THE UTAH CONCEALED FIREARM PERMIT (CFP) TRAINING COURSE

PRESENTED BY JRS FIREARMS SAFETY TRAINING

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Utah Training Curriculum

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Agenda

1) Introductions
2) Basic Handgun Safety Training
    a) Pg1 Introduction
    b) Pg 2 Goals
    c) Pg 3 Section 1 Basic Handgun Safety Training
        i) Handgun safety rules
    d) Pg 4 Section 2 Handgun Parts and Operation
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    f) Pg 9 Fundamentals of Shooting and Handgun
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3) Section 2 Review of Federal and State Code
    a) Utah Criminal and Traffic code
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    a) Civil vs Criminal Liability
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STATE OF UTAH

DEPARTMENT OF PUBLIC SAFETY BUREAU OF CRIMINAL IDENTIFICATION

MINIMUM TRAINING CURRICULUM FOR UTAH CONCEALED FIREARM PERMIT COURSES

INTRODUCTION:

The Bureau of Criminal Identification is responsible for ensuring that all concealed firearm permit applicants receive proper training according to Utah Code Annotated § 53-5-704. The Bureau will issue, certify, and regulate all concealed firearm permit holders and instructors. It is the responsibility of every concealed firearm permit holder to learn safe handgun practices and have a practical knowledge of the laws that govern firearms and the use of force. Permit holders also need to understand their personal abilities and limitations.

Concealed firearm instructors must make certain that all applicants who attend their courses receive proper in-person training within the guidelines prescribed by law. The Bureau has collected the following information to assist instructors in preparing or adding to their course outlines. This curriculum is the minimum training required by the Bureau and must be provided to all applicants who desire to obtain a Utah concealed firearm permit as required by state statute, U.C.A. § 53-5-704(10). The Bureau supports instructors adding any additional firearms training and or material, including a live fire exercise. If there are any questions, do not hesitate to contact the Bureau of Criminal Identification at 801-965-4445.

<u>THE GOAL IS TO ELIMINATE INCIDENTS BY PROVIDING EXCELLENT TRAINING!</u>

To properly teach the Utah concealed firearm permit course, in person instruction consisting of a minimum of 4 hours is recommended. This time frame should consist of course related material not to include extra services such as fingerprinting, photos, etc. If a certified instructor chooses to teach multi state permits, the Utah permit should be completed separately. This policy ensures the Utah concealed firearm permit course is taught in its entirety without intermixing different states interpretations of the laws and rules governed within. Please follow these statutory guidelines as you instruct!

♦ REVISION DATE: August 31st, 2022 ♦

- **ALL APPLICANTS MUST COMPLETE GENERAL FAMILIARITY INSTRUCTION WITH THE TYPES OF FIREARMS TO BE CONCEALED. <u>GENERAL FAMILIARITY INCLUDES TRAINING IN THE FOLLOWING: U.C.A. § 53-5-704 (8) (a) i and ii</u>**

    1. **THE SAFE LOADING, UNLOADING, STORAGE, AND CARRYING OF THE TYPES OF FIREARMS TO BE CONCEALED; AND**

    2. **CURRENT LAWS DEFINING LAWFUL SELF-DEFENSE, USE OF FORCE BY PRIVATE CITIZENS, INCLUDING USE OF DEADLY FORCE, TRANSPORTATION, AND CONCEALMENT.**

- **ALL INSTRUCTION FOR A UTAH CONCEALED FIREARM PERMIT SHALL BE IN PERSON AND NOT THROUGH ELECTRONIC MEANS. U.C.A. § 53-5-704 (8) (c).**

- **THE FOLLOWING OUTLINE PROVIDES THE MINIMUM TRAINING REQUIRED FOR CONCEALED FIREARM COURSES. ALL CONCEALED FIREARMS INSTRUCTORS SHALL PROVIDE EACH OF THE INSTRUCTOR'S STUDENTS WITH THE REQUIRED COURSE OF INSTRUCTION OUTLINE APPROVED BY THE BUREAU. U.C.A. § 53-5-704 (10)**

- **IN ACCORDANCE WITH U.C.A § 53-5-704 (9) (a) (iii) (A), ALL INSTRUCTORS ARE REQUIRED TO COMPLETED A FIREARM INSTRUCTION TRAINING COURSE FROM THE NATIONAL RIFLE ASSOCIATION, THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF PEACE OFFICER SAFETY STANDARDS AND TRAINING; OR (B) RECEIVED TRAINING EQUIVALENT TO ONE OF THE COURSES REFERRED TO IN SUBSECTION (9)(a) (iii) AS DETERMINED BY THE BUREAU.**

SECTION 1

BASIC HANDGUN SAFETY TRAINING

I. HANDGUN SAFETY RULES

a. THE PRIMARY CAUSES OF FIREARM RELATED ACCIDENTS:

- **i.** Ignorance
- **ii.** Carelessness

b. ELEMENTS OF FIREARM SAFETY:

- **i.** Positive Attitude
- **ii.** Knowledge
- **iii.** Skill

c. FOUR BASIC GUN SAFETY RULES:

- **i.** Treat all firearms as if they are loaded. **ii.** Always keep your finger off the trigger until your sights are on target and you have made the decision to fire.
- **iii.** Never point a firearm at anything you are not willing to destroy.
- **iv.** Before the decision to fire, be sure of your target, your target's environment and any other safety hazards.

d. OTHER SAFETY RULES / RANGE SAFETY RULES:

- **i.** Know your target and what is beyond.
- **ii.** Know how to use the firearm safely.
- **iii.** Be sure the firearm is safe to operate (demonstrate safety check).
- **iv.** Use only the correct ammunition for your firearm.
- **v.** Wear eye and ear protection as appropriate.
- **vi.** ***Never*** use alcohol or drugs before or while shooting.
- **vii.** Store all firearms so they are not accessible to unauthorized persons, i.e. children, restricted persons, etc.
- **viii.** Never handle a handgun in an emotional state such as anger or depression. **ix.** Keep the firearm unloaded until ready for use

e. OTHER SAFETY CONSIDERATIONS

- **i.** Be a knowledgeable gun handler and user.
- **ii.** Before starting to clean a gun, be certain it is not loaded.

iii. Cleaning a gun also provides an opportunity to check the proper function of the gun.

iv. Always be sure the gun barrel is free from obstructions.

v. When handing a pistol to another person, always be sure that the muzzle is pointed in a safe direction, your finger is off the trigger, the action is open, magazine has been removed and all chambers are empty.

vi. Carry only one type of ammunition to avoid mixing different types.

vii. If in possession of an old or antique firearm, or gun that is a military souvenir, be sure that it is unloaded.

viii. Never fire at surfaces that can cause a bullet to ricochet, such as water, or hard flat objects.

ix. If a cartridge fails to fire when the trigger is pulled, keep the muzzle pointed in safe direction; don't attempt to open the action to remove the cartridge for at least 30 seconds.

x. If anything unusual is noticed when a shot is fired, such as a difference in recoil or in noise, immediately do the following:

1. Stop firing immediately;
2. Keep the muzzle pointed in a safe direction;
3. Keep your finger off the trigger;
4. Unload the gun and check to be sure the chamber is empty; and

5. Visually inspect the barrel for obstructions.

f. PERMIT HOLDERS ARE RESPONSIBLE FOR TEACHING THEIR CHILDREN AND OTHER OCCUPANTS IN THEIR HOME ABOUT FIREARM SAFETY:

i. The permit holder should be a positive role model for their children.

ii. Children should be taught the difference between television, toys and real life.

iii. Children should be taught what to do if they come across a firearm without an adult present:

1. Stop
2. Don't Touch
3. Leave the area
4. Tell a responsible adult

II. HANDGUN PARTS AND OPERATION (Revolver and Semiautomatic)

a. FRAME – THE FRAME OF THE REVOLVER AND SEMI-AUTOMATIC IS THE BACKBONE TO WHICH ALL OTHER PARTS ARE ATTACHED:

i. Grip Panels – Grip portion of the frame

ii. Backstrap – Rear vertical portion of frame

iii. Trigger Guard – Trigger protection to reduce unintentional firing

iv. Front and Rear Sights – Aiming

b. <u>BARREL</u> – A METAL TUBE THROUGH WHICH A BULLET PASSES ON ITS WAY TO A TARGET

i. Bore – Inside of the Barrel

ii. Riflings – Combination of lands and groove which adds flight stability, accuracy, and distance to bullet

iii. Caliber – The distance between the lands

c. <u>ACTION</u>- GROUP OF MOVING PARTS USED TO LOAD, FIRE AND UNLOAD THE PISTOL (REVOLVER AND SEMI-AUTOMATIC)

i. <u>Revolver actions</u>

1. **<u>Trigger</u>** – When the trigger is pulled, it activates the <u>hammer,</u> which in turn causes the <u>firing pin</u> to strike and fire the cartridge.
2. **<u>Cylinder</u> –** Holds cartridges in individual chambers arranged in a circular pattern. Each time the hammer moves to the rear, the cylinder turns and brings a new chamber in line with the barrel and the firing pin.
3. **<u>Cylinder Release latch</u>** - Releases the cylinder and allows it to swing out so that cartridges can be loaded and unloaded.
4. **<u>Two types of revolver actions</u>**

    a. **<u>Single Action</u>** – Trigger performs only one action, releases the hammer, firing the pistol.

    b. **<u>Double Action</u>** – Trigger performs two tasks. Cocks and releases the hammer, firing the pistol.

ii. <u>Semi-Automatic actions</u>

1. **<u>Slide</u>** – Upon initial loading of all semi-automatics, the first cartridge must always be manually cycled into the firing chamber by retracting the slide and then releasing it. As the slide returns to the closed position, it removes a cartridge from the top of the magazine and inserts it into the chamber.
2. **<u>Magazine</u>** – The magazine is a storage device designed to hold cartridges ready for insertion into the chamber.
3. **<u>Magazine release</u>** – A device that releases the magazine so that it can be removed from the pistol.

4. **Trigger** – When the trigger is pulled, it activates the hammer (or the internal firing mechanism) which when released, causes the firing pin to strike and fire the cartridge. The slide moves to the rear ejecting the empty cartridge case and usually cocking the pistol in the process. The cartridges
in the magazine are forced upward by the magazine spring into path of the slide. When the slide, (under pressure from a recoil spring or slide spring to return to a closed position) moves forward, it picks up and pushes the top cartridge into the chamber.

5. **Three types of semi-auto actions**

a. **Single Action** – The trigger performs a single task, releasing the external hammer or the internal firing mechanism so that the firing pin hits the cartridge.

b. **Double/Single Action** – The trigger performs two tasks. It cocks the external hammer or the internal firing mechanism for the first shot, and also releases the external hammer or the internal firing mechanism. After the first shot is fired, the movement of the slide on ejection of the spent cartridge will cock the external hammer or internal firing mechanism. With these mechanisms cocked, all successive shots will be single action.

c. **Double Action Only** – The trigger will cock and release the external hammer or internal firing mechanism on the first shot and all successive shots.

d. **SHOW HOW TO CHECK BOTH REVOLVER AND SEMI-AUTOMATIC TO ENSURE PROPER FUNCTION OF THE FIRING MECHANISM AND SAFETY.**

e. **EXPLAIN AND DEMONSTRATE SAFE LOADING, COCKING, UNCOCKING, AND UNLOADING PROCEDURES FOR BOTH REVOLVERS AND SEMIAUTOMATIC HANDGUNS.**

f. **FAMILIARIZE YOURSELF WITH THE MANUFACTURER'S OPERATING MANUAL.**

i. **KNOW AND BE FAMILIAR WITH CYLINDER ROTATION DIRECTION OF REVOLVERS.**

III. AMMUNITION

a. **TYPES OF CARTRIDGES:**

i. Centerfire
ii. Rimfire

b. COMPONENTS OF A CARTRIDGE:

i. **Case** – Metal cylinder (usually made of brass) that is closed on one end and contains other components such as primer, powder and bullet.

ii. **Primer** – An impact sensitive chemical compound used for ignition.

1. Rimfire – The primer is contained in the inside rim of the case's base.
2. Centerfire – The primer is contained in a small metal cup, and is located in the center of the case's base.

iii. **Powder Charge** – A fast burning chemical compound used as a propellant, and is contained inside the body of the case.

iv. **Bullet** – A projectile, usually made of lead and sometimes covered with a layer of copper or other metal, and is located at the mouth of the case.

v. **Wad (shotgun only)** – Plastic cup inside a shotgun cartridge used to contain the shot or projectiles for use in a shotgun.

c. CARTRIDGE FIRING SEQUENCE:

i. Pulling the trigger of the pistol will cause the firing pin to hit and ignite the primer.

ii. The flame generated by the primer ignites the powder in the cartridge.

iii. The powder burns very rapidly and produces a high volume of gas.

iv. These expanding gases push the bullet out of the cartridge case and propel it out of the pistol barrel at a high rate of speed, 800 – 4000 FPS.

d. AMMUNITION SAFETY AND GENERAL GUIDELINES:

i. Inspect ammunition for safety flaws and imperfections. **ii.** Understand range capabilities of ammunition.

iii. Review safety rule #4; be sure of your target, your target's environment, the background and beyond.

iv. Discuss dangerous capabilities of handgun ammunition.

v. Be sure to use the proper caliber ammunition with gun to be fired. Explain the difference between 9mm parabellum and 9mm Kurz (.380).

vi. Explain considerations between defensive and practice ammunition.

1. Defensive (Protection) Ammunition

a. **Reliability** – The ability of a firearm to consistently chamber, fire, extract, and eject a particular load without malfunctions.

b. **Controllability** – The ability to fire multiple rounds and still manage recoil and maintain accuracy.

c. **<u>Stopping Power</u>** – The ability of a cartridge to quickly incapacitate an assailant or otherwise cause an assailant to stop his attack.

d. **<u>Accuracy</u>** – Ability of the gun and ammunition combination to shoot to the point of aim indicated by the sights.

e. **<u>Muzzle Flash</u>** – When in excess will impair night vision and illuminate your position.

f. **<u>Hollow-points -</u>** They open up and expand in diameter upon impact. This more efficiently transfers energy and also prevents over penetration or complete penetration that could endanger the lives of others.

2. Practice Ammunition

a. **<u>Non-expanding type</u>** – Typically full metal jacket, Involves greater penetration of target

b. **<u>Reduced powder charge</u>** – More manageable recoil

c. **<u>Reduced costs</u>**

vii. CARE AND STORAGE OF AMMUNITION:

1. Always keep ammunition in factory box or container that can be properly labeled.

2. Store ammunition in a cool dry place free from extreme temperature variation.

3. Store ammunition separately from guns and not accessible from unauthorized persons, especially children.

4. Keep ammunition from acids, salts, and other chemicals that can cause corrosion.

5. Never submerge in water or expose to any solvents, petroleum products, bore cleaner, ammonia or other chemicals. These chemicals can penetrate the cartridge and cause the primer or the powder to deteriorate.

6. Explain the importance of rotating defensive (protection) ammunition stored for long periods of time in your handgun.

viii. AMMUNITION MALFUNCTIONS:

1. **<u>Misfire</u>** – Failure of the cartridge to fire after the primer has been struck by the firing pin.

2. **<u>Hangfire</u>** – A perceptible delay in the ignition of a cartridge after the primer has been struck by the firing pin.

3. **<u>Squib load</u>** – Development of less than normal pressure or velocity after ignition of the cartridge. Unusual difference in recoil or noise**.**

4. Malfunction resolutions:

a. ***Misfire and Hangfire*** – Keep the pistol pointed in a safe direction—a hangfire might exist and the cartridge could still fire. Don't attempt to open the action of the pistol to remove the cartridge for at least 30 seconds.

b. ***Squib Load*** – Keep the muzzle pointed in a safe direction, wait 30 seconds and then unload the gun. Check to make sure the chamber is empty and the barrel is free from obstructions.

IV. FUNDAMENTALS OF SHOOTING A HANDGUN "DEMONSTRATE"

a. BASIC TWO-HANDED SHOOTING POSITIONS: (EXPLAIN AND DEMONSTRATE)

i. Isosceles stance

1. This position is so named because in this position your extended arms when seen from above resemble an isosceles triangle.
2. Feet are placed shoulder width apart.
3. Feet and shoulders are square to the target.
4. Knees are slightly bent with weight slightly forwards on the balls of the feet.
5. Two-handed grip of the gun with the arms extended forward and the elbows slightly bent.
6. The head is erect, not hunched and shoulders are at normal height.
7. The firearm is lifted to the level of the eyes for aiming.
8. This is a more instinctive and natural position for most shooters.

ii. Weaver stance

1. Was developed by former Los Angeles County Deputy Sheriff Jack Weaver.
2. Feet are positioned in a boxer stance with the strong foot rearward.
3. The weak shoulder is angled toward the target.
4. The knees are flexed and the body weight is carried slightly forward, on the balls of the feet.
5. The elbows are bent downward to bring the gun closer to the body than the isosceles.
6. The head is tipped slightly to view the sights.
7. An isometric action is employed between the strong and weak arm for stability.
8. The recoil is absorbed through the bent elbows and isometric pushing and pulling between strong and support hand.

iii. Modified Isosceles stance

1. This position incorporates the natural, fully-extended arm position of the isosceles position with the stability of the asymmetrical boxer's stance foot placement of the Weaver position.

