

**GUN SAFETY AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Andrew Stoddard**

Senate Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill concerns a waiting period for the sale of a firearm.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ creates a waiting period between the purchase of a firearm from a dealer and the delivery of the firearm to the purchaser;
- ▶ creates exceptions to the waiting period; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-10-501**, as last amended by Laws of Utah 2023, Chapters 161, 397 and 425

**76-10-526**, as last amended by Laws of Utah 2023, Chapters 330, 397

**76-10-527**, as last amended by Laws of Utah 2009, Chapter 20

ENACTS:

**76-10-526.2**, Utah Code Annotated 1953



28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58

---

---

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

Section 1. Section **76-10-501** is amended to read:

**76-10-501. Definitions.**

As used in this part:

(1) (a) "Antique firearm" means:

(i) any firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898;

(ii) a firearm that is a replica of any firearm described in this Subsection (1)(a), if the replica:

(A) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

(B) uses rimfire or centerfire fixed ammunition which is:

(I) no longer manufactured in the United States; and

(II) is not readily available in ordinary channels of commercial trade; or

(iii) (A) that is a muzzle loading rifle, shotgun, or pistol; and

(B) is designed to use black powder, or a black powder substitute, and cannot use fixed ammunition.

(b) "Antique firearm" does not include:

(i) a weapon that incorporates a firearm frame or receiver;

(ii) a firearm that is converted into a muzzle loading weapon; or

(iii) a muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the:

(A) barrel;

(B) bolt;

(C) breechblock; or

(D) any combination of Subsection (1)(b)(iii)(A), (B), or (C).

(2) "Bureau" means the Bureau of Criminal Identification created in Section [53-10-201](#) within the Department of Public Safety.

(3) (a) "Concealed firearm" means a firearm that is:

(i) covered, hidden, or secreted in a manner that the public would not be aware of its

59 presence; and

60 (ii) readily accessible for immediate use.

61 (b) A firearm that is unloaded and securely encased is not a concealed firearm for the  
62 purposes of this part.

63 (4) "Criminal history background check" means a criminal background check  
64 conducted by a licensed firearms dealer on every purchaser of a handgun, except a Federal  
65 Firearms Licensee, through the bureau or the local law enforcement agency where the firearms  
66 dealer conducts business.

67 (5) "Curio or relic firearm" means a firearm that:

68 (a) is of special interest to a collector because of a quality that is not associated with  
69 firearms intended for:

70 (i) sporting use;

71 (ii) use as an offensive weapon; or

72 (iii) use as a defensive weapon;

73 (b) (i) was manufactured at least 50 years before the current date; and

74 (ii) is not a replica of a firearm described in Subsection (5)(b)(i);

75 (c) is certified by the curator of a municipal, state, or federal museum that exhibits  
76 firearms to be a curio or relic of museum interest;

77 (d) derives a substantial part of its monetary value:

78 (i) from the fact that the firearm is:

79 (A) novel;

80 (B) rare; or

81 (C) bizarre; or

82 (ii) because of the firearm's association with an historical:

83 (A) figure;

84 (B) period; or

85 (C) event; and

86 (e) has been designated as a curio or relic firearm by the director of the United States  
87 Treasury Department Bureau of Alcohol, Tobacco, and Firearms under 27 C.F.R. Sec. 478.11.

88 (6) (a) "Dangerous weapon" means:

89 (i) a firearm; or

90 (ii) an object that in the manner of its use or intended use is capable of causing death or  
91 serious bodily injury.

92 (b) The following factors are used in determining whether any object, other than a  
93 firearm, is a dangerous weapon:

94 (i) the location and circumstances in which the object was used or possessed;

95 (ii) the primary purpose for which the object was made;

96 (iii) the character of the wound, if any, produced by the object's unlawful use;

97 (iv) the manner in which the object was unlawfully used;

98 (v) whether the manner in which the object is used or possessed constitutes a potential  
99 imminent threat to public safety; and

100 (vi) the lawful purposes for which the object may be used.

101 (c) "Dangerous weapon" does not include an explosive, chemical, or incendiary device  
102 as defined by Section 76-10-306.

103 (7) (a) "Dating relationship" means a romantic or intimate relationship between  
104 individuals.

105 (b) "Dating relationship" does not include a casual acquaintanceship or ordinary  
106 fraternization in a business or social context.

107 (8) "Dealer" means a person who is:

108 (a) licensed under 18 U.S.C. Sec. 923; and

109 (b) engaged in the business of selling, leasing, or otherwise transferring a handgun,  
110 whether the person is a retail or wholesale dealer, pawnbroker, or otherwise.

111 (9) "Domestic violence" means the same as that term is defined in Section 77-36-1.

112 (10) "Enter" means intrusion of the entire body.

113 (11) "Federal Firearms Licensee" means a person who:

114 (a) holds a valid Federal Firearms License issued under 18 U.S.C. Sec. 923; and

115 (b) is engaged in the activities authorized by the specific category of license held.

116 (12) (a) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle or  
117 short barreled rifle, or a device that could be used as a dangerous weapon from which is  
118 expelled a projectile by action of an explosive.

