

VOLUNTARY COMMITMENT OF A FIREARM AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: A. Cory Maloy

Senate Sponsor: _____

LONG TITLE

General Description:

This bill defines "owner cohabitant" for the purpose of the voluntary commitment of a firearm to law enforcement.

Highlighted Provisions:

This bill:

▶ defines " ~~owner~~ cohabitant" as ~~anyone~~ any adult living in the home ~~[with an ownership interest in the firearm]~~ .

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-5c-201, as last amended by Laws of Utah 2017, Chapter 334

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

Section 1. Section **53-5c-201** is amended to read:

53-5c-201. Voluntary commitment of a firearm by owner cohabitant -- Law enforcement to hold firearm.

(1) As used in this section, " ~~owner~~ cohabitant" means any individual 18 years of age or older ~~residing in the~~

H.B. 152



28 home who ~~H→~~ [has an ownership interest in a firearm in the home] :

28a (a) is living as if a spouse of the owner cohabitant;

28b (b) is related by blood or marriage to the owner cohabitant;

28c (c) has one or more children in common with the owner cohabitant; or

28d (d) has an interest in the safety and wellbeing of the owner cohabitant ←H .

29 [(+)] (2) (a) ~~H→~~ [An owner] ~~A~~ ←H cohabitant may voluntarily commit a firearm to a law
30 enforcement agency for safekeeping if the ~~H→~~ [owner] ←H cohabitant believes that the owner
30a cohabitant

31 or another cohabitant with access to the firearm is an immediate threat to:

32 (i) himself or herself;

33 (ii) the owner cohabitant; or

34 (iii) any other person.

35 (b) A law enforcement agency may not hold a firearm under this section if the law
36 enforcement agency obtains the firearm in a manner other than the owner cohabitant
37 voluntarily presenting, of the owner cohabitant's own free will, the firearm to the law
38 enforcement agency at the agency's office.

39 [(2)] (3) Unless a firearm is an illegal firearm subject to Section [53-5c-202](#), a law
40 enforcement agency that receives a firearm in accordance with this chapter shall:

41 (a) record:

42 (i) the owner cohabitant's name, address, and phone number;

43 (ii) ~~H→~~ [H] the firearm serial number [H] and ←H the make and model of each firearm
43a committed; and

44 (iii) the date that the firearm was voluntarily committed;

45 (b) require the ~~H→~~ [owner] ←H cohabitant to sign a document attesting that the
45a ~~H→~~ [owner] ←H cohabitant ~~H→~~ resides in the home

46 [has an ownership interest in the firearm] ←H ;

47 (c) hold the firearm in safe custody for 60 days after the day on which the firearm is
48 voluntarily committed; and

49 (d) upon proof of identification, return the firearm to:

50 (i) the owner cohabitant after the expiration of the 60-day period or, if the owner
51 cohabitant requests return of the firearm before the expiration of the 60-day period, at the time
52 of the request; or

53 (ii) an owner other than the owner cohabitant in accordance with Section [53-5c-202](#).

54 [(3)] (4) The law enforcement agency shall hold the firearm for an additional 60 days:

55 (a) if the initial 60-day period expires; and

56 (b) the ~~H→~~ cohabitant or ←H owner cohabitant requests that the law enforcement agency
56a hold the firearm for ☉

57 ✪ an additional 60 days.

58 [~~4~~] (5) A law enforcement agency may not request or require that the owner

59 cohabitant provide the name or other information of the cohabitant who poses an immediate
60 threat or any other cohabitant.

61 ~~[(5)]~~ (6) Notwithstanding an ordinance or policy to the contrary adopted in accordance
62 with Section 63G-2-701, a law enforcement agency shall destroy a record created under
63 Subsection ~~[(2)]~~ (3), Subsection 53-5c-202~~[(4)]~~(3)(b)(iii), or any other record created in the
64 application of this chapter ~~H~~→ **immediately, if practicable, but** ~~{}~~ **no later than five days after**
64a ~~{}~~ **immediately upon** ←~~H~~ the:

65 (a) ~~[returning]~~ return of a firearm in accordance with Subsection ~~[(2)]~~ (3)(d); or

66 (b) ~~[disposing]~~ disposal of the firearm in accordance with Section 53-5c-202.

67 ~~[(6)]~~ (7) Unless otherwise provided, the provisions of Title 77, Chapter 24a, Lost or
68 Mislaid Personal Property, do not apply to a firearm received by a law enforcement agency in
69 accordance with this chapter.

70 ~~[(7)]~~ (8) A law enforcement agency shall adopt a policy for the safekeeping of a
71 firearm held in accordance with this chapter.