2. Allows better recoil absorption.

3. The head is level and the body leans forward.

b. BASIC FUNDAMENTALS: (EXPLAIN AND DEMONSTRATE)

i. **Hand Grip** – Operate the weapon repeatedly without changing grip.
ii. **Body Position** – Least amount of body and weapon movement
iii. **Breath Control** – Control breathing to minimize body and firearm movement.
iv. **Sight Alignment** – The relationship of the eye in alignment with the rear and front sight.
v. **Trigger Squeeze** – The ability to apply increasing pressure on the trigger and allow the hammer to fall without disturbing sight alignment
vi. **Follow Through** – Stabilizing recoil, maintaining grip and stance, regaining front sight focus, resetting the trigger and preparing for follow up shot if a threat persists.

V. SAFE HANDLING

a. DISCUSS RULES TO FOLLOW ON THE SHOOTING RANGE:

i. Fully comply with the range officer's instructions.
ii. Follow the 4 safety rules at all times.

1. Treat all firearms as if they are loaded.
2. Always keep your finger off the trigger until your sights are on target and you have made the decision to fire.
3. Never point a firearm at anything you are not willing to destroy.
4. Before the decision to fire, be sure of your target, your target's environment and any other safety hazards.

iii. Wear eye and ear protection at all times during practice shooting.
iv. Explain and demonstrate the safe handling and presentation of a firearm to another person.

v. Explain and demonstrate the three range/combat positions for a firearm**:**

1. In the holster or carrying case
2. At the ready position

3. On target

vi. Discuss and demonstrate the steps to follow if you have a malfunction.

1. **Failure to Fire** (Faulty Ammo, Magazine not fully seated, etc.) ***Type 1 Malfunction.***

2. **Failure to Eject** (Stove Pipe, Partial Ejection) ***Type 2 Malfunction***

3. **Feedway Stoppage** (Double Feed, Extractor gummed or broken guide rods, Extractor does not get a good grip on the spent cartridge, Chamber remains blocked) ***Type 3 Malfunction***

4. **Failure to go into battery** (Bad Chamber design, Weak guide spring, Extremely dirty guide rails or guide rod) ***Type 4 Malfunction***

vii. EXPLAIN MALFUNCTION RESOLUTIONS EMPLOYING TAP, INVERT, RACK, AND REASSESS.

viii. EXPLAIN AND DEMONSTRATE SAFE LOADING, COCKING, UNCOCKING, AND UNLOADING PROCEDURES FOR BOTH REVOLVERS AND SEMI-AUTOMATIC HANDGUNS. (REVIEW)

ix. DISCUSS AND DEMONSTRATE THE MAINTENANCE AND CLEANING OF HANDGUNS:

1. The importance of regular cleaning and maintenance
2. Safety considerations when cleaning
3. Demonstrate how to clean a revolver / semi-automatic

x. DISCUSS HOLSTERS, SAFE DRAW, PRESENTATION, AND HOLSTERING OF FIREARMS

1. Purpose of a holster
2. Discuss advantages and disadvantages of the several holster types:
    a. Safety
    b. Accessibility
    c. Security
    d. Concealment
3. Advantages and disadvantages of the various methods of carry, i.e., on person, in case, etc.
4. Safety must come before any other consideration.

xi. SAFE CONCEALMENT CONSIDERATIONS:

1. The firearm should be in a holster or gun case.
2. If the firearm is in view of the public, care should be taken so that it is only accessible to the permit holder.
3. A handgun should not just be thrown into a glove box, under the car seat or into a drawer.
4. The permit holder is responsible for their firearm at all times.

xii. SAFE STORAGE OF FIREARMS AND AMMUNITION:

1. Firearms should be stored unloaded. (Storage is when the firearm is not available for immediate use.)
2.
3. Storage options:

    a. Safes
    b. Locked cases
    c. Safe proofing devices
    d. The need for safety does not end just because you do not have the firearm with you.
    e. Methods of Child proofing:

        i. Do not store firearm where it is visible
        ii. Storage area is not accessible to children

Recommend that firearms and ammunition are stored separately

SECTION 2

YOU MUST REVIEW ALL FEDERAL AND STATE CODES, RULES, AND REGULATIONS THAT PERTAIN TO FIREARMS, OR DEFINITIONS CONTAINEDTHEREIN.

I. UTAH CRIMINAL AND TRAFFIC CODE

a. CONCEALED FIREARM ACT:

- **i.** **53-5-702**, Definitions
- **ii.** **53-5-703**, Board Membership and Duties
- **iii.** **53-5-704**, Bureau duties, Permit to carry concealed firearm, Certification for concealed firearms instructor, Requirements for issuance, Violation, Denial, Suspension, or revocation, Appeal Procedure
- **iv.** **53-5-706**, Fingerprints
- **v.** **53-5-707,** Permit Fees
- **vi.** **53-5-708,** Permit Name Privacy
- **vii.** **53-5-710,** Cross References to Concealed Firearm permit Restrictions

b. JUSTIFICATION OF FORCE:

- **i.** **76-2-401**, Justification as defense, when allowed
- **ii.** **76-2-402**, Force in Defense of Persons – Forcible Felonies Defined
- **iii.** **76-2-403,** Force in Arrest
- **iv.** **76-2-405**, Force in Defense of Habitation
- **v.** **76-2-406**, Force in Defense of Property
- **vi.** **76-2-407**, Force in Defense of Persons on Real Property

c. RULES OF ARRESTS, BY WHOM AND HOW MADE:

- **i.** **77-7-1,** Arrest defined – Restraint allowed
- **ii.** **77-7-3,** Arrest by private persons

d. WEAPONS IN PROHIBITED AREAS / CIRCUMSTANCES:

- **i.** **53-5-710**, Cross References to Concealed Firearm Permit Restrictions
- **ii.** **76-8-311.1**, Secured Areas – Firearms Prohibited
- **iii.** **76-8-311.3**, Items prohibited in correctional and mental health facilities
- **iv.** **76-10-523**, Persons Exempt from Weapons Laws
- **v.** **76-10-529**, Airports – Firearms Prohibited
- **vi.** **76-10-530**, Trespass with a firearm in a house of worship or private residence

e. WEAPONS LAWS:

i. **76-10-500**, Uniform Law
ii. **76-10-506**, Threatening with or using dangerous weapon in a fight or quarrel
iii. **76-10-507**, Possession of a deadly weapon with criminal intent
iv. **76-10-509, 509.4-509.7, 509.9**, The sale, possession, providing weapons to minors and penalties
v. **76-10-511**, Possession of a loaded firearm at residence or real property authorized
vi. **76-10-526**, Criminal Background check Prior to Purchasing a Firearm
vii. **76-10-528**, Carrying under the influence of alcohol or a controlled substance

f. ASSAULT AND RELATED OFFENSES:

i. **76-5-102**, Assault
ii. **76-5-103,** Aggravated Assault
iii. **76-5-107,** Threat of Violence

iv. **76-9-102,** Disorderly Conduct

g. UNIFORM FIREARM LAWS:

i. **53-5a-102,** Uniform firearm laws:

ii. **53-5a-103**, Discharge of firearm on private property—Liability

h. 34-45-103, PROTECTION OF ACTIVITIES IN PRIVATE VEHICLES

i. WEAPONS LAWS, (NON-CONCEALED PERMIT CARRIER):

i. **76-10-502**, When weapon is deemed loaded
ii. **76-10-503**, Persons not permitted to carry dangerous weapons (restricted persons)
iii. **76-10-504**, Carrying concealed firearm
iv. **76-10-505**, Carrying loaded firearm in vehicle or on street
v. **76-10-505.5,** Possession of a dangerous weapon, firearm or short barrel shotgun on or about school premises

j. P ROHIBITION OF RESTRICTIONS ON AND CONFISCATION OF A FIREARM OR AMMUNITION DURING AN EMERGENCY. 53-2a-214

CONCEALED FIREARMS U.C.A. § 53-5-702 – 53-5-710

53-5-702. Definitions.

In addition to the definitions in Section 76-10-501, as used in this part:

(1) "Active duty service member" means a person on active military duty with the United States military and includes full time military active duty, military reserve active duty, and national guard military active duty service members stationed in Utah.

(2) "Active duty service member spouse" means a person recognized by the military as the spouse of an active duty service member and who resides with the active duty service member in Utah.

(3) "Board" means the Concealed Firearm Review Board created in Section 53-5-703.

(4) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201 within the Department of Public Safety.

(5) "Commissioner" means the commissioner of the Department of Public Safety.

(6) "Conviction" means criminal conduct where the filing of a criminal charge has resulted in:

(a) a finding of guilt based on evidence presented to a judge or jury;

(b) a guilty plea;

(c) a plea of nolo contendere;

(d) a plea of guilty or nolo contendere which is held in abeyance pending the successful completion of probation;

(e) a pending diversion agreement; or

(f) a conviction which has been reduced pursuant to Section 76-3-402.

Amended by Chapter 280, 2013 General Session

Affected by 63I-1-253 on 7/1/2023

53-5-703. Board -- Membership -- Compensation -- Terms -- Duties.

(1) There is created within the bureau the Concealed Firearm Review Board.

(2) (a) The board is comprised of not more than five members appointed by the commissioner on a bipartisan basis.

(b) The board shall include a member representing law enforcement and at least two citizens, one of whom represents sporting interests.

(3) (a) Except as required by Subsection (3)(b), as terms of current board members expire, the commissioner shall appoint each new member or reappointed member to a four-year term.

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

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

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

(a) Section 63A-3-106;

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

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

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

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

Amended by Chapter 62, 2010 General Session
Amended by Chapter 286, 2010 General Session
Amended by Chapter 324, 2010 General Session

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

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

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

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

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

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

(B) requires a $10 application fee.

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

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

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

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

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

(ii) active duty service member's spouse, stationed with the active duty service member, who presents to the bureau the active duty service member's orders requiring the service member to report for duty in this state.

(2) (a) The bureau may deny, suspend, or revoke a concealed firearm permit if the applicant or permit holder:

(i) has been or is convicted of a felony;

(ii) has been or is convicted of a crime of violence;

(iii) has been or is convicted of an offense involving the use of alcohol;

(iv) has been or is convicted of an offense involving the unlawful use of narcotics or other controlled substances;

(v) has been or is convicted of an offense involving moral turpitude;

(vi) has been or is convicted of an offense involving domestic violence;

(vii) has been or is adjudicated by a state or federal court as mentally incompetent, unless the adjudication has been withdrawn or reversed; and

(viii) is not qualified to purchase and possess a firearm pursuant to Section 76-10-503 and federal law.

(b) In determining whether an applicant or permit holder is qualified to hold a permit under Subsection (2)(a), the bureau shall consider mitigating circumstances.

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

(i) past pattern of behavior involving unlawful violence or threats of unlawful violence;

(ii) past participation in incidents involving unlawful violence or threats of unlawful violence; or

(iii) conviction of an offense in violation of Title 76, Chapter 10, Part 5, Weapons.

(b) The bureau may not deny, suspend, or revoke a concealed firearm permit solely for a single conviction of an infraction violation of Title 76, Chapter 10, Part 5, Weapons.

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

(i) expunged records of arrests and convictions of adults as provided in Section 77-40a-403; and

(ii) juvenile court records as provided in Section 78A-6-209.

(d) (i) The bureau shall suspend a concealed firearm permit if a permit holder becomes a temporarily restricted person in accordance with Section 53-5c-301.

(ii) Upon removal from the temporary restricted list, the permit holder's permit shall be reinstated unless:

(A) the permit has been revoked, been suspended for a reason other than the restriction described in Subsection (3)(d)(i), or expired; or

(B) the permit holder has become a restricted person under Section 76-10-503.

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

(i) hold a current concealed firearm or concealed weapon permit issued by the appropriate permitting authority of the nonresident applicant's state of residency; and

(ii) submit a photocopy or electronic copy of the nonresident applicant's current concealed firearm or concealed weapon permit referred to in Subsection (4)(a)(i).

(b) A nonresident applicant who knowingly and willfully provides false information to the bureau under Subsection (4)(a) is prohibited from holding a Utah concealed firearm permit for a period of 10 years.

(c) Subsection (4)(a) applies to all applications for the issuance of a concealed firearm permit that are received by the bureau after May 10, 2011.

(d) Beginning January 1, 2012, Subsection (4)(a) also applies to an application for renewal of a concealed firearm permit by a nonresident.

(5) The bureau shall issue a concealed firearm permit to a former peace officer who departs full-time employment as a peace officer, in an honorable manner, within five years of that departure if the officer meets the requirements of this section.

(6) Except as provided in Subsection (7), the bureau shall also require the applicant to provide:

(a) the address of the applicant's permanent residence;

(b) one recent dated photograph;

(c) one set of fingerprints; and

(d) evidence of general familiarity with the types of firearms to be concealed as defined in Subsection (8).

(7) An applicant who is a law enforcement officer under Section 53-13-103 may provide a letter of good standing from the officer's commanding officer in place of the evidence required by Subsection (6)(d).

(8) (a) General familiarity with the types of firearms to be concealed includes training in:

(i) the safe loading, unloading, storage, and carrying of the types of firearms to be concealed; and

(ii) current laws defining lawful use of a firearm by a private citizen, including lawful self-defense, use of force by a private citizen, including use of deadly force, transportation, and concealment.

(b) An applicant may satisfy the general familiarity requirement of Subsection (8)(a) by one of the following:

(i) completion of a course of instruction conducted by a national, state, or local firearms training organization approved by the bureau;

(ii) certification of general familiarity by an individual who has been certified by the bureau, which may include a law enforcement officer, military or civilian firearms instructor, or hunter safety instructor; or

(iii) equivalent experience with a firearm through participation in an organized shooting competition, law enforcement, or military service.

(c) Instruction taken by a student under this Subsection (8) shall be in person and not through electronic means.

(d) A person applying for a renewal permit is not required to retake the firearms training described in this Subsection 53-5-704(8) if the person:

(i) has an unexpired permit; or

(ii) has a permit that expired less than one year before the date on which the renewal application was submitted.

(9) (a) An applicant for certification as a Utah concealed firearms instructor shall:

(i) be at least 21 years old;

(ii) be currently eligible to possess a firearm under Section 76-10-503;

(iii) have:

(A) completed a firearm instruction training course from the National Rifle Association or the Department of Public Safety, Division of Peace Officer Safety Standards and Training; or

(B) received training equivalent to one of the courses referred to in Subsection (9)(a)(iii)(A) as determined by the bureau;

(iv) have taken a course of instruction and passed a certification test as described in Subsection (9)(c); and

(v) possess a Utah concealed firearm permit.

(b) An instructor's certification is valid for three years from the date of issuance, unless revoked by the bureau.

(c) (i) In order to obtain initial certification or renew a certification, an instructor shall attend an instructional course and pass a test under the direction of the bureau.

(ii) (A) The bureau shall provide or contract to provide the course referred to in Subsection (9)(c)(i) twice every year.

(B) The course shall include instruction on current Utah law related to firearms, including concealed carry statutes and rules, and the use of deadly force by private citizens.

(d) (i) Each applicant for certification under this Subsection (9) shall pay a fee of $50.00 at the time of application for initial certification.

(ii) The renewal fee for the certificate is $25.

(iii) The bureau may use a fee paid under Subsections (9)(d)(i) and (ii) as a dedicated credit to cover the cost incurred in maintaining and improving the instruction program required for concealed firearm instructors under this Subsection (9).

(10) A certified concealed firearms instructor shall provide each of the instructor's students with the required course of instruction outline approved by the bureau.

(11) (a) (i) A concealed firearms instructor shall provide a signed certificate to an individual successfully completing the offered course of instruction.

(ii) The instructor shall sign the certificate with the exact name indicated on the instructor's certification issued by the bureau under Subsection (9).

(iii) (A) The certificate shall also have affixed to it the instructor's official seal, which is the exclusive property of the instructor and may not be used by any other individual.

(B) The instructor shall destroy the seal upon revocation or expiration of the instructor's certification under Subsection (9).

(C) The bureau shall determine the design and content of the seal to include at least the following:

(I) the instructor's name as it appears on the instructor's certification;

(II) the words "Utah Certified Concealed Firearms Instructor," "state of Utah," and "my certification expires on (the instructor's certification expiration date)"; and

(III) the instructor's business or residence address.

(D) The seal shall be affixed to each student certificate issued by the instructor in a manner that does not obscure or render illegible any information or signatures contained in the document.

(b) The applicant shall provide the certificate to the bureau in compliance with Subsection (6)(d).

(12) The bureau may deny, suspend, or revoke the certification of an applicant or a concealed firearms instructor if it has reason to believe the applicant or the instructor has:

(a) become ineligible to possess a firearm under Section 76-10-503 or federal law; or

(b) knowingly and willfully provided false information to the bureau.

(13) An applicant for certification or a concealed firearms instructor has the same appeal rights as described in Subsection (16).

(14) In providing instruction and issuing a permit under this part, the concealed firearms instructor and the bureau are not vicariously liable for damages caused by the permit holder.

(15) An individual who knowingly and willfully provides false information on an application filed under this part is guilty of a class B misdemeanor, and the application may be denied, or the permit may be suspended or revoked.

(16) (a) In the event of a denial, suspension, or revocation of a permit, the applicant or permit holder may file a petition for review with the board within 60 days from the date the denial, suspension, or revocation is received by the applicant or permit holder by certified mail, return receipt requested.

(b) The bureau's denial of a permit shall be in writing and shall include the general reasons for the action.

