

Representative Andrew Stoddard proposes the following substitute bill:

PROHIBITED PERSONS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor: Todd D. Weiler

LONG TITLE

General Description:

This bill provides notification requirements for an individual who may not possess a firearm as a result of a criminal conviction.

Highlighted Provisions:

This bill:

- defines terms; and
- provides notification requirements to an individual accused or convicted of a criminal charge that would prevent the individual from lawfully owning or possessing a firearm.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-10-503.1, Utah Code Annotated 1953

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



26 Section 1. Section **76-10-503.1** is enacted to read:

27 **76-10-503.1. Firearm restriction notification requirement.**

28 (1) As used in this section:

29 (a) "Restricted person" means an individual who is restricted from possessing,
30 purchasing, transferring, or owning a firearm under Section [76-10-503](#).

31 (b) "Possess" or "possession" means actual physical possession, actual or purported
32 ownership, or exercising control of an item.

33 (2) A defendant intending to plead guilty or no contest to a criminal charge that will,
34 upon conviction, cause the defendant to become a restricted person shall, before entering a plea
35 before a court, sign an acknowledgment that states:

36 (a) the defendant's attorney or the prosecuting attorney has informed the defendant:

37 (i) that conviction of the charge will classify the defendant as a restricted person;

38 (ii) that a restricted person may not possess a firearm; and

39 (iii) of the criminal penalties associated with possession of a firearm by a restricted
40 person of the same category the defendant will become upon entering a plea for the criminal
41 charge; and

42 (b) the defendant acknowledges and understands that, by pleading guilty or no contest
43 to the criminal charge, the defendant:

44 (i) will be a restricted person;

45 (ii) upon conviction, shall forfeit possession of each firearm currently possessed by the
46 defendant; and

47 (iii) will be in violation of federal and state law if the defendant possesses a firearm.

48 (3) The prosecuting attorney or the defendant's attorney shall provide the
49 acknowledgment described in Subsection (2) to the court before the defendant's entry of a plea,
50 if the defendant pleads guilty or no contest.

51 (4) A defendant who is convicted by trial of a criminal charge resulting in the
52 defendant becoming a restricted person shall, at the time of sentencing:

53 (a) be verbally informed by the court, prosecuting attorney, or defendant's attorney:

54 (i) that the defendant is a restricted person;

55 (ii) that, as a restricted person, the defendant may not possess a firearm; and

56 (iii) of the criminal penalties associated with possession of a firearm by a restricted

57 person of the defendant's category; and
58 (b) sign an acknowledgment in the presence of the court attesting that the defendant
59 acknowledges and understands that the defendant:
60 (i) is a restricted person;
61 (ii) shall forfeit possession of each firearm; and
62 (iii) will be in violation of federal and state law if the defendant possesses a firearm.
63 (5) The prosecuting attorney and the defendant's attorney shall inform the court at the
64 preliminary hearing if a charge filed against the defendant would qualify the defendant as a
65 restricted person if the defendant is convicted of the charge.
66 (6) The failure to inform or obtain a signed acknowledgment from the defendant may
67 not render the plea invalid, form the basis for withdrawal of the plea, or create a basis to
68 challenge a conviction or sentence.