

Representative Ryan D. Wilcox proposes the following substitute bill:

FIREARM TRANSFER CERTIFICATION AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor: Mark B. Madsen

LONG TITLE

General Description:

This bill provides requirements for law enforcement officials to certify federal firearm transfers within a certain time.

Highlighted Provisions:

This bill:

- defines terms;
- requires law enforcement officers or other eligible officials to certify certain federal firearm transfers;
- provides that the certification is granted only for firearm transfer applicants not prohibited by law; and
- specifies a time period within which the law enforcement officer shall certify and return the form to the applicant.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:



26 53-5a-104, Utah Code Annotated 1953

27

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

29 Section 1. Section **53-5a-104** is enacted to read:

30 **53-5a-104. Firearm transfer certification.**

31 (1) As used in this section:

32 (a) "Certification" means the participation and assent of the chief law enforcement
 33 officer necessary under federal law for the approval of the application to transfer or make a
 34 firearm.

35 (b) "Chief law enforcement officer" means any official the Bureau of Alcohol,
 36 Tobacco, Firearms and Explosives, or any successor agency, identifies by regulation or
 37 otherwise as eligible to provide any required certification for the making or transfer of a
 38 firearm.

39 (c) "Firearm" has the same meaning as provided in the National Firearms Act, 6 U.S.C.
 40 Sec. 5845(a).

41 (2) A chief law enforcement may not make a certification under this section that the
 42 chief law enforcement officer knows to be untrue. The chief law enforcement officer may not
 43 refuse to provide certification based on a generalized objection to private persons or entities
 44 making, possessing, or receiving firearms or any certain type of firearm, the possession of
 45 which is not prohibited by law.

46 (3) Upon receiving a federal firearm transfer form a chief law enforcement officer or
 47 the chief law enforcement officer's designee shall provide certification if the applicant:

48 (a) is not prohibited by law from receiving or possessing the firearm; or

49 (b) is not the subject of a proceeding that could result in the applicant being prohibited
 50 by law from receiving or possessing the firearm.

50a **Œ→ (4) The chief law enforcement officer, the chief law enforcement officer's designee, or**
 50b **official signing the federal transfer form shall:**

50c **(a) return the federal transfer form to the applicant within 15 calendar days; or**

50d **(b) if the applicant is denied, provide to the applicant the reasons for denial in writing**
 50e **within 15 calendar days. ←Œ**

51 **Œ→ [(4)] (5) ←Œ** Chief law enforcement officers and their employees who act in good faith
 51a when

52 acting within the scope of their duties are immune from liability arising from any act or

53 omission in making a certification as required by this section. Any action taken against a chief

54 law enforcement officer or an employee shall be in accordance with Title 63G, Chapter 7,

55 Governmental Immunity Act of Utah.