(c) If an applicant or permit holder appeals the denial to the review board, the applicant or permit holder may have access to the evidence upon which the denial is based in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

(d) On appeal to the board, the bureau has the burden of proof by a preponderance of the evidence.

(e) (i) Upon a ruling by the board on the appeal of a denial, the board shall issue a final order within 30 days stating the board's decision.

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

(iii) The final order is final bureau action for purposes of judicial review under Section 63G-4-402.

(17) The commissioner may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to administer this chapter.

Amended by Chapter 250, 2022 General Session

53-5-704.5. Provisional permit to carry concealed firearm.

(1) (a) The bureau shall issue a provisional permit to carry a concealed firearm for lawful self-defense to an applicant who is 18 years of age, but is no older than 20 years of age, within 60 days after receiving an application, unless the bureau finds proof that the applicant does not meet the qualifications set forth in Subsection 53-5-704(2).

(b) The provisional permit is valid throughout the state until the applicant reaches the age of 21, without restriction, except as otherwise provided by Section 53-5-710.

(2) The bureau may deny, suspend, or revoke a provisional permit issued under this section as set forth in Subsections 53-5-704(2) and (3).

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

(i) hold a current applicable concealed firearm or concealed weapon permit issued by the appropriate permitting authority of the nonresident applicant's state of residency; and

(ii) submit a photocopy or electronic copy of the nonresident applicant's current concealed firearm or concealed weapon permit referred to in Subsection (3)(a)(i).

(b) A nonresident applicant who knowingly and willfully provides false information to the bureau under Subsection (3)(a) is prohibited from holding a Utah concealed firearm permit of any kind for a period of 10 years.

(4) The bureau shall also require the applicant to provide:

(a) the address of the applicant's permanent residence;

(b) one recent dated photograph;

(c) one set of fingerprints; and

(d) evidence of general familiarity with the types of firearms to be concealed as defined in Subsection 53-5-704(8).

(5) In the event of a decision to deny, suspend, or revoke a permit, the applicant or permit holder under this section may appeal the decision through the same process set forth in Subsection 53-5-704(16).

(6) The applicant or permit holder of the provisional permit under this section must meet the eligibility requirements of another state, including age requirements, to carry a concealed firearm in that state.

Enacted by Chapter 286, 2017 General Session

53-5-705. Temporary permit to carry concealed firearm -- Denial, suspension, or revocation -- Appeal.

(1) The bureau or its designated agent may issue a temporary permit to carry a concealed firearm to a person who:

(a) has applied for a permit under Section 53-5-704;

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

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

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

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

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

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

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

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

(b) the holder of the temporary permit does not meet the requirements for a permit under Section 53-5-704.

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

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

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

Amended by Chapter 62, 2010 General Session

53-5-706. Permit -- Fingerprints transmitted to bureau -- Report from bureau.

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

(b) Upon receipt of the fingerprints, the applicant fingerprint card fee prescribed in Section 53-10-108, and the fee prescribed in Section 53-5-707 or 53-5-707.5, the bureau shall conduct a search of its files for criminal history information pertaining to the applicant, and shall request the Federal Bureau of Investigation to conduct a similar search through its files.

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

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

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

Amended by Chapter 417, 2018 General Session

53-5-707. Concealed firearm permit -- Fees -- Concealed Weapons Account.

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

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

(c) The bureau shall waive the initial fee for an applicant who is a law enforcement officer under Section 53-13-103.

(d) Concealed firearm permit renewal fees for active duty service members and the spouse of an active duty service member shall be waived.

(2) The renewal fee for the permit is $20. A nonresident shall pay an additional $5 for the additional cost of processing a nonresidential renewal.

(3) The replacement fee for the permit is $10.

(4) (a) The late fee for the renewal permit is $7.50.

(b) As used in this section, "late fee" means the fee charged by the bureau for a renewal submitted on a permit that has been expired for more than 30 days but less than one year.

(5) (a) There is created a restricted account within the General Fund known as the "Concealed Weapons Account."

(b) The account shall be funded from fees collected under this section and Section 53-5-707.5.

(c) Funds in the account may only be used to cover costs relating to:

(i) the issuance of concealed firearm permits under this part; or

(ii) the programs described in Subsection 62A-15-103(3) and Section 62A-15-1101.

(d) No later than 90 days after the end of the fiscal year 50% of the fund balance shall be transferred to the Suicide Prevention and Education Fund, created in Section 62A-15-1104.

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

(b) The bureau shall promptly forward any fees collected under Subsection (6)(a) to the appropriate agency.

(7) The bureau shall make an annual report in writing to the Legislature's Law Enforcement and Criminal Justice Interim Committee on the amount and use of the fees collected under this section and Section 53-5-707.5.

Amended by Chapter 12, 2021 General Session
Amended by Chapter 277, 2021 General Session

53-5-707.5. Provisional concealed firearm permit -- Fees -- Disposition of fees.

(1) (a) An applicant for a provisional concealed firearm permit, as described in Section 53-5-704.5, shall pay a fee of $25 at the time of filing an application.

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

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

(3) Fees collected under this section shall be remitted to the Concealed Weapons Account, as described in Subsection 53-5-707(5).

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

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

Amended by Chapter 417, 2018 General Session

53-5-708. Permit -- Names private.

(1) (a) The bureau shall maintain a record in its office of any permit issued under this part.

(b) Notwithstanding the requirements of Subsection 63G-2-301(2)(b), the names, addresses, telephone numbers, dates of birth, and Social Security numbers of persons receiving permits are protected records under Subsection 63G-2-305(11).

(c) Notwithstanding Section 63G-2-206, a person may not share any of the information listed in Subsection (1)(b) with any office, department, division, or other agency of the federal government unless:

(i) the disclosure is necessary to conduct a criminal background check on the individual who is the subject of the information;

(ii) the disclosure of information is made pursuant to a court order directly associated with an active investigation or prosecution of the individual who is the subject of the information;

(iii) the disclosure is made to a criminal justice agency in a criminal investigation or prosecution;

(iv) the disclosure is made by a law enforcement agency within the state to another law enforcement agency in the state or in another state in connection with an investigation, including a preliminary investigation, or a prosecution of the individual who is the subject of the information;

(v) the disclosure is made by a law enforcement agency within the state to an employee of a federal law enforcement agency in the course of a combined law enforcement effort involving the law enforcement agency within the state and the federal law enforcement agency; or

(vi) the disclosure is made in response to a routine request that a federal law enforcement officer makes to obtain information on an individual whom the federal law enforcement officer detains, including for a traffic stop, or questions because of the individual's suspected violation of state law.

(d) A person is guilty of a class A misdemeanor if the person knowingly:

(i) discloses information listed in Subsection (1)(b) in violation of the provisions under Title 63G, Chapter 2, Government Records Access and Management Act, applicable to protected records; or

(ii) shares information in violation of Subsection (1)(c).

(e) (i) As used in this Subsection (1)(e), "governmental agency" means:

(A) the state or any department, division, agency, or other instrumentality of the state; or

(B) a political subdivision of the state, including a county, city, town, school district, local district, and special service district.

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

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

(B) is carrying a concealed firearm.

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

(2) The bureau shall immediately file a copy of each permit it issues under this part.

Amended by Chapter 298, 2013 General Session
Amended by Chapter 445, 2013 General Session

53-5-710. Cross-references to concealed firearm permit restrictions.

(1) A person with a permit of any kind to carry a concealed firearm may not carry a concealed firearm in the following locations:

(a) any secure area prescribed in Section 76-10-523.5 in which firearms are prohibited and notice of the prohibition posted;

(b) any airport secure area as provided in Section 76-10-529; or

(c) any house of worship or in any private residence where dangerous weapons are prohibited as provided in Section 76-10-530.

(2) Notwithstanding Subsection 76-10-505.5(4), a person under the age of 21 with a permit of any kind to carry a concealed firearm may not carry a concealed firearm on or about school premises, as defined in Subsection 76-10-505.5(1)(a).

Amended by Chapter 141, 2021 General Session

JUSTIFICATION OF FORCE U.C.A. § 76-2-401 – 76-2-407

76-2-401. Justification as defense -- When allowed.

(1) Conduct which is justified is a defense to prosecution for any offense based on the conduct. The defense of justification may be claimed:

(a) when the actor's conduct is in defense of persons or property under the circumstances described in Sections 76-2-402 through 76-2-406 of this part;

(b) when the actor's conduct is reasonable and in fulfillment of his duties as a governmental officer or employee;

(c) when the actor's conduct is reasonable discipline of minors by parents, guardians, teachers, or other persons in loco parentis, as limited by Subsection (2);

(d) when the actor's conduct is reasonable discipline of persons in custody under the laws of the state; or

(e) when the actor's conduct is justified for any other reason under the laws of this state.

(2) The defense of justification under Subsection (1)(c) is not available if the offense charged involves causing serious bodily injury, as defined in Section 76-1-101.5, serious physical injury, as defined in Section 76-5-109, or the death of the minor.

Amended by Chapter 181, 2022 General Session

76-2-402. Force in defense of person -- Forcible felony defined.

(1) As used in this section:

(a) "Forcible felony" means aggravated assault, mayhem, aggravated murder, murder, manslaughter, kidnapping and aggravated kidnapping, rape, forcible sodomy, rape of a child, object rape, object rape of a child, sexual abuse of a child, aggravated sexual abuse of a child, and aggravated sexual assault as defined in Chapter 5, Offenses Against the Individual, and arson, robbery, and burglary as defined in Chapter 6, Offenses Against Property.

(b) "Forcible felony" includes any other felony offense that involves the use of force or violence against an individual that poses a substantial danger of death or serious bodily injury.

(c) "Forcible felony" does not include burglary of a vehicle, as defined in Section 76-6-204, unless the vehicle is occupied at the time unlawful entry is made or attempted.

(2) (a) An individual is justified in threatening or using force against another individual when and to the extent that the individual reasonably believes that force or a threat of force is necessary to defend the individual or another individual against the imminent use of unlawful force.

(b) An individual is justified in using force intended or likely to cause death or serious bodily injury only if the individual reasonably believes that force is necessary to prevent death or serious bodily injury to the individual or another individual as a result of imminent use of unlawful force, or to prevent the commission of a forcible felony.

(3) (a) An individual is not justified in using force under the circumstances specified in Subsection (2) if the individual:

(i) initially provokes the use of force against another individual with the intent to use force as an excuse to inflict bodily harm upon the other individual;

(ii) is attempting to commit, committing, or fleeing after the commission or attempted commission of a felony , unless the use of force is a reasonable response to factors unrelated to the commission, attempted commission, or fleeing after the commission of that felony ; or

(iii) was the aggressor or was engaged in a combat by agreement, unless the individual withdraws from the encounter and effectively communicates to the other individual the intent to withdraw

from the encounter and, notwithstanding, the other individual continues or threatens to continue the use of unlawful force.

(b) For purposes of Subsection (3)(a)(iii) the following do not, alone, constitute "combat by agreement":

(i) voluntarily entering into or remaining in an ongoing relationship; or

(ii) entering or remaining in a place where one has a legal right to be.

(4) Except as provided in Subsection (3)(a)(iii):

(a) an individual does not have a duty to retreat from the force or threatened force described in Subsection (2) in a place where that individual has lawfully entered or remained; and

(b) the failure of an individual to retreat under the provisions of Subsection (4)(a) is not a relevant factor in determining whether the individual who used or threatened force acted reasonably.

(5) In determining imminence or reasonableness under Subsection (2), the trier of fact may consider:

(a) the nature of the danger;

(b) the immediacy of the danger;

(c) the probability that the unlawful force would result in death or serious bodily injury;

(d) the other individual's prior violent acts or violent propensities;

(e) any patterns of abuse or violence in the parties' relationship; and

(f) any other relevant factors.

Amended by Chapter 181, 2022 General Session

76-2-403. Force in arrest.

Any person is justified in using any force, except deadly force, which he reasonably believes to be necessary to effect an arrest or to defend himself or another from bodily harm while making an arrest.

Enacted by Chapter 196, 1973 General Session

76-2-404. Law enforcement officer use of deadly force.

(1) As used in this section:

(a) "Deadly force" means force that creates or is likely to create, or that the individual using the force intends to create, a substantial likelihood of death or serious bodily injury to an individual.

(b) "Officer" means an officer described in Section 53-13-102.

(c) "Serious bodily injury" means the same as that term is defined in Section 76-1-101.5.

(2) The defense of justification applies to the use of deadly force by an officer, or an individual acting by the officer's command in providing aid and assistance, when:

(a) the officer is acting in obedience to and in accordance with the judgment of a competent court in executing a penalty of death under Subsection 77-18-113(2), (3), or (4);

(b) effecting an arrest or preventing an escape from custody following an arrest, if:

(i) the officer reasonably believes that deadly force is necessary to prevent the arrest from being defeated by escape; and

(ii) (A) the officer has probable cause to believe that the suspect has committed a felony offense involving the infliction or threatened infliction of death or serious bodily injury; or

(B) the officer has probable cause to believe the suspect poses a threat of death or serious bodily injury to the officer or to an individual other than the suspect if apprehension is delayed; or

(c) the officer reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury to the officer or an individual other than the suspect.

(3) If feasible, a verbal warning should be given by the officer prior to any use of deadly force under Subsection (2)(b) or (2)(c).

Amended by Chapter 181, 2022 General Session

76-2-405. Force in defense of habitation.

(1) A person is justified in using force against another when and to the extent that he reasonably believes that the force is necessary to prevent or terminate the other's unlawful entry into or attack upon his habitation; however, he is justified in the use of force which is intended or likely to cause death or serious bodily injury only if:

(a) the entry is made or attempted in a violent and tumultuous manner, surreptitiously, or by stealth, and he reasonably believes that the entry is attempted or made for the purpose of assaulting or offering personal violence to any person, dwelling, or being in the habitation and he reasonably believes that the force is necessary to prevent the assault or offer of personal violence; or

(b) he reasonably believes that the entry is made or attempted for the purpose of committing a felony in the habitation and that the force is necessary to prevent the commission of the felony.

(2) The person using force or deadly force in defense of habitation is presumed for the purpose of both civil and criminal cases to have acted reasonably and had a reasonable fear of imminent peril of death or serious bodily injury if the entry or attempted entry is unlawful and is made or attempted by use of force, or in a violent and tumultuous manner, or surreptitiously or by stealth, or for the purpose of committing a felony.

Amended by Chapter 252, 1985 General Session

76-2-406. Force in defense of property -- Affirmative defense.

(1) A person is justified in using force, other than deadly force, against another when and to the extent that the person reasonably believes that force is necessary to prevent or terminate another person's criminal interference with real property or personal property:

(a) lawfully in the person's possession;

(b) lawfully in the possession of a member of the person's immediate family; or

(c) belonging to a person whose property the person has a legal duty to protect.

(2) In determining reasonableness under Subsection (1), the trier of fact shall, in addition to any other factors, consider the following factors:

(a) the apparent or perceived extent of the damage to the property;

(b) property damage previously caused by the other person;

(c) threats of personal injury or damage to property that have been made previously by the other person; and

(d) any patterns of abuse or violence between the person and the other person.

Amended by Chapter 377, 2010 General Session

76-2-407. Deadly force in defense of persons on real property.

(1) A person is justified in using force intended or likely to cause death or serious bodily injury against another in his defense of persons on real property other than his habitation if:

(a) he is in lawful possession of the real property;

(b) he reasonably believes that the force is necessary to prevent or terminate the other person's trespass onto the real property;

(c) the trespass is made or attempted by use of force or in a violent and tumultuous manner; and

(d) (i) the person reasonably believes that the trespass is attempted or made for the purpose of committing violence against any person on the real property and he reasonably believes that the force is necessary to prevent personal violence; or

(ii) the person reasonably believes that the trespass is made or attempted for the purpose of committing a forcible felony as defined in Section 76-2-402 that poses imminent peril of death or serious bodily injury to a person on the real property and that the force is necessary to prevent the commission of that forcible felony.

(2) The person using deadly force in defense of persons on real property under Subsection (1) is presumed for the purpose of both civil and criminal cases to have acted reasonably and had a reasonable fear of imminent peril of death or serious bodily injury if the trespass or attempted trespass is unlawful and is made or attempted by use of force, or in a violent and tumultuous manner, or for the purpose of committing a forcible felony.

Enacted by Chapter 273, 2002 General Session

ARREST BY PRIVATE PERSONS U.C.A. § 77-7-1,77-7-3

77-7-1. "Arrest" defined -- Restraint allowed.

An arrest is an actual restraint of the person arrested or submission to custody. The person shall not be subjected to any more restraint than is necessary for his arrest and detention.

77-7-3. By private persons.

A private person may arrest another:

(1) For a public offense committed or attempted in his presence; or

(2) When a felony has been committed and he has reasonable cause to believe the person arrested has committed it.

WEAPONS IN PROHIBITED AREAS / CIRCUMSTANCES U.C.A. § 53-5-710, 76-8-311.1, 76-10-523, 76-10,529, and 76-10-530.

53-5-710. Cross-references to concealed firearm permit restrictions.

(1) A person with a permit of any kind to carry a concealed firearm may not carry a concealed firearm in the following locations:

(a) any secure area prescribed in Section 76-10-523.5 in which firearms are prohibited and notice of the prohibition posted;

(b) any airport secure area as provided in Section 76-10-529; or

(c) any house of worship or in any private residence where dangerous weapons are prohibited as provided in Section 76-10-530.

