

**Senator Curtis S. Bramble** proposes the following substitute bill:

**CONCEAL CARRY RECIPROCITY AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Justin L. Fawson**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill creates a board for concealed carry reciprocity agreements.

**Highlighted Provisions:**

This bill:

- ▶ creates the Concealed Firearm Permit Reciprocity Board;
- ▶ directs the Bureau of Criminal Identification to actively pursue conceal carry reciprocity agreements with other states; and
- ▶ provides a sunset date for the board.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53-5-704**, as last amended by Laws of Utah 2013, Chapter 280

**63I-1-253**, as last amended by Laws of Utah 2016, Chapters 41, 63, and 169

ENACTS:

**53-5-713**, Utah Code Annotated 1953



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

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

**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) The bureau shall issue a permit to carry a concealed firearm for lawful self defense to an applicant who is 21 years of age or older within 60 days after receiving an application, unless the bureau finds proof that the applicant does not meet the qualifications set forth in Subsection (2).

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

(c) The provisions of Subsections [76-10-504](#)(1) and (2), and Section [76-10-505](#) do not apply to a person issued a permit under Subsection (1)(a).

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

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

(ii) an 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

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

59 (b) In determining whether an applicant or permit holder meets the qualifications set  
60 forth in Subsection (2)(a), the bureau shall consider mitigating circumstances.

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

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

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

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

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

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

72 (i) expunged records of arrests and convictions of adults as provided in Section  
73 77-40-109; and

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

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

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

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

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

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

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

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

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

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

96 (b) one recent dated photograph;

97 (c) one set of fingerprints; and

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

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

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

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

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

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

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

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

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

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

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

122 (i) be at least 21 years of age;

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

124 (iii) have:

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

127 or

128 (B) received training equivalent to one of the courses referred to in Subsection

129 (9)(a)(iii)(A) as determined by the bureau;

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

132 (v) possess a Utah concealed firearm permit.

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

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

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

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

141 (d) (i) Each applicant for certification under this Subsection (9) shall pay a fee of  
142 \$50.00 at the time of application for initial certification.

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

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

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

149 (11) (a) (i) A concealed firearms instructor shall provide a signed certificate to a person

150 successfully completing the offered course of instruction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

180 (16) (a) In the event of a denial, suspension, or revocation of a permit, the applicant or

181 permit holder may file a petition for review with the board within 60 days from the date the  
182 denial, suspension, or revocation is received by the applicant or permit holder by certified mail,  
183 return receipt requested.

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

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

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

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

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

194 (iii) The final order is final bureau action for purposes of judicial review under Section  
195 [63G-4-402](#).

196 (17) The bureau shall:

197 (a) act as the designated official in the state for matters relating to reciprocity of  
198 concealed firearm permits with other states;

199 (b) seek out responsible officials in all states that recognize the Utah concealed firearm  
200 permit, but do not have formal reciprocity agreements with Utah, and negotiate the  
201 establishment of formal reciprocity agreements;

202 (c) open and conduct negotiations with other states that do not recognize the Utah  
203 concealed firearm permit, on behalf of the board established in Section [53-5-713](#), to:

204 (i) establish formal reciprocity agreements; or

205 (ii) enter into concealed firearm permit recognition agreements;

206 (d) present to the board the terms of any agreements;

207 (e) serve as the custodian of official records and documents of all concealed firearm  
208 reciprocity agreements or recognition agreements with other states; and

209 (f) maintain a list of states with reciprocity or recognition agreements on its website.

210 [~~17~~] (18) The commissioner may make rules in accordance with Title 63G, Chapter  
211 3, Utah Administrative Rulemaking Act, necessary to administer this chapter.

212 Section 2. Section **53-5-713** is enacted to read:

213 **53-5-713. Concealed Firearm Permit Reciprocity Board.**

214 (1) There is created within the bureau the Concealed Firearm Permit Reciprocity  
215 Board.

216 (2) The board is comprised of the following five members:

217 (a) one member appointed by the governor;

218 (b) the commissioner of the Department of Public Safety or the commissioner's  
219 designee;

220 (c) the attorney general or the attorney general's designee;

221 (d) a member of the Senate, appointed by the president of the Senate; and

222 (e) a member of the House of Representatives, appointed by the Speaker of the House  
223 of Representatives.

224 (3) The board shall annually select a chair and vice-chair from its membership.

225 (4) The board shall direct the bureau on the goals and objectives of negotiations with  
226 other states to establish reciprocity agreements for the Utah concealed firearm permit by those  
227 states as outlined in Subsection [53-5-703\(17\)](#).

228 (5) When a vacancy occurs in the membership for any reason, the replacement shall be  
229 appointed for the unexpired term in the same manner as the original appointment.

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

232 (a) Section [63A-3-106](#);

233 (b) Section [63A-3-107](#); and

234 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
235 [63A-3-107](#).

236 (7) The board shall meet at least quarterly at the call of the chair, unless the board has  
237 no business to conduct during that quarter.

238 (8) This board is repealed in accordance with Section [63I-1-253](#).

239 Section 3. Section **63I-1-253** is amended to read:

240 **63I-1-253. Repeal dates, Titles 53, 53A, and 53B.**

241 The following provisions are repealed on the following dates:

242 (1) Section [53-5-713](#), Concealed Firearm Permit Reciprocity Board, is repealed July 1,

243 2020.

244 [~~(1)~~] (2) Subsection 53-10-202(18) is repealed July 1, 2018.

245 [~~(2)~~] (3) Section 53-10-202.1 is repealed July 1, 2018.

246 [~~(3)~~] (4) Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program is  
247 repealed July 1, 2020.

248 [~~(4)~~] (5) Section 53A-13-106.5 is repealed July 1, 2019.

249 [~~(5)~~] (6) Section 53A-15-106 is repealed July 1, 2019.

250 [~~(6)~~] (7) Subsections 53A-16-113(3) and (4) are repealed December 31, 2016.

251 [~~(7)~~] (8) Section 53A-16-114 is repealed December 31, 2016.

252 [~~(8)~~] (9) Section 53A-17a-163, Performance-based Compensation Pilot Program, is  
253 repealed July 1, 2016.

254 [~~(9)~~] (10) Title 53A, Chapter 31, Part 4, American Indian and Alaskan Native  
255 Education State Plan Pilot Program, is repealed July 1, 2022.

256 [~~(10)~~] (11) Section 53B-24-402, Rural residency training program, is repealed July 1,  
257 2020.

258 [~~(11)~~] (12) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of  
259 money from the Land Exchange Distribution Account to the Geological Survey for test wells,  
260 other hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1,  
261 2020.