

FIREARM IDENTIFICATION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor: _____

LONG TITLE

General Description:

This bill concerns a firearm on which an identifying mark has been altered or removed.

Highlighted Provisions:

This bill:

▶ makes possession of a firearm on which the identifying marks have been altered or removed a crime; and

▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-10-522, as last amended by Laws of Utah 1993, Chapter 234

76-10-1602, as last amended by Laws of Utah 2022, Chapters 181, 185

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

Section 1. Section **76-10-522** is amended to read:

76-10-522. Alteration of number or mark on firearm -- Possession of firearm that has been altered.



28 (1) Any person who changes, alters, removes, or obliterates the name of the maker, the
29 model, manufacturer's number, or other mark of identification, including any distinguishing
30 number or mark assigned by the Department of Public Safety, on any [~~pistol or revolver~~
31 firearm], without first having secured written permission from the Department of Public Safety
32 to make the change, alteration, or removal, is guilty of a class A misdemeanor.

33 (2) Any person who is found in possession of a firearm that has been altered as
34 described in Subsection (1) is guilty of a class A misdemeanor.

35 Section 2. Section **76-10-1602** is amended to read:

36 **76-10-1602. Definitions.**

37 As used in this part:

38 (1) "Enterprise" means any individual, sole proprietorship, partnership, corporation,
39 business trust, association, or other legal entity, and any union or group of individuals
40 associated in fact although not a legal entity, and includes illicit as well as licit entities.

41 (2) "Pattern of unlawful activity" means engaging in conduct which constitutes the
42 commission of at least three episodes of unlawful activity, which episodes are not isolated, but
43 have the same or similar purposes, results, participants, victims, or methods of commission, or
44 otherwise are interrelated by distinguishing characteristics. Taken together, the episodes shall
45 demonstrate continuing unlawful conduct and be related either to each other or to the
46 enterprise. At least one of the episodes comprising a pattern of unlawful activity shall have
47 occurred after July 31, 1981. The most recent act constituting part of a pattern of unlawful
48 activity as defined by this part shall have occurred within five years of the commission of the
49 next preceding act alleged as part of the pattern.

50 (3) "Person" includes any individual or entity capable of holding a legal or beneficial
51 interest in property, including state, county, and local governmental entities.

52 (4) "Unlawful activity" means to directly engage in conduct or to solicit, request,
53 command, encourage, or intentionally aid another person to engage in conduct which would
54 constitute any offense described by the following crimes or categories of crimes, or to attempt
55 or conspire to engage in an act which would constitute any of those offenses, regardless of
56 whether the act is in fact charged or indicted by any authority or is classified as a misdemeanor
57 or a felony:

58 (a) any act prohibited by the criminal provisions of Title 13, Chapter 10, Unauthorized

59 Recording Practices Act;

60 (b) any act prohibited by the criminal provisions of Title 19, Environmental Quality
61 Code, Sections 19-1-101 through 19-7-109;

62 (c) taking, destroying, or possessing wildlife or parts of wildlife for the primary
63 purpose of sale, trade, or other pecuniary gain, in violation of Title 23, Wildlife Resources
64 Code of Utah, or Section 23-20-4;

65 (d) false claims for medical benefits, kickbacks, and any other act prohibited by Title
66 26, Chapter 20, Utah False Claims Act, Sections 26-20-1 through 26-20-12;

67 (e) any act prohibited by the criminal provisions of Title 32B, Chapter 4, Criminal
68 Offenses and Procedure Act;

69 (f) any act prohibited by the criminal provisions of Title 57, Chapter 11, Utah Uniform
70 Land Sales Practices Act;

71 (g) any act prohibited by the criminal provisions of Title 58, Chapter 37, Utah
72 Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances Act,
73 Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58, Chapter 37d,
74 Clandestine Drug Lab Act;

75 (h) any act prohibited by the criminal provisions of Title 61, Chapter 1, Utah Uniform
76 Securities Act;

77 (i) any act prohibited by the criminal provisions of Title 63G, Chapter 6a, Utah
78 Procurement Code;

79 (j) assault or aggravated assault, Sections 76-5-102 and 76-5-103;

80 (k) a threat of terrorism, Section 76-5-107.3;

81 (l) a criminal homicide offense, as described in Section 76-5-201;

82 (m) kidnapping or aggravated kidnapping, Sections 76-5-301 and 76-5-302;

83 (n) human trafficking, human trafficking of a child, human smuggling, or aggravated
84 human trafficking, Sections 76-5-308, 76-5-308.1, 76-5-308.3, 76-5-308.5, 76-5-309, and
85 76-5-310;

86 (o) sexual exploitation of a minor or aggravated sexual exploitation of a minor,
87 Sections 76-5b-201 and 76-5b-201.1;

88 (p) arson or aggravated arson, Sections 76-6-102 and 76-6-103;

89 (q) causing a catastrophe, Section 76-6-105;