(2) Notwithstanding Subsection 76-10-505.5(4), a person under the age of 21 with a permit of any kind to carry a concealed firearm may not carry a concealed firearm on or about school premises, as defined in Subsection 76-10-505.5(1)(a).

Amended by Chapter 141, 2021 General Session

76-8-311.1. Secure areas -- Items prohibited -- Penalty.

(1) In addition to the definitions in Section 76-10-501, as used in this section:

(a) "Correctional facility" has the same meaning as defined in Section 76-8-311.3.

(b) "Explosive" has the same meaning as defined for "explosive, chemical, or incendiary device" defined in Section 76-10-306.

(c) "Law enforcement facility" means a facility which is owned, leased, or operated by a law enforcement agency.

(d) "Mental health facility" has the same meaning as defined in Section 62A-15-602.

(e) (i) "Secure area" means any area into which certain persons are restricted from transporting any firearm, ammunition, dangerous weapon, or explosive.

(ii) A "secure area" may not include any area normally accessible to the public.

(2) (a) A person in charge of the State Tax Commission or a correctional, law enforcement, or mental health facility may establish secure areas within the facility and may prohibit or control by rule any firearm, ammunition, dangerous weapon, or explosive.

(b) Subsections (2)(a), (3), (4), (5), and (6) apply to higher education secure area hearing rooms referred to in Subsections 53B-3-103(2)(a)(ii) and (b).

(3) At least one notice shall be prominently displayed at each entrance to an area in which a firearm, ammunition, dangerous weapon, or explosive is restricted.

(4) (a) Provisions shall be made to provide a secure weapons storage area so that persons entering the secure area may store their weapons prior to entering the secure area.

(b) The entity operating the facility shall be responsible for weapons while they are stored in the storage area.

(5) It is a defense to any prosecution under this section that the accused, in committing the act made criminal by this section, acted in conformity with the facility's rule or policy established pursuant to this section.

(6) (a) Any person who knowingly or intentionally transports into a secure area of a facility any firearm, ammunition, or dangerous weapon is guilty of a third degree felony.

(b) Any person violates Section 76-10-306 who knowingly or intentionally transports, possesses, distributes, or sells any explosive in a secure area of a facility.

Amended by Chapter 396, 2020 General Session

76-8-311.3. Items prohibited in correctional and mental health facilities -- Penalties.

(1) As used in this section:

(a) "Contraband" means any item not specifically prohibited for possession by offenders under this section or Title 58, Chapter 37, Utah Controlled Substances Act.

(b) "Controlled substance" means any substance defined as a controlled substance under Title 58, Chapter 37, Utah Controlled Substances Act.

(c) "Correctional facility" means:

(i) any facility operated by or contracting with the Department of Corrections to house offenders in either a secure or nonsecure setting;

(ii) any facility operated by a municipality or a county to house or detain criminal offenders;

(iii) any juvenile detention facility; and

(iv) any building or grounds appurtenant to the facility or lands granted to the state, municipality, or county for use as a correctional facility.

(d) "Electronic cigarette product" means the same as that term is defined in Section 76-10-101.

(e) "Medicine" means any prescription drug as defined in Title 58, Chapter 17b, Pharmacy Practice Act, but does not include any controlled substances as defined in Title 58, Chapter 37, Utah Controlled Substances Act.

(f) "Mental health facility" means the same as that term is defined in Section 62A-15-602.

(g) "Nicotine product" means the same as that term is defined in Section 76-10-101.

(h) "Offender" means a person in custody at a correctional facility.

(i) "Secure area" means the same as that term is defined in Section 76-8-311.1.

(j) "Tobacco product" means the same as that term is defined in Section 76-10-101.

(2) Notwithstanding Section 76-10-500, a correctional or mental health facility may provide by rule that no firearm, ammunition, dangerous weapon, implement of escape, explosive, controlled substance, spirituous or fermented liquor, medicine, or poison in any quantity may be:

(a) transported to or upon a correctional or mental health facility;

(b) sold or given away at any correctional or mental health facility;

(c) given to or used by any offender at a correctional or mental health facility; or

(d) knowingly or intentionally possessed at a correctional or mental health facility.

(3) It is a defense to any prosecution under this section if the accused in committing the act made criminal by this section with respect to:

(a) a correctional facility operated by the Department of Corrections, acted in conformity with departmental rule or policy;

(b) a correctional facility operated by a municipality, acted in conformity with the policy of the municipality;

(c) a correctional facility operated by a county, acted in conformity with the policy of the county; or

(d) a mental health facility, acted in conformity with the policy of the mental health facility.

(4) (a) An individual who transports to or upon a correctional facility, or into a secure area of a mental health facility, any firearm, ammunition, dangerous weapon, or implement of escape with intent to provide or sell it to any offender, is guilty of a second degree felony.

(b) An individual who provides or sells to any offender at a correctional facility, or any detainee at a secure area of a mental health facility, any firearm, ammunition, dangerous weapon, or implement of escape is guilty of a second degree felony.

(c) An offender who possesses at a correctional facility, or a detainee who possesses at a secure area of a mental health facility, any firearm, ammunition, dangerous weapon, or implement of escape is guilty of a second degree felony.

(d) An individual who, without the permission of the authority operating the correctional facility or the secure area of a mental health facility, knowingly possesses at a correctional facility or a secure area of a mental health facility any firearm, ammunition, dangerous weapon, or implement of escape is guilty of a third degree felony.

(e) An individual violates Section 76-10-306 who knowingly or intentionally transports, possesses, distributes, or sells any explosive in a correctional facility or mental health facility.

(5) (a) An individual is guilty of a third-degree felony who, without the permission of the authority operating the correctional facility or secure area of a mental health facility, knowingly transports to or upon a correctional facility or into a secure area of a mental health facility any:

(i) spirituous or fermented liquor;

(ii) medicine, whether or not lawfully prescribed for the offender; or

(iii) poison in any quantity.

(b) An individual is guilty of a third-degree felony who knowingly violates correctional or mental health facility policy or rule by providing or selling to any offender at a correctional facility or detainee within a secure area of a mental health facility any:

(i) spirituous or fermented liquor;

(ii) medicine, whether or not lawfully prescribed for the offender; or

(iii) poison in any quantity.

(c) An inmate is guilty of a third-degree felony who, in violation of correctional or mental health facility policy or rule, possesses at a correctional facility or in a secure area of a mental health facility any:

(i) spirituous or fermented liquor;

(ii) medicine, other than medicine provided by the facility's health care providers in compliance with facility policy; or

(iii) poison in any quantity.

(d) An individual is guilty of a class A misdemeanor who, with the intent to directly or indirectly provide or sell any tobacco product, electronic cigarette product, or nicotine product to an offender, directly or indirectly:

(i) transports, delivers, or distributes any tobacco product, electronic cigarette product, or nicotine product to an offender or on the grounds of any correctional facility;

(ii) solicits, requests, commands, coerces, encourages, or intentionally aids another person to transport any tobacco product, electronic cigarette product, or nicotine product to an offender or on any correctional facility, if the person is acting with the mental state required for the commission of an offense; or

(iii) facilitates, arranges, or causes the transport of any tobacco product, electronic cigarette product, or nicotine product in violation of this section to an offender or on the grounds of any correctional facility.

(e) An individual is guilty of a class A misdemeanor who, without the permission of the authority operating the correctional or mental health facility, fails to declare or knowingly possesses at a correctional facility or in a secure area of a mental health facility any:

(i) spirituous or fermented liquor;

(ii) medicine; or

(iii) poison in any quantity.

(f) (i) Except as provided in Subsection (5)(f)(ii), an individual is guilty of a class B misdemeanor who, without the permission of the authority operating the correctional facility, knowingly engages in any activity that would facilitate the possession of any contraband by an offender in a correctional facility.

(ii) The provisions of Subsection (5)(d) regarding any tobacco product, electronic cigarette product, or nicotine product take precedence over this Subsection (5)(f).

(g) Exemptions may be granted for worship for Native American inmates pursuant to Section 64-13-40.

(6) The possession, distribution, or use of a controlled substance at a correctional facility or in a secure area of a mental health facility shall be prosecuted in accordance with Title 58, Chapter 37, Utah Controlled Substances Act.

(7) The department shall make rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish guidelines for providing written notice to visitors that providing any tobacco product, electronic cigarette product, or nicotine product to offenders is a class A misdemeanor.

Amended by Chapter 302, 2020 General Session
Amended by Chapter 347, 2020 General Session

76-10-523. Persons exempt from weapons laws.

(1) Except for Sections 76-10-506, 76-10-508, and 76-10-508.1, this part and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to any of the following:

(a) a United States marshal;

(b) a federal official required to carry a firearm;

(c) a peace officer of this or any other jurisdiction;

(d) a law enforcement official as defined and qualified under Section 53-5-711;

(e) a judge as defined and qualified under Section 53-5-711;

(f) a court commissioner as defined and qualified under Section 53-5-711; or

(g) a common carrier while engaged in the regular and ordinary transport of firearms as merchandise.

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

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

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

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

(ii) by another state or county; or

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

(4) Except for Sections 76-10-503, 76-10-506, 76-10-508, and 76-10-508.1, this part and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to a nonresident traveling in or though the state, provided that any firearm is:

(a) unloaded; and

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

(5) Subsections 76-10-504(1) and (2), and 76-10-505(1)(b) do not apply to a person 21 years old or older who may otherwise lawfully possess a firearm.

Amended by Chapter 12, 2021 General Session

76-10-528. Carrying a dangerous weapon while under influence of alcohol or drugs unlawful.

(1) It is a class B misdemeanor for an actor to carry a dangerous weapon while under the influence of:

(a) alcohol as determined by the actor's blood or breath alcohol concentration in accordance with Subsections 41-6a-502(1)(a) through (c); or

(b) a controlled substance as defined in Section 58-37-2.

(2) This section does not apply to:

(a) an actor carrying a dangerous weapon that is either securely encased, as defined in this part, or not within such close proximity and in such a manner that it can be retrieved and used as readily as if carried on the person;

(b) an actor who uses or threatens to use force in compliance with Section 76-2-402;

(c) an actor carrying a dangerous weapon in the actor's residence or the residence of another with the consent of the individual who is lawfully in possession;

(d) an actor under the influence of cannabis or a cannabis product, as those terms are defined in Section 26-61a-102, if the actor's use of the cannabis or cannabis product complies with Title 26, Chapter 61a, Utah Medical Cannabis Act; or

(e) an actor who:

(i) has a valid prescription for a medication approved by the federal Food and Drug Administration for the treatment of attention deficit disorder or attention deficit hyperactivity disorder; and

(ii) takes the medication described in Subsection (2)(e)(i) as prescribed.

(3) It is not a defense to prosecution under this section that the actor:

(a) is licensed in the pursuit of wildlife of any kind; or

(b) has a valid permit to carry a concealed firearm.

Amended by Chapter 159, 2022 General Session

Traveling with Firearms and ammunition - Airports cont.

It's the permit holder's responsibility to know and understand the applicable laws and regulations pertaining to the individual airport and airline he or she plans on traveling with.

In regards to firearms, ammunition and weapons, pre-travel planning is imperative. Traveling begins "BEFORE" you even start to pack for your trip. Even though you are not taking a firearm, you should put together a travel checklist to include insuring all carry-on luggage is clear of any firearms, ammunition, or other prohibited items. This also includes items resembling a firearm or weapon i.e. replicas, red guns, etc. Checked luggage containing firearms, ammunition, or other weapons MUST be done so in compliance with state and federal law, Transportation Security Administration (TSA) regulations, the specific airport and the airline he or she is planning on flying with. It's highly recommended to check their websites and or contacting each entity directly for information regarding specific allowances and restrictions.

WEAPON LAWS U.C.A. § 76-10-500, 76-5-506, 76-5-509, 76-5-509.4,5,6,7,& 9. 7610-511, 76-5-526, 76-5-528

76-10-530. Trespass with a firearm in a house of worship or private residence -- Notice -- Penalty.

(1) A person, including a person licensed to carry a concealed firearm pursuant to Title 53, Chapter 5, Part 7, Concealed Firearm Act, after notice has been given as provided in Subsection (2) that firearms are prohibited, may not knowingly and intentionally:

(a) transport a firearm into:

(i) a house of worship; or

(ii) a private residence; or

(b) while in possession of a firearm, enter or remain in:

(i) a house of worship; or

(ii) a private residence.

(2) Notice that firearms are prohibited may be given by:

(a) personal communication to the actor by:

(i) the church or organization operating the house of worship;

(ii) the owner, lessee, or person with lawful right of possession of the private residence; or

(iii) a person with authority to act for the person or entity in Subsections (2)(a)(i) and (ii);

(b) posting of signs reasonably likely to come to the attention of persons entering the house of worship or private residence;

(c) announcement, by a person with authority to act for the church or organization operating the house of worship, in a regular congregational meeting in the house of worship;

(d) publication in a bulletin, newsletter, worship program, or similar document generally circulated or available to the members of the congregation regularly meeting in the house of worship; or

(e) publication:

(i) in a newspaper of general circulation in the county in which the house of worship is located or the church or organization operating the house of worship has its principal office in this state; and

(ii) as required in Section 45-1-101.

(3) A church or organization operating a house of worship and giving notice that firearms are prohibited may:

(a) revoke the notice, with or without supersedure, by giving further notice in any manner provided in Subsection (2); and

(b) provide or allow exceptions to the prohibition as the church or organization considers advisable.

(4) (a) (i) Within 30 days of giving or revoking any notice pursuant to Subsection (2)(c), (d), or (e), a church or organization operating a house of worship shall notify the division on a form and in a manner as the division shall prescribe.

(ii) The division shall post on its website a list of the churches and organizations operating houses of worship who have given notice under Subsection (4)(a)(i).

(b) Any notice given pursuant to Subsection (2)(c), (d), or (e) shall remain in effect until revoked or for a period of one year from the date the notice was originally given, whichever occurs first.

(5) Nothing in this section permits an owner who has granted the lawful right of possession to a renter or lessee to restrict the renter or lessee from lawfully possessing a firearm in the residence.

(6) A violation of this section is an infraction.

Amended by Chapter 388, 2009 General Session

76-10-500. Uniform law.

(1) As used in this section:

(a) "Directive" means the same as that term is defined in Section 78B-6-2301.

(b) "Firearm" means the same as that term is defined in Section 53-5a-102.

(c) "Local or state governmental entity" means the same as that term is defined in Section 78B-6-2301.

(2) The individual right to keep and bear arms being a constitutionally protected right under Article I, Section 6, of the Utah Constitution and the Second Amendment to the United States Constitution, the Legislature finds the need to provide uniform civil and criminal laws throughout the state and declares that the Legislature occupies the whole field of state regulation of firearms.

(3) Except as specifically provided by state law, a local or state governmental entity may not:

(a) prohibit an individual from owning, possessing, purchasing, selling, transferring, transporting, or keeping any firearm at the individual's place of residence, property, business, or in any vehicle lawfully in the individual's possession or lawfully under the individual's control; or

(b) require an individual to have a permit or license to purchase, own, possess, transport, or keep a firearm.

(4) This part is uniformly applicable throughout this state and in all the state's political subdivisions.

(5) Authority to regulate firearms is reserved to the state except where the Legislature specifically delegates responsibility to local or state governmental entities.

(6) Unless specifically authorized by the Legislature by statute, a local or state governmental entity may not enact or enforce a directive pertaining to firearms that in any way inhibits or restricts the possession, ownership, purchase, sale, transfer, transport, or use of firearms on either public or private property.

(7) This part does not restrict or expand private property rights.

(8) A violation of this section is subject to Title 78B, Chapter 6, Part 23, Firearm Preemption Enforcement Act.

Amended by Chapter 428, 2022 General Session

76-10-505. Carrying loaded firearm in vehicle or on street.

(1) Unless otherwise authorized by law, a person may not carry a loaded firearm:

(a) in or on a vehicle, unless:

(i) the vehicle is in the person's lawful possession; or

(ii) the person is carrying the loaded firearm in a vehicle with the consent of the person lawfully in possession of the vehicle;

(b) on a public street; or

(c) in a posted prohibited area.

(2) Subsection (1)(a) does not apply to a minor under 18 years of age, since a minor under 18 years of age may not carry a loaded firearm in or on a vehicle.

(3) Notwithstanding Subsections (1)(a)(i) and (ii), and Subsection 76-10-523(5), a person may not possess a loaded rifle, shotgun, or muzzle-loading rifle in a vehicle.

(4) A violation of this section is a class B misdemeanor.

Amended by Chapter 12, 2021 General Session

76-10-505.5. Possession of a dangerous weapon, firearm, or short barreled shotgun on or about school premises -- Penalties.

(1) As used in this section, "on or about school premises" means:

(a) (i) in a public or private elementary or secondary school; or

(ii) on the grounds of any of those schools;

(b) (i) in a public or private institution of higher education; or

(ii) on the grounds of a public or private institution of higher education; and

(iii) (A) inside the building where a preschool or child care is being held, if the entire building is being used for the operation of the preschool or child care; or

(B) if only a portion of a building is being used to operate a preschool or child care, in that room or rooms where the preschool or child care operation is being held.

(2) A person may not possess any dangerous weapon, firearm, or short barreled shotgun, as those terms are defined in Section 76-10-501, at a place that the person knows, or has reasonable cause to believe, is on or about school premises as defined in this section.

