

Firearm Background Check Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: A. Cory Maloy

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill addresses background checks for firearms.

Highlighted Provisions:

This bill:

- exempts an individual from undergoing a background check for the sale or transfer of a firearm that is regulated under the National Firearms Act if the individual has received an approved application within the last 30 days for the sale or transfer of the firearm from the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

- clarifies that a Federal Firearms Licensee does not need to undergo a criminal background check for the transfer of a firearm to the federal firearms licensee; and

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-5a-601, as enacted by Laws of Utah 2025, Chapters 173, 208

53-5a-602, as renumbered and amended by Laws of Utah 2025, Chapter 208

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

Section 1. Section **53-5a-601** is amended to read:

53-5a-601 . Definitions.

As used in this part:

(1) "Antique firearm" means the same as that term is defined in Section 53-5a-101.5.

- 29 (2) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201
30 within the department.
- 31 (3) "Criminal history background check" means a criminal background check conducted
32 through the bureau or a local law enforcement agency.
- 33 (4) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
- 34 (5) "Dealer" means a person who is:
35 (a) licensed under 18 U.S.C. Sec. 923; and
36 (b) engaged in the business of selling, leasing, or otherwise transferring a firearm or
37 handgun, whether the person is a retail or wholesale dealer, pawnbroker, or other
38 type of merchant or seller.
- 39 (6) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 40 (7) "Federal firearms licensee" means a person who:
41 (a) holds a valid federal firearms license issued under 18 U.S.C. Sec. 923; and
42 (b) is engaged in the activities authorized by the specific category of license held by the
43 person.
- 44 (8)(a) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle, or short
45 barreled rifle, or a device that could be used as a dangerous weapon from which is
46 expelled a projectile by action of an explosive.
- 47 (b) "Firearm" does not include an antique firearm.
- 48 (9) "NFA firearm" means a firearm as that term is defined in the National Firearms Act, 26
49 U.S.C. Sec. 5845.
- 50 ~~[(9)]~~ (10)(a) "Short barreled rifle" means a rifle having a barrel or barrels of fewer than
51 16 inches in length.
- 52 (b) "Short barreled rifle" includes a dangerous weapon made from a rifle by alteration,
53 modification, or otherwise, if the weapon as modified has an overall length of fewer
54 than 26 inches.
- 55 ~~[(10)]~~ (11)(a) "Short barreled shotgun" means a shotgun having a barrel or barrels of
56 fewer than 18 inches in length.
- 57 (b) "Short barreled shotgun" includes a dangerous weapon made from a shotgun by
58 alteration, modification, or otherwise, if the weapon as modified has an overall length
59 of fewer than 26 inches.
- 60 ~~[(11)]~~ (12) "Shotgun" means a smooth bore firearm designed to fire cartridges containing
61 pellets or a single slug.
- 62 ~~[(12)]~~ (13) "Slug" means a single projectile discharged from a shotgun shell.

63 Section 2. Section **53-5a-602** is amended to read:

64 **53-5a-602 . Criminal background check prior to purchase of a firearm -- Fee --**
65 **Exemption for concealed firearm permit holders and law enforcement officers.**

66 (1)(a) To establish personal identification and residence in this state for purposes of this
67 part, a dealer shall require an individual receiving a firearm to present one photo
68 identification on a form issued by a governmental agency of the state.

69 (b) A dealer may not accept a driving privilege card issued under Section 53-3-207 as
70 proof of identification for the purpose of establishing personal identification and
71 residence in this state as required under this Subsection (1).

72 (2)(a) A criminal history background check is required for the sale of a firearm by a
73 licensed firearm dealer in the state.

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

75 (i) [-]a firearm to a Federal Firearms Licensee[-] ; or

76 (ii) a NFA firearm to an individual if the individual has received an approved
77 application for the sale or transfer of the NFA firearm from the Bureau of
78 Alcohol, Tobacco, Firearms, and Explosives within thirty days after the day on
79 which the application was approved by the Bureau of Alcohol, Tobacco, Firearms,
80 and Explosives for the NFA firearm.

81 (3)(a) An individual purchasing a firearm from a dealer shall consent in writing to a
82 criminal background check, on a form provided by the bureau.

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

84 (i) the dealer identification number;

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

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

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

90 (4)(a) The dealer shall send the information required by Subsection (3) to the bureau
91 immediately upon its receipt by the dealer.

92 (b) A dealer may not sell or transfer a firearm to an individual until the dealer has
93 provided the bureau with the information in Subsection (3) and has received approval
94 from the bureau under Subsection (6).

95 (5) The dealer shall make a request for criminal history background information by
96 telephone or other electronic means to the bureau and shall receive approval or denial of

97 the inquiry by telephone or other electronic means.