- 90 (r) burglary or aggravated burglary, Sections 76-6-202 and 76-6-203;
- 91 (s) burglary of a vehicle, Section 76-6-204;
- 92 (t) manufacture or possession of an instrument for burglary or theft, Section 76-6-205;
- 93 (u) robbery or aggravated robbery, Sections 76-6-301 and 76-6-302;
- 94 (v) theft, Section 76-6-404;
- 95 (w) theft by deception, Section 76-6-405;
- 96 (x) theft by extortion, Section 76-6-406;
- 97 (y) receiving stolen property, Section 76-6-408;
- 98 (z) theft of services, Section 76-6-409;
- 99 (aa) forgery, Section 76-6-501;
- 100 (bb) fraudulent use of a credit card, Sections 76-6-506.2, 76-6-506.3, 76-6-506.5, and
- 101 76-6-506.6;
- 102 (cc) deceptive business practices, Section 76-6-507;
- 103 (dd) bribery or receiving bribe by person in the business of selection, appraisal, or
- 104 criticism of goods, Section 76-6-508;
- 105 (ee) bribery of a labor official, Section 76-6-509;
- 106 (ff) defrauding creditors, Section 76-6-511;
- 107 (gg) acceptance of deposit by insolvent financial institution, Section 76-6-512;
- 108 (hh) unlawful dealing with property by fiduciary, Section 76-6-513;
- 109 (ii) bribery or threat to influence contest, Section 76-6-514;
- 110 (jj) making a false credit report, Section 76-6-517;
- 111 (kk) criminal simulation, Section 76-6-518;
- 112 (ll) criminal usury, Section 76-6-520;
- 113 (mm) fraudulent insurance act, Section 76-6-521;
- 114 (nn) retail theft, Section 76-6-602;
- 115 (oo) computer crimes, Section 76-6-703;
- 116 (pp) identity fraud, Section 76-6-1102;
- 117 (qq) mortgage fraud, Section 76-6-1203;
- 118 (rr) sale of a child, Section 76-7-203;
- 119 (ss) bribery to influence official or political actions, Section 76-8-103;
- 120 (tt) threats to influence official or political action, Section 76-8-104;

- 121 (uu) receiving bribe or bribery by public servant, Section 76-8-105;
- 122 (vv) receiving bribe or bribery for endorsement of person as public servant, Section
- 123 76-8-106;
- 124 (ww) official misconduct, Sections 76-8-201 and 76-8-202;
- 125 (xx) obstruction of justice, Section 76-8-306;
- 126 (yy) acceptance of bribe or bribery to prevent criminal prosecution, Section 76-8-308;
- 127 (zz) false or inconsistent material statements, Section 76-8-502;
- 128 (aaa) false or inconsistent statements, Section 76-8-503;
- 129 (bbb) written false statements, Section 76-8-504;
- 130 (ccc) tampering with a witness or soliciting or receiving a bribe, Section 76-8-508;
- 131 (ddd) retaliation against a witness, victim, or informant, Section 76-8-508.3;
- 132 (eee) extortion or bribery to dismiss criminal proceeding, Section 76-8-509;
- 133 (fff) tampering with evidence, Section 76-8-510.5;
- 134 (ggg) falsification or alteration of government record, Section 76-8-511, if the record is
- 135 a record described in Title 20A, Election Code, Title 36, Chapter 11, Lobbyist Disclosure and
- 136 Regulation Act~~[-or Title 36, Chapter 11a, Local Government and Board of Education Lobbyist~~
- 137 ~~Disclosure and Regulation Act];~~
- 138 (hhh) public assistance fraud in violation of Section 76-8-1203, 76-8-1204, or
- 139 76-8-1205;
- 140 (iii) unemployment insurance fraud, Section 76-8-1301;
- 141 (jjj) intentionally or knowingly causing one animal to fight with another, Subsection
- 142 76-9-301(2)(d) or (e), or Section 76-9-301.1;
- 143 (kkk) possession, use, or removal of explosives, chemical, or incendiary devices or
- 144 parts, Section 76-10-306;
- 145 (lll) delivery to common carrier, mailing, or placement on premises of an incendiary
- 146 device, Section 76-10-307;
- 147 (mmm) possession of a deadly weapon with intent to assault, Section 76-10-507;
- 148 (nnn) unlawful marking of pistol or revolver, Section 76-10-521;
- 149 (ooo) alteration of number or mark on ~~[pistol or revolver]~~ firearm or possession of
- 150 firearm that has been altered, Section 76-10-522;
- 151 (ppp) forging or counterfeiting trademarks, trade name, or trade device, Section

152 76-10-1002;
153 (qqq) selling goods under counterfeited trademark, trade name, or trade devices,
154 Section 76-10-1003;
155 (rrr) sales in containers bearing registered trademark of substituted articles, Section
156 76-10-1004;
157 (sss) selling or dealing with article bearing registered trademark or service mark with
158 intent to defraud, Section 76-10-1006;
159 (ttt) gambling, Section 76-10-1102;
160 (uuu) gambling fraud, Section 76-10-1103;
161 (vvv) gambling promotion, Section 76-10-1104;
162 (www) possessing a gambling device or record, Section 76-10-1105;
163 (xxx) confidence game, Section 76-10-1109;
164 (yyy) distributing pornographic material, Section 76-10-1204;
165 (zzz) inducing acceptance of pornographic material, Section 76-10-1205;
166 (aaaa) dealing in harmful material to a minor, Section 76-10-1206;
167 (bbbb) distribution of pornographic films, Section 76-10-1222;
168 (cccc) indecent public displays, Section 76-10-1228;
169 (dddd) prostitution, Section 76-10-1302;
170 (eeee) aiding prostitution, Section 76-10-1304;
171 (ffff) exploiting prostitution, Section 76-10-1305;
172 (gggg) aggravated exploitation of prostitution, Section 76-10-1306;
173 (hhhh) communications fraud, Section 76-10-1801;
174 (iiii) any act prohibited by the criminal provisions of Part 19, Money Laundering and
175 Currency Transaction Reporting Act;
176 (jjjj) vehicle compartment for contraband, Section 76-10-2801;
177 (kkkk) any act prohibited by the criminal provisions of the laws governing taxation in
178 this state; and
179 (llll) any act illegal under the laws of the United States and enumerated in 18 U.S.C.
180 Sec. 1961(1)(B), (C), and (D).