(3) (a) Possession of a dangerous weapon on or about school premises is a class B misdemeanor.

(b) Possession of a firearm or short barreled shotgun on or about school premises is a class A misdemeanor.

(4) This section does not apply if:

(a) the person is authorized to possess a firearm as provided under Section 53-5-704, 53-5-705, 76-10-511, or 76-10-523, or as otherwise authorized by law;

(b) the person is authorized to possess a firearm as provided under Section 53-5-704.5, unless the person is in a location where the person is prohibited from carrying a firearm under Subsection 53-5-710(2);

(c) the possession is approved by the responsible school administrator;

(d) the item is present or to be used in connection with a lawful, approved activity and is in the possession or under the control of the person responsible for its possession or use; or

(e) the possession is:

(i) at the person's place of residence or on the person's property; or

(ii) in any vehicle lawfully under the person's control, other than a vehicle owned by the school or used by the school to transport students.

(5) This section does not prohibit prosecution of a more serious weapons offense that may occur on or about school premises.

Amended by Chapter 141, 2021 General Session

76-10-506. Threatening with or using dangerous weapon in fight or quarrel.

(1) As used in this section:

(a) "Dangerous weapon" means an item that in the manner of its use or intended use is capable of causing death or serious bodily injury. The following factors shall be used in determining whether an item, object, or thing is a dangerous weapon:

(i) the character of the instrument, object, or thing;

(ii) the character of the wound produced, if any; and

(iii) the manner in which the instrument, object, or thing was exhibited or used.

(b) "Threatening manner" does not include:

(i) the possession of a dangerous weapon, whether visible or concealed, without additional behavior which is threatening; or

(ii) informing another of the actor's possession of a deadly weapon to prevent what the actor reasonably perceives as a possible use of unlawful force by the other and the actor is not engaged in any activity described in Subsection 76-2-402(3)(a).

(2) Except as otherwise provided in Section 76-2-402 and for an individual described in Section 76-10-503, an individual who, in the presence of two or more individuals, and not amounting to a violation of Section 76-5-103, draws or exhibits a dangerous weapon in an angry and threatening manner or unlawfully uses a dangerous weapon in a fight or quarrel is guilty of a class A misdemeanor.

(3) This section does not apply to an individual who, reasonably believing the action to be necessary in compliance with Section 76-2-402, with purpose to prevent another's use of unlawful force:

(a) threatens the use of a dangerous weapon; or

(b) draws or exhibits a dangerous weapon.

(4) This section does not apply to an individual listed in Subsections 76-10-523(1)(a) through (f) in performance of the individual's duties.

Amended by Chapter 39, 2019 General Session
Amended by Chapter 201, 2019 General Session

76-10-507. Possession of deadly weapon with criminal intent.

Every person having upon his person any dangerous weapon with intent to use it to commit a criminal offense is guilty of a class A misdemeanor.

Amended by Chapter 406, 2015 General Session

76-10-508. Discharge of firearm from a vehicle, near a highway, or in direction of specified items -- Penalties.

(1) (a) An individual may not discharge a dangerous weapon or firearm:

(i) from an automobile or other vehicle;

(ii) from, upon, or across a highway;

(iii) at a road sign placed upon a highway of the state;

(iv) at communications equipment or property of public utilities including facilities, lines, poles, or devices of transmission or distribution;

(v) at railroad equipment or facilities including a sign or signal;

(vi) within a Utah State Park building, designated camp or picnic sites, overlooks, golf courses, boat ramps, and developed beaches; or

(vii) without written permission to discharge the dangerous weapon from the owner or person in charge of the property within 600 feet of:

(A) a house, dwelling, or any other building; or

(B) any structure in which a domestic animal is kept or fed, including a barn, poultry yard, corral, feeding pen, or stockyard.

(b) It is a defense to any charge for violating this section that the individual being accused had actual permission of the owner or person in charge of the property at the time in question.

(2) A violation of any provision of Subsection (1) is a class B misdemeanor.

(3) In addition to any other penalties, the court shall:

(a) notify the Driver License Division of the conviction for purposes of any revocation, denial, suspension, or disqualification of a driver license under Subsection 53-3-220(1)(a)(xi); and

(b) specify in court at the time of sentencing the length of the revocation under Subsection 53-3-225(1)(c).

(4) This section does not apply to an individual who:

(a) discharges a firearm when that individual is in lawful defense of self or others;

(b) is performing official duties as provided in Section 23-20-1.5 and Subsections 76-10-523(1)(a) through (f) and as otherwise provided by law; or

(c) discharges a dangerous weapon or firearm from an automobile or other vehicle, if:

(i) the discharge occurs at a firing range or training ground;

(ii) at no time after the discharge does the projectile that is discharged cross over or stop at a location other than within the boundaries of the firing range or training ground described in Subsection (4)(c)(i);

(iii) the discharge is made as practice or training for a lawful purpose;

(iv) the discharge and the location, time, and manner of the discharge are approved by the owner or operator of the firing range or training ground before the discharge; and

(v) the discharge is not made in violation of Subsection (1).

Amended by Chapter 39, 2019 General Session

76-10-509. Possession of dangerous weapon by minor.

(1) A minor under 18 years of age may not possess a dangerous weapon unless he:
(a) has the permission of his parent or guardian to have the weapon; or
(b) is accompanied by a parent or guardian while he has the weapon in his possession.
(2) Any minor under 14 years of age in possession of a dangerous weapon shall be accompanied by a responsible adult.
(3) Any person who violates this section is guilty of:
(a) a class B misdemeanor upon the first offense; and
(b) a class A misdemeanor for each subsequent offense.

76-10-509.4. Prohibition of possession of certain weapons by minors.

(1) A minor under 18 years of age may not possess a handgun.
(2) Except as provided by federal law, a minor under 18 years of age may not possess the following:
(a) a short-barreled rifle or short barreled shotgun; or
(b) a fully automatic weapon.

(3) Any person who violates Subsection (1) is guilty of:
(a) a class B misdemeanor upon the first offense; and
(b) a class A misdemeanor for each subsequent offense.

(4) Any person who violates Subsection (2) is guilty of a third-degree felony.

Amended by Chapter 301, 2013 General Session

76-10-509.5. Penalties for providing certain weapons to a minor.

(1) Any person who provides a handgun to a minor when the possession of the handgun by the minor is a violation of Section 76-10-509.4 is guilty of:
(a) a class B misdemeanor upon the first offense; and
(b) a class A misdemeanor for each subsequent offense.
(2) Any person who transfers in violation of applicable state or federal law a short barreled rifle, short barreled shotgun, or fully automatic weapon to a minor is guilty of a third degree felony.

Amended by Chapter 301, 2013 General Session

76-10-509.6. Parent or guardian providing firearm to violent minor.

(1) A parent or guardian may not intentionally or knowingly provide a firearm to, or permit the possession of a firearm by, any minor who has been convicted of a violent felony as defined in Section **76-3-203.5** or any minor who has been adjudicated in juvenile court for an offense which would constitute a violent felony if the minor were an adult.

(2) Any person who violates this section is guilty of:

(a) a class A misdemeanor upon the first offense; and

(b) a third-degree felony for each subsequent offense.

76-10-509.7. Parent or guardian knowing of minor's possession of dangerous weapon.

Any parent or guardian of a minor who knows that the minor is in possession of a dangerous weapon in violation of Section 76-10-509 or a firearm in violation of Section 76-10-509.4 and fails to make reasonable efforts to remove the dangerous weapon or firearm from the minor's possession is guilty of a class B misdemeanor.

Amended by Chapter 428, 2014 General Session

76-10-509.9. Sales of firearms to juveniles.

(1) A person may not sell any firearm to a minor under 18 years of age unless the minor is accompanied by a parent or guardian.

(2) Any person who violates this section is guilty of a third-degree felony.

76-10-511. Possession of loaded firearm at residence or on real property authorized.

Except for persons described in Section 76-10-503 and 18 U.S.C. Sec. 922(g) and as otherwise prescribed in this part, a person may have a loaded firearm:

(1) at the person's place of residence, including any temporary residence or camp; or

(2) on the person's real property.

76-10-526. Criminal background check prior to purchase of a firearm -- Fee -- Exemption for concealed firearm permit holders and law enforcement officers.

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

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

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

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

(b) Subsection (3)(a) does not apply to the sale of a firearm to a Federal Firearms Licensee.

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

(b) The form shall contain the following information:

(i) the dealer identification number;

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

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

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

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

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

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

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

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

(b) inform the dealer that:

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

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

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

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

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

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

(9) (a) If the criminal history background check discloses information indicating that the individual attempting to purchase the firearm is prohibited from purchasing, possessing, or transferring a firearm, the bureau shall inform the law enforcement agency in the jurisdiction where the individual resides.

(b) Subsection (9)(a) does not apply to an individual prohibited from purchasing a firearm solely due to placement on the temporary restricted list under Section 53-5c-301.

(c) A law enforcement agency that receives information from the bureau under Subsection (9)(a) shall provide a report before August 1 of each year to the bureau that includes:

(i) based on the information the bureau provides to the law enforcement agency under Subsection (9)(a), the number of cases that involve an individual who is prohibited from purchasing, possessing, or transferring a firearm as a result of a conviction for an offense involving domestic violence; and

(ii) of the cases described in Subsection (9)(c)(i):

(A) the number of cases the law enforcement agency investigates; and

(B) the number of cases the law enforcement agency investigates that result in a criminal charge.

(d) The bureau shall:

(i) compile the information from the reports described in Subsection (9)(c);

(ii) omit or redact any identifying information in the compilation; and

(iii) submit the compilation to the Law Enforcement and Criminal Justice Interim Committee before November 1 of each year.

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

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

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

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

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

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

(13) An individual with a concealed firearm permit issued under Title 53, Chapter 5, Part 7, Concealed Firearm Act, is exempt from the background check and corresponding fee required in this section for the purchase of a firearm if:

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

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

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

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

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

(a) make the firearm safety brochure described in Subsection 62A-15-103(3) available to a customer free of charge; and

(b) at the time of purchase, distribute a cable-style gun lock provided to the dealer under Subsection 62A-15-103(3) to a customer purchasing a shotgun, short barreled shotgun, short barreled rifle, rifle, or another firearm that federal law does not require be accompanied by a gun lock at the time of purchase.

Amended by Chapter 166, 2021 General Session
Amended by Chapter 277, 2021 General Session

76-10-528. Carrying a dangerous weapon while under influence of alcohol or drugs unlawful.

(1) It is a class B misdemeanor for an actor to carry a dangerous weapon while under the influence of:

(a) alcohol as determined by the actor's blood or breath alcohol concentration in accordance with Subsections 41-6a-502(1)(a) through (c); or

(b) a controlled substance as defined in Section 58-37-2.

(2) This section does not apply to:

(a) an actor carrying a dangerous weapon that is either securely encased, as defined in this part, or not within such close proximity and in such a manner that it can be retrieved and used as readily as if carried on the person;

(b) an actor who uses or threatens to use force in compliance with Section 76-2-402;

(c) an actor carrying a dangerous weapon in the actor's residence or the residence of another with the consent of the individual who is lawfully in possession;

(d) an actor under the influence of cannabis or a cannabis product, as those terms are defined in Section 26-61a-102, if the actor's use of the cannabis or cannabis product complies with Title 26, Chapter 61a, Utah Medical Cannabis Act; or

(e) an actor who:

(i) has a valid prescription for a medication approved by the federal Food and Drug Administration for the treatment of attention deficit disorder or attention deficit hyperactivity disorder; and

(ii) takes the medication described in Subsection (2)(e)(i) as prescribed.

(3) It is not a defense to prosecution under this section that the actor:

(a) is licensed in the pursuit of wildlife of any kind; or

(b) has a valid permit to carry a concealed firearm.

Amended by Chapter 159, 2022 General Session

ASSAULT & RELATED OFFENSES U.C.A. § 76-5-102, 76-5-103, 76-5-107 & 76-9-102

76-5-102. Assault -- Penalties.

(1) Assault is:

(a) an attempt, with unlawful force or violence, to do bodily injury to another; or

(b) an act, committed with unlawful force or violence, that causes bodily injury to another or creates a substantial risk of bodily injury to another.

(2) Assault is a class B misdemeanor.

(3) Assault is a class A misdemeanor if:

(a) the person causes substantial bodily injury to another; or

(b) the victim is pregnant and the person has knowledge of the pregnancy.

(4) It is not a defense against assault, that the accused caused serious bodily injury to another

76-5-103. Aggravated assault -- Penalties.

(1) Aggravated assault is an actor's conduct:

(a) that is:

(i) an attempt, with unlawful force or violence, to do bodily injury to another;

(ii) a threat, accompanied by a show of immediate force or violence, to do bodily injury to another; or

(iii) an act, committed with unlawful force or violence, that causes bodily injury to another or creates a substantial risk of bodily injury to another; and (b) that includes the use of:

(i) a dangerous weapon as defined in Section 76-1-601; or

(ii) other means or force likely to produce death or serious bodily injury.

(2) (a) A violation of Subsection (1) is a third-degree felony, except under Subsection (2)(b). (b) A violation of Subsection (1) that results in serious bodily injury is a second degree felony.

76-5-107. Threat of violence -- Penalty.

(1) A person commits a threat of violence if:

(a) the person threatens to commit any offense involving bodily injury, death, or substantial property damage, and acts with intent to place a person in fear of imminent serious bodily injury, substantial bodily injury, or death; or

(b) the person makes a threat, accompanied by a show of immediate force or violence, to do bodily injury to another.

(2) A violation of this section is a class B misdemeanor.

(3) It is not a defense under this section that the person did not attempt to or was incapable of carrying out the threat.

(4) A threat under this section may be express or implied.

(5) A person who commits an offense under this section is subject to punishment for that offense, in addition to any other offense committed, including the carrying out of the threatened act.

(6) In addition to any other penalty authorized by law, a court shall order any person convicted of any violation of this section to reimburse any federal, state, or local unit of government, or any private business, organization, individual, or entity for all expenses and losses incurred in responding to the violation, unless the court states on the record the reasons why the reimbursement would be inappropriate.

76-9-102. Disorderly conduct.

(1) As used in this section:

(a) "Official meeting" means:

(i) a meeting, as defined in Section 52-4-103;

(ii) a meeting of the Legislature, the Utah Senate, the Utah House of Representatives, a legislative caucus, or any committee, task force, working group, or other organization in the state legislative branch; or

(iii) a meeting of an entity created by the Utah Constitution, Utah Code, Utah administrative rule, legislative rule, or a written rule or policy of the Legislative Management Committee.

(b) "Public place" means a place to which the public or a substantial group of the public has access, including:

(i) streets or highways; and

(ii) the common areas of schools, hospitals, apartment houses, office buildings, public buildings, public facilities, transport facilities, and shops.

(2) An individual is guilty of disorderly conduct if:

(a) the individual refuses to comply with the lawful order of a law enforcement officer to move from a public place or an official meeting, or knowingly creates a hazardous or physically offensive condition, by any act that serves no legitimate purpose; or

(b) intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk of public inconvenience, annoyance, or alarm, the person:

(i) engages in fighting or in violent, tumultuous, or threatening behavior;

(ii) makes unreasonable noises in a public place or an official meeting;

(iii) makes unreasonable noises in a private place which can be heard in a public place or an official meeting; or

(iv) obstructs vehicular or pedestrian traffic in a public place or an official meeting.

(3) The mere carrying or possession of a holstered or encased firearm, whether visible or concealed, without additional behavior or circumstances that would cause a reasonable person to believe the holstered or encased firearm was carried or possessed with criminal intent, does not constitute a violation of this section. Nothing in this Subsection (3) may limit or prohibit a law enforcement officer from approaching or engaging any person in a voluntary conversation.

(4) An individual who violates this section is guilty of:

(a) except as provided in Subsection (4)(b), (c), or (d), an infraction;

(b) except as provided in Subsection (4)(c) or (d), a class C misdemeanor, if the violation occurs after the individual has been asked to cease conduct prohibited under this section;

(c) except as provided in Subsection (4)(d), a class B misdemeanor, if:

(i) the violation occurs after the individual has been asked to cease conduct prohibited under this section; and

(ii) within five years before the day on which the individual violates this section, the individual was previously convicted of a violation of this section; or

(d) a class A misdemeanor, if:

(i) the violation occurs after the individual has been asked to cease conduct prohibited under this section; and

(ii) within five years before the day on which the individual violates this section, the individual was previously convicted of two or more violations of this section.

Amended by Chapter 394, 2020 General Session

UNIFORM FIREARM LAWS: U.C.A. § 53-5a-102&103

53-5a-102. Uniform firearm laws.

(1) As used in this section:

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

(b) "Dangerous weapon" means the same as that term is defined in Section 76-10-501.

(c) "Firearm" means:

(i) a pistol, revolver, shotgun, short barreled shotgun, rifle or short barreled rifle, or a device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive;

(ii) ammunition; and

(iii) a firearm accessory.

(d) "Firearm accessory" means the same as that term is defined in Section 53-5b-103.

(e) "Local or state governmental entity" means the same as that term is defined in Section 78B-6-2301.

(f) "Short barreled shotgun" or "short barreled rifle" means the same as that term is defined in Section 76-10-501.

(g) "Shotgun" means the same as that term is defined in Section 76-10-501.