98 (6) When the dealer calls for or requests a criminal history background check, the bureau
99 shall:

100 (a) review the criminal history files, including juvenile court records, and the temporary
101 restricted file created under Section 53-5a-504, to determine if the individual is
102 prohibited from purchasing, possessing, or transferring a firearm by state or federal
103 law;

104 (b) inform the dealer that:

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

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

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

108 (d) provide a response to the requesting dealer during the call for a criminal background
109 check, or by return call, or other electronic means, without delay, except in case of
110 electronic failure or other circumstances beyond the control of the bureau, the bureau
111 shall advise the dealer of the reason for the delay and give the dealer an estimate of
112 the length of the delay.

113 (7)(a) The bureau may not maintain any records of the criminal history background
114 check longer than 20 days from the date of the dealer's request, if the bureau
115 determines that the individual receiving the firearm is not prohibited from
116 purchasing, possessing, or transferring the firearm under state or federal law.

117 (b) However, the bureau shall maintain a log of requests containing the dealer's federal
118 firearms number, the transaction number, and the transaction date for a period of 12
119 months.

120 (8)(a) If the criminal history background check discloses information indicating that the
121 individual attempting to purchase the firearm is prohibited from purchasing,
122 possessing, or transferring a firearm, the bureau shall:

123 (i) within 24 hours after determining that the purchaser is prohibited from purchasing,
124 possessing, or transferring a firearm, notify the law enforcement agency in the
125 jurisdiction where the dealer is located; and

126 (ii) inform the law enforcement agency in the jurisdiction where the individual
127 resides.

128 (b) Subsection (8)(a) does not apply to an individual prohibited from purchasing a
129 firearm solely due to placement on the temporary restricted list under Section
130 53-5a-504.

- 131 (c) A law enforcement agency that receives information from the bureau under
132 Subsection (8)(a) shall provide a report before August 1 of each year to the bureau
133 that includes:
- 134 (i) based on the information the bureau provides to the law enforcement agency under
135 Subsection (8)(a), the number of cases that involve an individual who is
136 prohibited from purchasing, possessing, or transferring a firearm as a result of a
137 conviction for an offense involving domestic violence; and
- 138 (ii) of the cases described in Subsection (8)(c)(i):
- 139 (A) the number of cases the law enforcement agency investigates; and
140 (B) the number of cases the law enforcement agency investigates that result in a
141 criminal charge.
- 142 (d) The bureau shall:
- 143 (i) compile the information from the reports described in Subsection (8)(c);
144 (ii) omit or redact any identifying information in the compilation; and
145 (iii) submit the compilation to the Law Enforcement and Criminal Justice Interim
146 Committee before November 1 of each year.
- 147 (9) If an individual is denied the right to purchase a firearm under this section, the
148 individual may review the individual's criminal history information and may challenge
149 or amend the information as provided in Section 53-10-108.
- 150 (10) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah
151 Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of
152 all records provided by the bureau under this part are in conformance with the
153 requirements of the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107
154 Stat. 1536 (1993).
- 155 (11)(a) A dealer shall collect a criminal history background check fee for the sale of a
156 firearm under this section.
- 157 (b) The fee described under Subsection (11)(a) remains in effect until changed by the
158 bureau through the process described in Section 63J-1-504.
- 159 (c)(i) The dealer shall forward at one time all fees collected for criminal history
160 background checks performed during the month to the bureau by the last day of
161 the month following the sale of a firearm.
- 162 (ii) The bureau shall deposit the fees ~~in~~ into the General Fund as dedicated credits to
163 cover the cost of administering and conducting the criminal history background
164 check program.

- 165 (12)(a) An individual with a concealed firearm permit issued under Section 53-5a-303 or
166 a provisional concealed firearm permit issued under Section 53-5a-304 is exempt
167 from the background check and corresponding fee required in this section for the
168 purchase of a firearm if:
- 169 (i) the individual presents the individual's concealed firearm permit to the dealer prior
170 to purchase of the firearm; and
 - 171 (ii) the dealer verifies with the bureau that the individual's concealed firearm permit
172 is valid.
- 173 (b) An individual with a temporary permit to carry a concealed firearm issued under
174 Section 53-5a-305 is not exempt from a background check and the corresponding fee
175 required in this section for the purchase of a firearm.
- 176 (13)(a) A law enforcement officer, as defined in Section 53-13-103, is exempt from the
177 background check fee required in this section for the purchase of a personal firearm
178 to be carried while off-duty if the law enforcement officer verifies current
179 employment by providing a letter of good standing from the officer's commanding
180 officer and current law enforcement photo identification.
- 181 (b) Subsection (13)(a) may only be used by a law enforcement officer to purchase a
182 personal firearm once in a 24-month period.
- 183 (14) A dealer engaged in the business of selling, leasing, or otherwise transferring a firearm
184 shall:
- 185 (a) make the firearm safety brochure described in Subsection 26B-5-211(3) available to
186 a customer free of charge; and
 - 187 (b) at the time of purchase, distribute a cable-style gun lock provided to the dealer under
188 Subsection 26B-5-211(3) to a customer purchasing a shotgun, short barreled shotgun,
189 short barreled rifle, rifle, or another firearm that federal law does not require be
190 accompanied by a gun lock at the time of purchase.

191 **Section 3. Effective Date.**

192 This bill takes effect on May 6, 2026.