subsection (5).
- 1670 (6) After submitting the written report described in Subsection (5), the State Commission
1671 on Criminal and Juvenile Justice may supplement the report at a later time with updated
1672 data and information the State Board of Education collects under Section 53E-3-516.
- 1673 (7) Nothing in this section shall be construed to require the disclosure of information or
1674 data that is classified as controlled, private, or protected under Title 63G, Chapter 2,
1675 Government Records Access and Management Act.
- 1676 Section 22. Section **80-6-1004.1** is amended to read:
- 1677 **80-6-1004.1 . Petition to expunge adjudication -- Hearing and notice -- Waiver --**
1678 **Order.**
- 1679 (1) An individual may petition the juvenile court for an order to expunge the individual's
1680 juvenile record if:
- 1681 (a) the individual was adjudicated for an offense in the juvenile court;
- 1682 (b) the individual has reached 18 years old; and
- 1683 (c) at least one year has passed from the day on which:
- 1684 (i) the juvenile court's continuing jurisdiction was terminated; or
- 1685 (ii) if the individual was committed to secure care, the individual was unconditionally
1686 released from the custody of the division.
- 1687 (2) If a petitioner is 18 years old or older and seeks an expungement under Subsection (1),
1688 the petition shall include a criminal history report obtained from the Bureau of Criminal
1689 Identification in accordance with Section 53-10-108.
- 1690 (3) If the juvenile court finds and states on the record the reason why the waiver is
1691 appropriate, the juvenile court may waive:
- 1692 (a) the age requirement under Subsection (1)(b) for a petition; or
- 1693 (b) the one-year requirement under Subsection (1)(c) for a petition.
- 1694 (4)(a) Upon the filing of a petition described in Subsection (1)(a), the juvenile court
1695 shall:
- 1696 (i) set a date for a hearing; and
- 1697 (ii) at least 30 days before the day on which the hearing on the petition is scheduled,

- 1698 notify the prosecuting attorney and any affected agency identified in the
1699 petitioner's juvenile record:
- 1700 (A) that the petition has been filed; and
1701 (B) of the date of the hearing.
- 1702 (b)(i) The juvenile court shall provide a victim with the opportunity to request notice
1703 of a petition described in Subsection (1).
- 1704 (ii) Upon the victim's request under Subsection (4)(b)(i), the victim shall receive
1705 notice of the petition at least 30 days before the day on which the hearing is
1706 scheduled if, before the day on which an expungement order is made, the victim,
1707 or the victim's next of kin or authorized representative if the victim is a child or an
1708 individual who is incapacitated or deceased, submits a written and signed request
1709 for notice to the juvenile court in the judicial district in which the offense occurred
1710 or judgment is entered.
- 1711 (iii) The notice described in Subsection (4)(b)(ii) shall include a copy of the petition
1712 and any statutes and rules applicable to the petition.
- 1713 (c) At the hearing, the prosecuting attorney, a victim, and any other individual who may
1714 have relevant information about the petitioner may testify.
- 1715 (d) The juvenile court may waive the hearing for the petition if:
- 1716 (i)(A) there is no victim; or
1717 (B) if there is a victim, the victim agrees to the waiver; and
1718 (ii) the prosecuting attorney agrees to the waiver.
- 1719 (5)(a) Except as provided in Subsection (6), the juvenile court may grant a petition
1720 described in Subsection (1) and order expungement of the petitioner's juvenile record
1721 if the juvenile court finds that the petitioner is rehabilitated to the satisfaction of the
1722 court in accordance with Subsection (5)(b).
- 1723 (b) In deciding whether to grant a petition described in Subsection (1), the juvenile court
1724 shall consider:
- 1725 (i) whether expungement of the petitioner's juvenile record is in the best interest of
1726 the petitioner;
- 1727 (ii) the petitioner's response to programs and treatment;
- 1728 (iii) the nature and seriousness of the conduct for which the petitioner was
1729 adjudicated;
- 1730 (iv) the petitioner's behavior subsequent to adjudication;
- 1731 (v) the petitioner's reason for seeking expungement of the petitioner's juvenile record;

- 1732 and
- 1733 (vi) if the petitioner is a restricted person under Subsection [76-10-503(1)(a)(iv) or
- 1734 ~~(b)(iii)] 76-10-503(1)(b)(iv) or (c)(iii):~~
- 1735 (A) whether the offense for which the petitioner is a restricted person was
- 1736 committed with a weapon;
- 1737 (B) whether expungement of the petitioner's juvenile record poses an unreasonable
- 1738 risk to public safety; and
- 1739 (C) the amount of time that has passed since the adjudication of the offense for
- 1740 which the petitioner is a restricted person.
- 1741 (6) The juvenile court may not grant a petition described in Subsection (1) and order
- 1742 expungement of the petitioner's juvenile record if:
- 1743 (a) the petitioner has been convicted of a violent felony within five years before the day
- 1744 on which the petition for expungement is filed;
- 1745 (b) there are delinquency or criminal proceedings pending against the petitioner;
- 1746 (c) the petitioner has not satisfied a judgment of restitution entered by the juvenile court
- 1747 for an adjudication in the petitioner's juvenile record;
- 1748 (d) the petitioner has not satisfied restitution that was a condition of a nonjudicial
- 1749 adjustment in the petitioner's juvenile record; or
- 1750 (e) the petitioner's juvenile record contains an adjudication for a violation of:
- 1751 (i) Section 76-5-202, aggravated murder; or
- 1752 (ii) Section 76-5-203, murder.

1753 **Section 23. Effective Date.**

1754 This bill takes effect on January 1, 2027.