(2) The individual right to keep and bear arms being a constitutionally protected right under Article I, Section 6 of the Utah Constitution and the Second Amendment to the United States Constitution, the Legislature finds the need to provide uniform civil and criminal firearm laws throughout the state and declares that the Legislature occupies the whole field of state regulation of firearms.

(3) Except as specifically provided by state law, a local or state governmental entity may not:

(a) prohibit an individual from owning, possessing, purchasing, selling, transferring, transporting, or keeping a firearm at the individual's place of residence, property, business, or in any vehicle lawfully in the individual's possession or lawfully under the individual's control; or

(b) require an individual to have a permit or license to purchase, own, possess, transport, or keep a firearm.

(4) In conjunction with Title 76, Chapter 10, Part 5, Weapons, this section is uniformly applicable throughout this state and in all the state's political subdivisions.

(5) Authority to regulate firearms is reserved to the state except where the Legislature specifically delegates responsibility to local or state governmental entities.

(6) Unless specifically authorized by the Legislature by statute, a local or state governmental entity may not enact, establish, or enforce any ordinance, regulation, rule, or policy pertaining to firearms that in any way inhibits or restricts the possession, ownership, purchase, sale, transfer, transport, or use of firearms on either public or private property.

(7) This section does not restrict or expand private property rights.

(8) A violation of this section is subject to Title 78B, Chapter 6, Part 23, Firearm Preemption Enforcement Act.

Amended by Chapter 428, 2022 General Session

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

(1) Except as provided under Subsection (2), a private property owner, who knowingly allows a person who has a permit to carry a concealed firearm under Section 53-5-704 to bring the firearm onto the owner's property, is not civilly or criminally liable for any damage or harm resulting from the discharge of the firearm by the permit holder while on the owner's property.

(2) Subsection (1) does not apply if the property owner solicits, requests, commands, encourages, or intentionally aids the concealed firearm permit holder in discharging the firearm while on the owner's property.

Enacted by Chapter 339, 2010 General Session

CHAPTER 45. PROTECTION OF ACTIVITIES IN PRIVATE VEHICLES
U.C.A. 34-45-103

34-45-103. Protection of certain activities -- Firearms -- Free exercise of religion.

(1) Except as provided in Subsection (2), a person may not establish, maintain, or enforce any policy or rule that has the effect of:

(a) prohibiting any individual from transporting or storing a firearm in a motor vehicle on any property designated for motor vehicle parking, if:

(i) the individual is legally permitted to transport, possess, purchase, receive, transfer, or store the firearm;

(ii) the firearm is locked securely in the motor vehicle or in a locked container attached to the motor vehicle while the motor vehicle is not occupied; and

(iii) the firearm is not in plain view from the outside of the motor vehicle; or

(b) prohibiting any individual from possessing any item in or on a motor vehicle on any property designated for motor vehicle parking, if the effect of the policy or rule constitutes a substantial burden on that individual's free exercise of religion.

(2) A person may establish, maintain, or enforce a policy or rule that has the effect of placing limitations on or prohibiting an individual from transporting or storing a firearm in a motor vehicle on property the person has designated for motor vehicle parking if:

(a) the person provides, or there is otherwise available, one of the following, in a location reasonably proximate to the property the person has designated for motor vehicle parking:

(i) alternative parking for an individual who desires to transport, possess, receive, transfer, or store a firearm in the individual's motor vehicle that:

(A) imposes no additional cost on the individual; and

(B) is in a location that is legal and safe for parking; or

(ii) a secured and monitored storage location where the individual may securely store a firearm before proceeding with the vehicle into the secured parking area; or

(b) the person complies with Subsection 34-45-107(5).

Amended by Chapter 251, 2014 General Session

WEAPONS LAWS (NON-PERMIT HOLDERS): U.C.A. § 76-10-502, 76-10-503, 76-10-504, 76-10-505, & 76-10-505.5

76-10-502. When weapon deemed loaded.

(1) For the purpose of this chapter, any pistol, revolver, shotgun, rifle, or other weapon described in this part shall be deemed to be loaded when there is an unexpended cartridge, shell, or projectile in the firing position.

(2) Pistols and revolvers shall also be deemed to be loaded when an unexpended cartridge, shell, or projectile is in a position whereby the manual operation of any mechanism once would cause the unexpended cartridge, shell, or projectile to be fired.

(3) A muzzle loading firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinders.

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

(1) For purposes of this section:

(a) A Category I restricted person is a person who:

(i) has been convicted of any violent felony as defined in Section 76-3-203.5;

(ii) is on probation or parole for any felony;

(iii) is on parole from secure care, as defined in Section 80-1-102;

(iv) within the last 10 years has been adjudicated under Section 80-6-701 for an offense which if committed by an adult would have been a violent felony as defined in Section 76-3-203.5;

(v) is an alien who is illegally or unlawfully in the United States; or

(vi) is on probation for a conviction of possessing:

(A) a substance classified in Section 58-37-4 as a Schedule I or II controlled substance;

(B) a controlled substance analog; or

(C) a substance listed in Section 58-37-4.2.

(b) A Category II restricted person is a person who:

(i) has been convicted of any felony;

(ii) within the last seven years has been adjudicated delinquent for an offense which if committed by an adult would have been a felony;

(iii) is an unlawful user of a controlled substance as defined in Section 58-37-2;

(iv) is in possession of a dangerous weapon and is knowingly and intentionally in unlawful possession of a Schedule I or II controlled substance as defined in Section 58-37-2;

(v) has been found not guilty by reason of insanity for a felony offense;

(vi) has been found mentally incompetent to stand trial for a felony offense;

(vii) has been adjudicated as mentally defective as provided in the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993), or has been committed to a mental institution;

(viii) has been dishonorably discharged from the armed forces;

(ix) has renounced the individual's citizenship after having been a citizen of the United States;

(x) is a respondent or defendant subject to a protective order or child protective order that is issued after a hearing for which the respondent or defendant received actual notice and at which the respondent or defendant has an opportunity to participate, that restrains the respondent or defendant from harassing, stalking, threatening, or engaging in other conduct that would place an intimate partner, as defined in 18 U.S.C. Sec. 921, or a child of the intimate partner, in reasonable fear of bodily injury to the intimate partner or child of the intimate partner, and that:

(A) includes a finding that the respondent or defendant represents a credible threat to the physical safety of an individual who meets the definition of an intimate partner in 18 U.S.C. Sec. 921 or the child of the individual; or

(B) explicitly prohibits the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily harm against an intimate partner or the child of an intimate partner; or

(xi) has been convicted of the commission or attempted commission of assault under Section 76-5-102 or aggravated assault under Section 76-5-103 against a current or former spouse, parent, guardian, individual with whom the restricted person shares a child in common, individual who is cohabitating or has cohabitated with the restricted person as a spouse, parent, or guardian, or against an individual similarly situated to a spouse, parent, or guardian of the restricted person.

(c) As used in this section, a conviction of a felony or adjudication of delinquency for an offense which would be a felony if committed by an adult does not include:

(i) a conviction or an adjudication under Section 80-6-701 for an offense pertaining to antitrust violations, unfair trade practices, restraint of trade, or other similar offenses relating to the regulation of business practices not involving theft or fraud; or

(ii) a conviction or an adjudication under Section 80-6-701 which, according to the law of the jurisdiction in which it occurred, has been expunged, set aside, reduced to a misdemeanor by court order, pardoned or regarding which the person's civil rights have been restored unless the pardon, reduction, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

(d) It is the burden of the defendant in a criminal case to provide evidence that a conviction or an adjudication under Section 80-6-701 is subject to an exception provided in Subsection (1)(c), after which it is the burden of the state to prove beyond a reasonable doubt that the conviction or the adjudication is not subject to that exception.

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

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

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

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

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

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

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

(5) If a higher penalty than is prescribed in this section is provided in another section for one who purchases, transfers, possesses, uses, or has under this custody or control any dangerous weapon, the penalties of that section control.

(6) It is an affirmative defense to a charge based on the definition in Subsection (1)(b)(iv) that the person was:

(a) in possession of a controlled substance pursuant to a lawful order of a practitioner for use of a member of the person's household or for administration to an animal owned by the person or a member of the person's household; or

(b) otherwise authorized by law to possess the substance.

(7) (a) It is an affirmative defense to transferring a firearm or other dangerous weapon by a person restricted under Subsection (2) or (3) that the firearm or dangerous weapon:

(i) was possessed by the person or was under the person's custody or control before the person became a restricted person;

(ii) was not used in or possessed during the commission of a crime or subject to disposition under Section 24-3-103;

(iii) is not being held as evidence by a court or law enforcement agency;

(iv) was transferred to a person not legally prohibited from possessing the weapon; and

(v) unless a different time is ordered by the court, was transferred within 10 days of the person becoming a restricted person.

(b) Subsection (7)(a) is not a defense to the use, purchase, or possession on the person of a firearm or other dangerous weapon by a restricted person.

(8) (a) A person may not sell, transfer, or otherwise dispose of any firearm or dangerous weapon to any person, knowing that the recipient is a person described in Subsection (1)(a) or (b).

(b) A person who violates Subsection (8)(a) when the recipient is:

(i) a person described in Subsection (1)(a) and the transaction involves a firearm, is guilty of a second degree felony;

(ii) a person described in Subsection (1)(a) and the transaction involves any dangerous weapon other than a firearm, and the transferor has knowledge that the recipient intends to use the weapon for any unlawful purpose, is guilty of a third degree felony;

(iii) a person described in Subsection (1)(b) and the transaction involves a firearm, is guilty of a third degree felony; or

(iv) a person described in Subsection (1)(b) and the transaction involves any dangerous weapon other than a firearm, and the transferor has knowledge that the recipient intends to use the weapon for any unlawful purpose, is guilty of a class A misdemeanor.

(9) (a) A person may not knowingly solicit, persuade, encourage or entice a dealer or other person to sell, transfer or otherwise dispose of a firearm or dangerous weapon under circumstances which the person knows would be a violation of the law.

(b) A person may not provide to a dealer or other person any information that the person knows to be materially false information with intent to deceive the dealer or other person about the legality of a sale, transfer or other disposition of a firearm or dangerous weapon.

(c) "Materially false information" means information that portrays an illegal transaction as legal or a legal transaction as illegal.

(d) A person who violates this Subsection (9) is guilty of:

(i) a third degree felony if the transaction involved a firearm; or

(ii) a class A misdemeanor if the transaction involved a dangerous weapon other than a firearm.

(12)

Amended by Chapter 262, 2021 General Session

76-10-504. Carrying concealed firearm -- Penalties.

(1) Except as provided in Sections 76-10-503 and 76-10-523 and in Subsections (2), (3), and (4), a person who carries a concealed firearm, as defined in Section 76-10-501, including an unloaded firearm on his or her person or one that is readily accessible for immediate use which is not securely encased, as defined in this part, in or on a place other than the person's residence, property, a vehicle in the person's lawful possession, or a vehicle, with the consent of the individual who is lawfully in possession of the vehicle, or business under the person's control is guilty of a class B misdemeanor.

(2) A person who carries a concealed firearm that is a loaded firearm in violation of Subsection (1) is guilty of a class A misdemeanor.

(3) A person who carries concealed an unlawfully possessed short barreled shotgun or a short barreled rifle is guilty of a second degree felony.

(4) If the concealed firearm is used in the commission of a violent felony as defined in Section 76-3-203.5, and the person is a party to the offense, the person is guilty of a second degree felony.

(5) Nothing in Subsection (1) or (2) prohibits a person engaged in the lawful taking of protected or unprotected wildlife as defined in Title 23, Wildlife Resources Code of Utah, from carrying a concealed firearm as long as the taking of wildlife does not occur:

(a) within the limits of a municipality in violation of that municipality's ordinances; or

(b) upon the highways of the state as defined in Section 41-6a-102.

(17)

Amended by Chapter 12, 2021 General Session

76-10-505. Carrying loaded firearm in vehicle or on street.

(1) Unless otherwise authorized by law, a person may not carry a loaded firearm:

(a) in or on a vehicle, unless:

(i) the vehicle is in the person's lawful possession; or

(ii) the person is carrying the loaded firearm in a vehicle with the consent of the person lawfully in possession of the vehicle;

(b) on a public street; or

(c) in a posted prohibited area.

(2) Subsection (1)(a) does not apply to a minor under 18 years of age, since a minor under 18 years of age may not carry a loaded firearm in or on a vehicle.

(3) Notwithstanding Subsection (1)(a)(i) and (ii), a person may not possess a loaded rifle, shotgun, or muzzle-loading rifle in a vehicle.

(4) A violation of this section is a class B misdemeanor.

76-10-505.5. Possession of a dangerous weapon, firearm, or short barrel shotgun on or about school premises -- Penalties.

(1) As used in this section, "on or about school premises" means:

(a) (i) in a public or private elementary or secondary school; or

(ii) on the grounds of any of those schools;

(b) (i) in a public or private institution of higher education; or

(ii) on the grounds of a public or private institution of higher education; and

(iii) (A) inside the building where a preschool or child care is being held, if the entire building is being used for the operation of the preschool or child care; or

(B) if only a portion of a building is being used to operate a preschool or child care, in that room or rooms where the preschool or child care operation is being held.

(2) A person may not possess any dangerous weapon, firearm, or short barrel shotgun, as those terms are defined in Section 76-10-501, at a place that the person knows, or has reasonable cause to believe, is on or about school premises as defined in this section.

(3) (a) Possession of a dangerous weapon on or about school premises is a class B misdemeanor. (b) Possession of a firearm or short barrel shotgun on or about school premises is a class A misdemeanor.

(4) This section does not apply if:

(a) the person is authorized to possess a firearm as provided under Section 53-5-704, 53-5-705, 76-10-511, or 76-10-523, or as otherwise authorized by law;

(b) the possession is approved by the responsible school administrator;

(c) the item is present or to be used in connection with a lawful, approved activity and is in the possession or under the control of the person responsible for its possession or use; or (d) the possession is:

(i) at the person's place of residence or on the person's property; or

(ii) in any vehicle lawfully under the person's control, other than a vehicle owned by the school or used by the school to transport students.

(5) This section does not prohibit prosecution of a more serious weapons offense that may occur on or about school premises.

PROHIBITION OF RESTRICTIONS ON AND CONFISCATION OF A FIREARM OR AMMUNITION DURING AN EMERGENCY. 53-2a-214

53-2a-214. Prohibition of restrictions on and confiscation of a firearm or ammunition during an emergency.

(1) As used in this section:

(a) (i) "Confiscate" means for an individual in Utah to intentionally deprive another of a privately owned firearm.

(ii) "Confiscate" does not include the taking of a firearm from an individual:

(A) in self-defense;

(B) possessing a firearm while the individual is committing a felony or misdemeanor; or

(C) who may not, under state or federal law, possess the firearm.

(b) "Firearm" has the same meaning as defined in Section 76-10-501.

(2) During a declared state of emergency or local emergency under this part:

(a) neither the governor nor an agency of a governmental entity or political subdivision of the state may impose restrictions, which were not in force before the declared state of emergency, on the lawful possession, transfer, sale, transport, storage, display, or use of a firearm or ammunition; and

(b) an individual, while acting or purporting to act on behalf of the state or a political subdivision of the state, may not confiscate a privately-owned firearm of another individual.

(3) A law or regulation passed during a declared state of emergency that does not relate specifically to the lawful possession or use of a firearm and that has attached criminal penalties may not be used to justify the confiscation of a firearm from an individual acting in defense of self, property, or others when on:

(a) the individual's private property; or

(b) the private property of another as an invitee.

(4) (a) An individual who has a firearm confiscated in violation of Subsection (2) may bring a civil action in a court having the appropriate jurisdiction:

(i) for damages, in the maximum amount of $10,000, against a person who violates Subsection (2);

(ii) for a civil penalty, in the amount of $5,000 per violation, against a person who violates Subsection (2); and

(iii) for return of the confiscated firearm.

(b) As used in this Subsection (4), "person" means an individual, the governmental entity on whose behalf the individual is acting or purporting to act, or both the individual and the governmental entity.

(5) (a) A law enforcement officer is not subject to disciplinary action for refusing to confiscate a firearm under this section if:

(i) ordered or directed to do so by a superior officer; and

(ii) by obeying the order or direction, the law enforcement officer would be committing a violation of this section.

(b) For purposes of this Subsection (5), disciplinary action might include:

(i) dismissal, suspension, or demotion;

(ii) loss of or decrease in benefits, pay, privileges or conditions of employment; and

(iii) any type of written or electronic indication, permanent or temporary, on the officer's personnel record of the officer's refusal to obey the unlawful order.

(6) (a) If a law enforcement officer commits a violation of this section, the officer's liability in an action brought under Subsection (4)(a) is limited to 5% of the damages and civil penalty allowed under Subsection (4)(a) if the officer can show by clear and convincing evidence that the officer was obeying a direct and unlawful order from a superior officer or authority.

(b) The court shall assess the balance of the damages and civil penalty, the remaining 95%, against the superior officer or authority who ordered or directed the confiscation in violation of this section.

Renumbered and Amended by Chapter 295, 2013 General Session

II. U.S. FEDERAL FIREARMS REGULATIONS REFERENCE GUIDE, TITLE 18, CHAPTER 44 – FIREARMS: Title 18 Chapter 44

a. SECTION 922 UNLAWFUL ACTS

i. 922 (a) (6) *Straw purchase*, *Knowingly purchasing a firearm on behalf of a restricted person*

922 (a) (3) *Unlawful transport* *of firearm by non-licensed dealer, importer, manufacturer, or collector*
922 (d) (1) – (9) *Unlawful transfer* *of a firearm to restricted person*
922 (g) (1) – (9) *Unlawful possession* *of a firearm by restricted person*
922 (q) (2) (A) *Unlawful possession of a firearm in a school zone*

ii. **(922 (q) (2) (B) (ii) School Zone concealed firearm permit exception,**

1. If the individual possessing the firearm is licensed to do so by the State in which the school zone is located or a political subdivision of the State, and the law of the State or political subdivision requires that before an individual obtains such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license.

b. SECTION 924 PENALTIES (UNLAWFUL ACTS)

i. **922 (a) (6) Straw Purchase** - The person shall be fined as provided in this title, imprisoned not more than 10 years, or both. **(felony offense)**

ii. **922 (a) (3) Unlawful transport of firearm by non-licensed dealer, importer, manufacturer, or collector** - The person shall be fined under this title, imprisoned not more than 5 years, or both. **(felony offense)**

iii. **922 (d) (1) Unlawful transfer of a firearm to a restricted person -** The person shall be fined as provided in this title, imprisoned not more than 10 years, or both. **(felony offense)**

iv. **922 (g) (1) Unlawful possession of a firearm by a restricted person -** The person shall be fined as provided in this title, imprisoned not more than 10 years, or both. **(felony offense)**

v. **922 (q) (2) Unlawful possession of a firearm in a school zone** – The person shall be fined under this title, imprisoned not more than 5 years or both. **(felony offense)**

c. SECTION 926A INTERSTATE TRANSPORTATION OF FIREARMS

i. Not prohibited from transporting, shipping or receiving
ii. For any lawful purpose, shall be entitled to carry from one place to another
iii. Firearm must be unloaded
iv. Firearm and ammunition not to be readily accessible or directly accessible from the passenger compartment.
v. Firearm and ammunition contained in a locked container other than glove compartment or console

d. SECTION 929 USE OF RESTRICTED AMMUNITION

i. Possession of armor piercing ammunition and firearm capable of firing the ammunition during the commission of a crime of violence or drug trafficking crime shall be in addition to the crime of violence or drug trafficking crime, **carries a term of imprisonment for not less than 5 years.**

e. SECTION 930 POSSESSION OF FIREARMS AND DANGEROUS WEAPONS IN FEDERAL FACILITIES

i. Knowingly possess or cause to be present a firearm or other dangerous weapons in a federal facility **other than a federal court facility or attempt to do so shall be fined under this title or imprisoned not more than 1 year or both**.

1. With intent to use a firearm or dangerous weapon in the commission of a crime, knowingly possess or causes to be present such firearm or dangerous weapons in a Federal facility, or attempts to do so **shall be fined under this title or imprisoned not more that 5 years, or both**.
2. Knowingly possess or cause to be present a firearm in a Federal court facility, or attempts to do so, **shall be fined under this title, imprisoned not more than 2 years or both**.
3. ***Federal facility defined***: A building or part thereof owned or leased by the federal government, where federal employees are regularly present for the purpose of performing their official duties.
4. ***Federal court facility:*** The courtroom, judges' chambers, witness rooms, jury deliberation rooms, attorney conference rooms, prisoner holding cells, offices of the court clerks, the United States attorney, and the parole offices, and adjoining corridors of any court of the United State
5. Exemptions: (Firearm Possession Allowed)

    a. Lawful performance of official duties by officer, agent, or employee of the United States, a state, or political subdivision thereof, who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law
    b. Possession of a firearm or other dangerous weapons by a federal official or member of the armed forces if such possession is authorized by law; or
    c. The lawful carrying of firearms or other dangerous weapons in a federal facility incident to hunting or other lawful purpose.

III. BCI ADMINISTRATIVE POLICY

a. REGULATORY DUTIES

i. The Utah Bureau of Criminal Identification, a bureau within the Utah Department of Public Safety, has charge to issue, regulate, and enforce the Utah concealed firearm permit under U.C.A. § 53-5-704.

ii. Also contained under U.C.A. § 53-5-704, The Utah Bureau of Criminal Identification has charge to instruct, certify, supervise and enforce all Utah certified concealed firearm instructors.

b. CONCEALED FIREARM PERMIT APPLICATION

i. PROCESSING

1. Must be at least 21 years to apply

2. Must complete a firearms general familiarity course certified by BCI prior to application. BCI must receive your application within one year from the course or the training will need to be repeated.
3. After "general familiarity" instruction, please complete the course survey. This is available on the BCI website. Please return survey by e-mail to **DPSFIREARMS@utah.gov**
4. Apply in person or by mail at the Utah Bureau of Criminal Identification at 3888 West 5400 South, Taylorsville UT 84129**. Applications will be accepted from 8:00 a.m. until 5:00 p.m. Monday – Friday at the BCI office.**

ii. PLEASE ANSWER ALL QUESTIONS IN THE APPLICATION BY TYPING OR CLEARLY PRINTING IN INK. ATTACH ALL DOCUMENTATION REQUIRED. EVERY APPLICATION MUST BE SIGNED AND DATED PRIOR TO BEING SUBMITTED.

A non-refundable fee of **$53.25** will be charged for in-state concealed firearm permit applicants. Out of state applicants will be charged **$63.25** The Bureau will accept cash, check, money order or credit cards (VISA and MASTERCARD). Credit card payment must include the 3-digit control number from the back of the card. Make the checks or money orders payable to the **Utah Bureau of Criminal Identification**. There will be a $20.00 service charge for returned checks. **DO NOT SEND CASH IN THE MAIL**.

Once your application is received, a background investigation will be conducted. When this process is complete, and it is determined that the criteria established by law has been met, the permit will be mailed to you. Please do not call to check the status of your permit. Your application will be receipted once it is received. The bureau has 60 days by statute to process your application.

iii. WHAT MUST ACCOMPANY THE APPLICATION

1. Photocopy of your driver license

2. One (blue & white) applicant fingerprint card. The card must be filled out completely, **using black ink only**. Writing and prints must be legible. Fingerprints should be taken by a trained fingerprint technician. Fingerprints that are not legible will be returned to the applicant and will cause a delay in processing the application.
3. One passport quality photograph, 2"X 2". The photo must be taken against a white background, in normal attire and without hats or sunglasses. Your name must be included on the back of the photograph.

4. The application must include the applicant's physical address. Also include the mailing address, if it differs from the physical address.
5. If a non-resident applicant is from a state that either has a formal reciprocity agreement or recognizes the Utah permit, the applicant must hold and provide proof of a current concealed firearm or concealed weapon permit issued through their state of residency upon application for the Utah concealed firearm permit. This change will not affect those applicants who reside in a state that does not have formal reciprocity or recognition with Utah.
6. If you are a resident alien or naturalized citizen, you must include your alien registration number or naturalization number on your application and fingerprint card.

WARNING: Falsification of any information in the application may result in denial, suspension, or revocation of a permit and possible criminal prosecution.

CONCEALED FIREARM PERMIT RENEWAL APPLICATION

i. WHAT MUST ACCOMPANY THE APPLICATION

1. A non-refundable fee of **$20.00** will be charged for in-state concealed firearm permit renewal applicants. Out of state renewal applicants will be charged **$25.00**

2. One passport quality photograph, 2"X 2". The photo must be taken against a white background, in normal attire and without hats or sunglasses. Your name and Utah permit number must be included on the back of the photograph.

3. Permit holders can renew in person, by mail and may also renew online. To renew online, go to **https://secure.utah.gov/concealed-firearms**. There is a $0.75 convenience fee to renew over the internet. Permit holders will need the capability to upload a passport quality photo and a copy of his/her own states concealed firearm permit or concealed weapon permit, if applicable.

4. If a non-resident applicant is from a state that either has a formal reciprocity agreement or recognizes the Utah permit, the applicant must hold and provide proof of a current concealed firearm or concealed weapon permit issued through their state of residency upon application for the Utah concealed firearm permit. This change will not affect those applicants who reside in a state that does not have formal reciprocity or recognition with Utah, i.e. California, New York, etc.

NOTE: The Utah concealed firearm permit is valid for **5 years** from the date the permit was issued. Permit holders can renew up to 90 days prior to expiration.

Permits expired by more than 30 days will incur a $7.50 late fee. Expired permits received after one year of expiration must start the full application process again. **WARNING**: Falsification of any information in the application may result in denial, suspension, or revocation of a permit and possible criminal prosecution.

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

(1) (a) Except as provided in Subsection (1)(b), the bureau shall issue a permit to carry a concealed firearm for lawful self defense to an applicant who is 21 years old or older

within 60 days after receiving an application, unless the bureau finds proof that the applicant is not qualified to hold a permit under Subsection (2) or (3).

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

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

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

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

(B) requires a $10 application fee.

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

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

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

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

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

(ii) active duty service member's spouse, stationed with the active duty service member, who presents to the bureau the active duty service member's orders requiring the service member to report for duty in this state.

(2) (a) The bureau may deny, suspend, or revoke a concealed firearm permit if the applicant or permit holder:

(i) has been or is convicted of a felony;

(ii) has been or is convicted of a crime of violence;

(iii) has been or is convicted of an offense involving the use of alcohol;

(iv) has been or is convicted of an offense involving the unlawful use of narcotics or other controlled substances;

(v) has been or is convicted of an offense involving moral turpitude;

(vi) has been or is convicted of an offense involving domestic violence;

(vii) has been or is adjudicated by a state or federal court as mentally incompetent, unless the adjudication has been withdrawn or reversed; and

(viii) is not qualified to purchase and possess a firearm pursuant to Section 76-10-503 and federal law.

(b) In determining whether an applicant or permit holder is qualified to hold a permit under Subsection (2)(a), the bureau shall consider mitigating circumstances.

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

(i) past pattern of behavior involving unlawful violence or threats of unlawful violence;

(ii) past participation in incidents involving unlawful violence or threats of unlawful violence; or

(iii) conviction of an offense in violation of Title 76, Chapter 10, Part 5, Weapons.

(b) The bureau may not deny, suspend, or revoke a concealed firearm permit solely for a single conviction of an infraction violation of Title 76, Chapter 10, Part 5, Weapons.

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

(i) expunged records of arrests and convictions of adults as provided in Section 77-40a-403; and

(ii) juvenile court records as provided in Section 78A-6-209.

(d) (i) The bureau shall suspend a concealed firearm permit if a permit holder becomes a temporarily restricted person in accordance with Section 53-5c-301.

(ii) Upon removal from the temporary restricted list, the permit holder's permit shall be reinstated unless:

(A) the permit has been revoked, been suspended for a reason other than the restriction described in Subsection (3)(d)(i), or expired; or

(B) the permit holder has become a restricted person under Section 76-10-503.

g. FEDERAL FIREARMS PROHIBITIONS FROM POSSESSION (18 U.S.C. CHAPTER 44, 922) (g) 1-9

- **i.** Convicted in any court of a crime punishable by imprisonment for a term exceeding one year, (Felony);
- **ii.** Fugitive from Justice;
- **iii.** Unlawful user or addicted to controlled substance;
- **iv.** Adjudicated as mental defective or committed to a mental institution;
- **v.** Illegal or unlawfully in the United States as an alien;
- **vi.** Discharged from the armed forces under dishonorable conditions;
- **vii.** Having been a citizen of the United States, renounces his/her citizenship;
- **viii.** Subject to a protective order; or
- **ix.** Convicted of a misdemeanor crime of domestic violence.

h. FALSIFICATION OF THE APPLICATION U.C.A. § 53-5-704 (14)

i. An individual who knowingly and willfully provides false information on a concealed firearm permit or instructor application is guilty of a class B misdemeanor, and the application may be denied, or the permit may be suspended or revoked.

i. ADJUDICATIVE PROCEDURES (APPEAL PROCESS) U.C.A. § 53-5-704 (16) a-e

1. In the event of suspension, revocation, or denial, the application or permit holder may file a petition for review by the concealed firearms review board within 60 days.
2. The denial of the permit shall be in writing and shall include the general reasons for the action.
3. Upon appeal to the board, the applicant may have access to the evidence upon which the denial is based.
4. On appeal to the board, the agency has the burden of proof by a preponderance of the evidence.

(i) Upon ruling by the board on the appeal of a denial, the bureau shall issue a final order within 30 days stating the board's decision
(ii) The final order shall be in the form prescribed by Section 63G-4 203(1)(i).
(iii) The final order is final agency action for purposes of judicial review under Section 63G-4-203(1)(i).

IV. OTHER PRACTICAL AND LEGAL CONSIDERATIONS

a. SUMMARY OF SECURED / PROHIBITED AREAS:

- **i.** Airports secure areas
- **ii.** Court secure areas
- **iii.** Jail secure areas
- **iv.** Federal Buildings
- **v.** Correctional and mental health facilities
- **vi.** A house of worship (after all posting and notification requirements have been met)
- **vii.** A private residence if notice is given (verbal/posted sign)
- **viii.** Any area designated secure or otherwise prohibited by state or federal law

b. PERMIT HOLDERS SHOULD KNOW WHAT TO DO DURING A POLICE ENCOUNTER:

- **i.** Keep your hands visible at all times.
- **ii.** Comply fully with all instructions given by the officer.
- **iii.** If you are asked if you have a firearm in your presence, it is recommended that you be completely truthful and cooperative.
- **iv.** If asked, please advise the officer of the location of the firearm.
- **v.** Do not reach for your firearm/weapons or anything else unless instructed to do so.

c. RECIPROCITY AND RECOGNITION:

- **i.** **Reciprocity:** A formalized and usually conditional agreement between states that allows the acceptance of concealed firearm permits and firearms possession within these states respectively. States with formal reciprocity are as follows:

  Alabama, Alaska, Colorado, Florida, Georgia, Louisiana, Mississippi, New Hampshire, North Carolina, North Dakota, Ohio, Pennsylvania, South Dakota, Texas, Virginia, Washington State and West Virginia.

- **ii.** **Recognition:** An informal policy of recognizing another states concealed firearm permit by virtue of its validity in the state of issue. States that recognize Utah's concealed firearm permit are as follows:

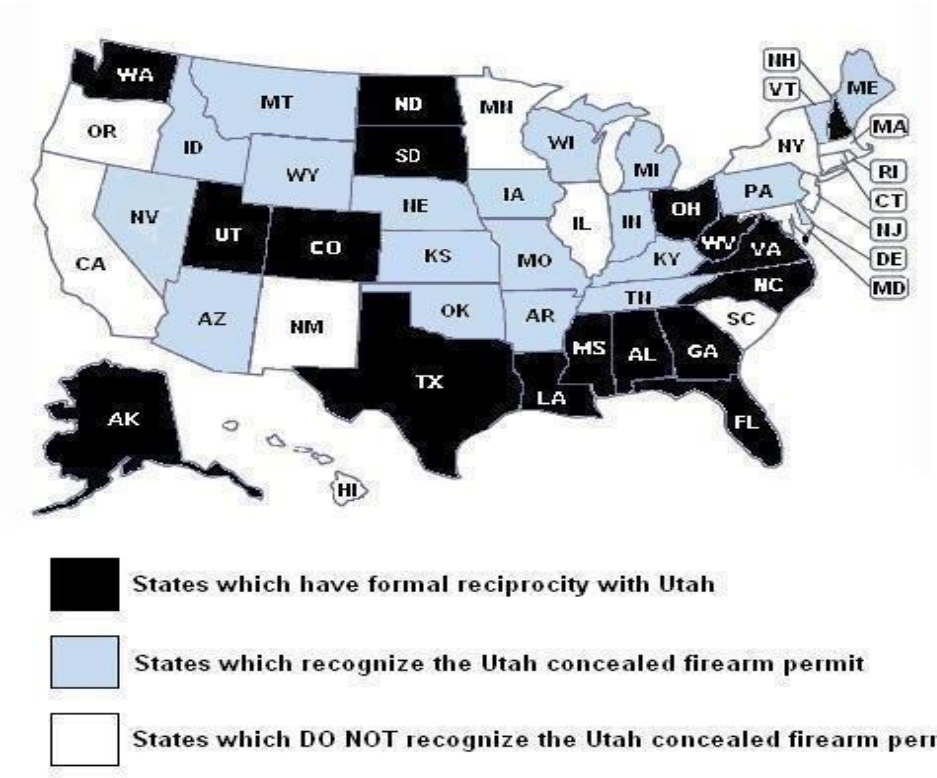
Arizona, Arkansas, Delaware, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Michigan, Missouri, Montana, Nebraska, Nevada, Oklahoma, Tennessee, Vermont, Wisconsin and Wyoming.

iii. <u>States that do not recognize Utah permits:</u>

California, Connecticut, Hawaii, Illinois, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, New York, Oregon, Rhode Island and South Carolina.

<u>Note:</u> It is the responsibility of the Utah concealed firearm permit holder to research and abide by each state's laws.

<u>Note:</u> Utah will recognize valid permits from all states or counties in accordance with U.C.A. § 76-10-523 (2) (b).



D. DISCUSS CIVIL VS. CRIMINAL LIABILITY:

I. Criminal

1. The burden of proof is on the state "beyond a reasonable doubt."
2. Liability determined for criminal punishment, prison, fines etc.
3. Usually always investigated by the police.

II. Civil

1. Burden of proof is on the party asserting the claim by "preponderance of the evidence."
2. Liability determined to restore monetary or physical loss.

    A. Usually always considered following the death of a person in the form of wrongful death and personal injury law suits.

IMPORTANT NOTE: If you use your firearm in self-defense and are later tried and found not guilty of any criminal charge, you should understand that such a verdict does not preclude a civil proceeding against you. Regardless of the outcome of a criminal trial, you may be subject to liability in a civil action.

E. DESCRIBE THE ESCALATION OF FORCE AND EXPLAIN THE ROLES AND RESPONSIBILITIES OF A CONCEALED FIREARM PERMIT HOLDER IN ESCALATING AND DE-ESCALATING CONFRONTATIONS.

I. Confrontation/threatening presence
II. Verbal threats
III. Physical
IV. Less than deadly force
V. Deadly force

F. CONCEALED FIREARM PERMIT HOLDERS RESPONSIBILITY

I. Laws consistently change. Therefore, it is the responsibility of each permit holder to keep up with changes in federal law, state law and applicable administrative rules.

V. FIREARM SAFETY PROGRAM

A. SUICIDE PREVENTION

I. In 2019, 84% of firearm deaths in Utah were suicides

II. Putting time and distance between a suicidal person and a gun may save a life

1. Other methods are less likely to kill
2. Some may delay their attempt

III. Means matter:

1. Suicidal crises are often brief
2. The deadliness of an attempt depends in part on the method used
3. 90% of those who attempt suicide and survive don't go on to kill themselves, even those who make very serious attempts

IV. Protect one another

1. Be alert to signs of suicide in friends and family
2. If someone is at risk, help keep guns from them until they recover
3. It's like holding onto a friend's keys when they are drunk

End of course material.

Getting Help

IS YOUR SAFETY ON?

- Utah Statewide Crisis Line: 1-801-587-3000
- National Suicide Lifeline: 1-800-273-TALK (8255)
- In an emergency, call 911 and ask for a CIT (Crisis Intervention Team) officer
- To learn more about suicide prevention, visit utahsuicideprevention.org
- Utah Safe Gun Storage Video

Figure 1- Utah Gun Safe Storage Video

- In Maryland call or text 988. The 988 Suicide & Crisis Lifeline is a support helpline. Connect with a caring call specialist 24/7
- In danger or need immediate medical attention? Call 911 now.
- Learn more: 988.maryland.gov

Concealed Firearm Packets for Utah

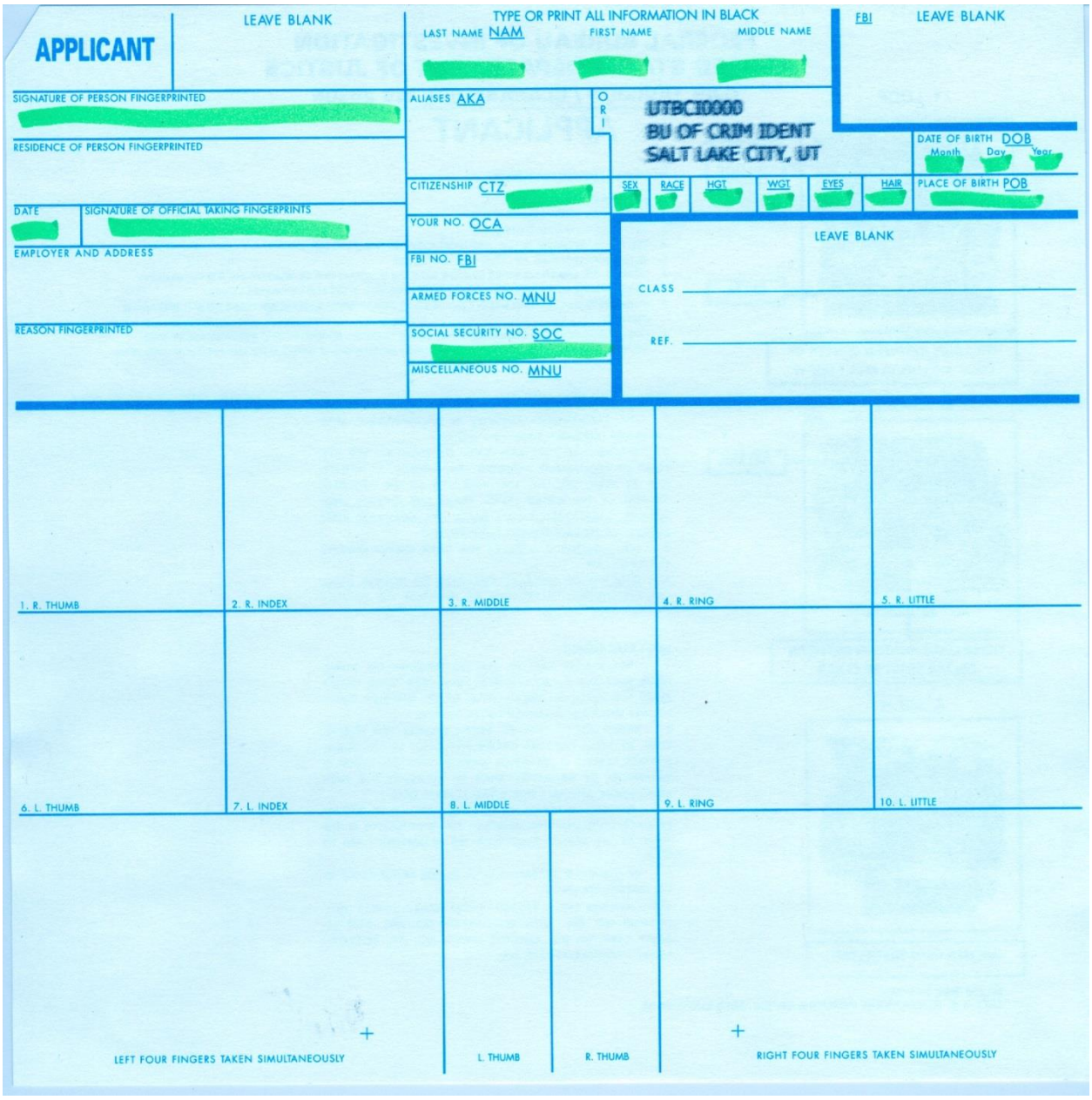
When submitting concealed firearm packets the following steps are very helpful to ensure that they are complete and will help process the permit.

1. **Paperclip each individual packet.** If you do not have paper clips, then put a single application with the required documentation in its own 9X12 envelope.
2. **Do not staple the photo to the application**. They use the box in the upper right corner for an endorsement and stapling in that corner damages the application, so it is hard to endorse. Many times, they get photos stapled face up and when they must remove the staple it scratches the photo. They also get photos that are stapled through the applicant's face.
3. **To ensure they receive all the items please put them in the following order:**
    a. Application - filled out, including signature, signature for credit card (if applicable), instructor stamp and training date. Instructor stamp must in red. Do not send in a photocopy of the application
    b. Copy of Driver license on a full 8.5 X 11 sheet
    c. Copy of home state permit (if applicable) on full sheet, can be on same page as DL
    d. Copy of citizenship (if applicable)
    e. Documentation of any offenses (if applicable)
    f. Any other miscellaneous documentation, i.e. Military orders
    g. Put FP Card, photo and check if applicable on top of all items above
4. **Applications must:**
    a. Be accompanied by all required documentation
    b. Must be signed by the applicant prior to submission
    c. Send application and all required documentation in a 9 x 12 envelope
5. **Applications may be submitted in person or by mail.**

Call or text John Smolenski application questions **(443) 717=0504** or e-mail **JSmolenski@JRSFST.com**



REQUIRED FIELDS FOR CONCEALED FIREARM PERMIT FINGERPRINT CARD



The above picture of a fingerprint card has been highlighted in the areas BCI needs filled out prior to sending the card into BCI. When fingerprinting individuals for a Utah concealed firearm permit make sure the person doing the fingerprints signs and dates the cards and then the applicant fills out the highlighted portions of the card. PLEASE DO NOT HIGHTLIGHT THE CARDS. THE ABOVE CARD IS HIGHLIGHTED ONLY TO SHOW WHAT NEEDS TO BE FILLED OUT.

State of Utah
Department of Public Safety

APPLICATION FOR CONCEALED FIREARM PERMIT
OR
PROVISIONAL CONCEALED FIREARM PERMIT

INSTRUCTIONS

NEW APPLICANT

Note: Utah Code Ann. § 76-10-503 does not require a person to obtain a permit to carry a concealed firearm if they are "21 years old or older" and "may otherwise lawfully possess a firearm." Check bci.utah.gov for questions and answers regarding carrying a concealed firearm in Utah without a Concealed Firearm Permit.

Anyone, at least 21 years of age, may apply for the Utah Concealed Firearm Permit. Permit is valid for 5 years.

Anyone, between 18 years of age and 20 years of age, may apply for the Utah Provisional Concealed Firearm Permit. Provisional Permits are valid until permit holder's 21st birthday.

Please answer all questions by typing or clearly printing in ink.

Applications may be submitted in person or by mail to:
Bureau of Criminal Identification
4315 South 2700 West Ste 1300
Taylorsville UT 84129
Office Hours: M-F, 8:00 a.m. until 5:00 p.m.

Original applications must be accompanied by all required documentation (see below). Every application must be signed by the applicant prior to submission. Only original applications will be accepted.

If applying by mail, please send application and all required documentation in a 9 x 12 envelope.

COST TO APPLY

The following **non-refundable** fee must be included with your application:
Utah Residents: $53.25
Non-Residents: $63.25
No charge for K-12 school employees (need letter from school)
No charge for active duty military and spouse stationed in Utah (include copy of active duty orders showing stationed in Utah)

PAYMENT OPTIONS

The Bureau accepts cash, check, money order, VISA, MASTERCARD, AMERICAN EXPRESS and DISCOVER. **Credit card payment must include the 3 or 4 digit control number on the back of the card.**

Name must be imprinted on checks (no "counter checks" please). Please make check or money order payable to: **BCI.** There will be a $20 service charge for returned checks. **PLEASE DO NOT SEND CASH IN THE MAIL.**

CONCEALED FIREARM COURSE CONCERNS

BCI would like to be notified of any concerns with Utah concealed firearm permit instructors or course materials. BCI can be contacted by email at dpsfirearms@utah.gov.

WHAT MUST ACCOMPANY THE APPLICATION

☐PHOTOCOPY OF YOUR STATE ISSUED DRIVER LICENSE OR STATE ISSUED IDENTIFICATION CARD
☐1 (BLUE & WHITE) APPLICANT FINGERPRINT CARD
BCI does offer fingerprint services. The fee is $15.00
Must make an appointment online at BCI.UTAH.GOV for fingerprint services
☐ PHOTOGRAPH:
One recent **color** photograph of **passport quality (2x2, no hats or sunglasses). NAME MUST BE ON BACK OF PHOTO**
☐ Application must include permanent physical residence and mailing address (if applicable).

☐ **NON-RESIDENT PROOF OF PERMIT**

If you reside in a state that recognizes the validity of the Utah CFP or has reciprocity with Utah, you must obtain a CFP or CCW from your home state and submit a copy with the expiration date visible. For a list of reciprocal states visit: **BCI.UTAH.GOV** You are considered a resident of whichever state issued your ID. If your state does not recognize the Utah permit this does not apply. If you are applying for a Provisional Concealed Firearm Permit and your state honors the Utah Provisional Permit you must include a copy of your state's concealed firearm permit.

☐ **FINGERPRINT CARDS:**

Blue and white (FD-258) Applicant fingerprint cards can be obtained from BCI or your local police department. Fingerprint cards must be filled out completely, including signatures of both the applicant and official. **USE BLACK INK ONLY**. Writing and prints must be legible. Fingerprint cards that are not legible will be returned to the applicant and will cause a delay in processing the application. Private businesses and many local law enforcement agencies provide this service, check your local listings.

☐ **APPLICANTS BORN OUTSIDE OF U.S.:**

If you were born outside of the U.S. and are currently a U.S. citizen you must include **ONE** of the following:
copy of U.S. issued born abroad certificate
copy of valid US passport
copy of naturalization certificate

If you are not a U.S citizen you must include **ONE** of the following, (whichever is applicable):
copy of permanent resident card.
copy of 1-94 paperwork along with copy of hunting license

☐ **WEAPON FAMILIARITY CERTIFICATION:**

Applicants must complete a firearms familiarity course, certified by the Bureau, before applying for a permit. Please have your instructor complete the certification information on the application. Holders of a valid Concealed Firearm Permit from a state other than Utah are <u>not</u> exempt from taking the weapon familiarity course from an approved Utah instructor. **BCI must receive your application within one year from the date the course was completed.** A copy of your Utah Provisional Permit may be used to satisfy Weapon Familiarity Certification if Provisional Permit is less than 1 year expired.

☐ **APPLICATION PROCESSING**

Upon receipt of your completed application packet, we will process your payment. Applications will be reviewed in the order they were received. Upon completion of the background investigation, if the application meets criteria established by law, the permit will be mailed to you. **Please do not call to check the status of your permit; the review process may take up to 60 days.**

WARNING
Falsification of any information in the application may result in denial or revocation of a permit and possible criminal prosecution.

VISIT OUR WEBSITE AT:
BCI.UTAH.GOV
Any questions please contact BCI at 801-965-4445 or dpsfirearms@utah.gov.

State of Utah
Department of Public Safety

APPLICATION FOR CONCEALED FIREARM PERMIT
OR
PROVISIONAL CONCEALED FIREARM PERMIT

Please read all instructions prior to completing this form. TYPE OR PRINT IN INK.

Your application will ***not*** be processed unless this form is completely filled out and all applicable questions answered. Be sure to provide all supporting documents: one complete fingerprint card, one photo **(with name on back)**, photocopy of resident state's permit with expiration date visible (if resident state honors the Utah CFP) and photocopy of drivers' license.

Bureau Use Only

Enclose the appropriate fee**, $53.25 for Utah residents or $63.25 for non-residents** in the form of credit card, money order or check made payable to "**BCI**". Name must be imprinted on check.

Note: Utah Code Ann. § 76-10-503 does not require a person to obtain a permit to carry a concealed firearm if they are "21 years old or older" and "may otherwise lawfully possess a firearm." Check bci.utah.gov for questions and answers regarding carrying a concealed firearm in Utah without a Concealed Firearm Permit.

FEES ARE NON-REFUNDABLE

Name_____ Date of Birth _____ State/Country of Birth_____
(Last) (First) (Middle) (If born outside of US provide documentation)
(Please print full name as it appears on your driver license or state issued ID card)

Previously used Name(S)(Maiden, etc.)_____Social Security Number_____

Physical Address_____
(Street) (City) (County) (State) (Zip)
Mailing Address (if different from street address)_____

Daytime Phone# _____Alt Phone #_____Driver Lic # _____St._____

E-Mail Address_____

Height _____Weight _____Eye Color _____Hair Color _____Sex _____Race_____

Are you a U.S citizen? _____If you answered no, include USCIS# (permanent resident number) or I-94 # _____

ALL APPLICANTS: Please answer "Yes" or "No" to all questions below. A complete criminal background check will be conducted including expunged and juvenile court records. If you answer "Yes" to any question, attach documentation explaining your answer.

☐ Yes ☐ No Have you ever been adjudicated as a juvenile or convicted as an adult of a felony?
☐ Yes ☐ No Have you ever been convicted of a crime of violence?
☐ Yes ☐ No Have you ever been convicted of an offense involving the use of alcohol? (i.e. DUI/DWI, alcohol related reckless, unlawful use of alcohol, etc.)
☐ Yes ☐ No Have you ever been convicted of the unlawful use of narcotics or other controlled substances?
☐ Yes ☐ No Have you ever been convicted of any offense involving moral turpitude? (i.e., theft, criminal mischief, sex crimes, etc.)
☐ Yes ☐ No Have you ever been convicted of offense involving domestic violence?
☐ Yes ☐ No Have you ever been adjudicated as mentally incompetent?
☐ Yes ☐ No Are you currently subject to a court sanctioned protective order?
☐ Yes ☐ No Have you ever been dishonorably discharged from the armed forces?

NEW APPLICANTS: A department approved firearms instructor must complete the following certification information:

The applicant, _____ has met the criteria established by the Utah Department of Public Safety and Utah Code Ann. § 53-5-704(8). I certify this to be true and correct to the best of my knowledge and belief.

Instructor Signature_____

Training Date_____
Month Day Year
(Training is valid for one year)

The instructor's stamp goes in this box

ALL APPLICANTS: Please read and sign the statement below:

I understand that it is a class B misdemeanor to knowingly and willfully provide false information on a concealed firearm permit application and may result in the denial of a permit pursuant to Utah Code Ann. § 53-5-704(15). I hereby declare under criminal penalty of the State of Utah that the information contained on this application is true and correct.

Signed on: _____ _____
(Date) (Applicant Signature)

METHOD OF PAYMENT (Only to be filled out if application is mailed in. Check appropriate box for payment)

☐ Check, Money Order or Cashier's Check (Payable to "BCI") There will be a $20.00 service charge for any returned check.

☐ Credit Card must be ☐ Visa ☐ Master Card ☐ Discover ☐ AMEX

Cardholder signature: _____ Zip Code Associated with Credit Card:_____

Fill out the information below to pay by credit card. Fees are non-refundable *3 or 4 digit control # Exp Date MM/YY

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