119 (b) ~~[As used]~~ "Firearm" does not include an antique firearm in Sections 76-10-526,  
120 76-10-526.2, and 76-10-527, ~~["firearm" does not include an antique firearm].~~

121 (13) "Firearms transaction record form" means a form created by the bureau to be  
122 completed by a person purchasing, selling, or transferring a handgun from a dealer in the state.

123 (14) "Fully automatic weapon" means a firearm which fires, is designed to fire, or can  
124 be readily restored to fire, automatically more than one shot without manual reloading by a  
125 single function of the trigger.

126 (15) (a) "Handgun" means a pistol, revolver, or other firearm of any description, loaded  
127 or unloaded, from which a shot, bullet, or other missile can be discharged, the length of which,  
128 not including any revolving, detachable, or magazine breech, does not exceed 12 inches.

129 (b) As used in Sections 76-10-520, 76-10-521, and 76-10-522, "handgun" and "pistol  
130 or revolver" do not include an antique firearm.

131 (16) "House of worship" means a church, temple, synagogue, mosque, or other  
132 building set apart primarily for the purpose of worship in which religious services are held and  
133 the main body of which is kept for that use and not put to any other use inconsistent with its  
134 primary purpose.

135 (17) "Machinegun firearm attachment" means any part or combination of parts added  
136 to a semiautomatic firearm that allows the firearm to fire as a fully automatic weapon.

137 (18) "Prohibited area" means a place where it is unlawful to discharge a firearm.

138 (19) "Readily accessible for immediate use" means that a firearm or other dangerous  
139 weapon is carried on the person or within such close proximity and in such a manner that it can  
140 be retrieved and used as readily as if carried on the person.

141 (20) "Residence" means an improvement to real property used or occupied as a primary  
142 or secondary residence.

143 (21) "Securely encased" means not readily accessible for immediate use, such as held  
144 in a gun rack, or in a closed case or container, whether or not locked, or in a trunk or other  
145 storage area of a motor vehicle, not including a glove box or console box.

146 (22) "Short barreled shotgun" or "short barreled rifle" means a shotgun having a barrel  
147 or barrels of fewer than 18 inches in length, or in the case of a rifle, having a barrel or barrels  
148 of fewer than 16 inches in length, or a dangerous weapon made from a rifle or shotgun by  
149 alteration, modification, or otherwise, if the weapon as modified has an overall length of fewer  
150 than 26 inches.

151 (23) "Shotgun" means a smooth bore firearm designed to fire cartridges containing

152 pellets or a single slug.

153 (24) "Shoulder arm" means a firearm that is designed to be fired while braced against  
154 the shoulder.

155 (25) "Single criminal episode" means the same as that term is defined in Section  
156 76-1-401.

157 (26) "Slug" means a single projectile discharged from a shotgun shell.

158 (27) "State entity" means a department, commission, board, council, agency,  
159 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,  
160 unit, bureau, panel, or other administrative unit of the state.

161 (28) "Violent felony" means the same as that term is defined in Section 76-3-203.5.

162 Section 2. Section 76-10-526 is amended to read:

163 **76-10-526. Criminal background check prior to purchase of a firearm -- Fee --**

164 **Exemption for concealed firearm permit holders and law enforcement officers.**

165 (1) For purposes of this section, "valid permit to carry a concealed firearm" does not  
166 include a temporary permit issued under Section 53-5-705.

167 (2) (a) To establish personal identification and residence in this state for purposes of  
168 this part, a dealer shall require an individual receiving a firearm to present one photo  
169 identification on a form issued by a governmental agency of the state.

170 (b) A dealer may not accept a driving privilege card issued under Section 53-3-207 as  
171 proof of identification for the purpose of establishing personal identification and residence in  
172 this state as required under this Subsection (2).

173 (3) (a) A criminal history background check is required for the sale of a firearm by a  
174 licensed firearm dealer in the state.

175 (b) Subsection (3)(a) does not apply to the sale of a firearm to a Federal Firearms  
176 Licensee.

177 (4) (a) An individual purchasing a firearm from a dealer shall consent in writing to a  
178 criminal background check, on a form provided by the bureau.

179 (b) The form shall contain the following information:

180 (i) the dealer identification number;

181 (ii) the name and address of the individual receiving the firearm;

182 (iii) the date of birth, height, weight, eye color, and hair color of the individual

183 receiving the firearm; and

184 (iv) the social security number or any other identification number of the individual  
185 receiving the firearm.

186 (5) (a) The dealer shall send the information required by Subsection (4) to the bureau  
187 immediately upon its receipt by the dealer.

188 (b) A dealer may not sell or transfer a firearm to an individual until the dealer has  
189 provided the bureau with the information in Subsection (4) and has received approval from the  
190 bureau under Subsection (7).

191 (6) The dealer shall make a request for criminal history background information by  
192 telephone or other electronic means to the bureau and shall receive approval or denial of the  
193 inquiry by telephone or other electronic means.

194 (7) When the dealer calls for or requests a criminal history background check, the  
195 bureau shall:

196 (a) review the criminal history files, including juvenile court records, and the  
197 temporary restricted file created under Section [53-5c-301](#), to determine if the individual is  
198 prohibited from purchasing, possessing, or transferring a firearm by state or federal law;

199 (b) inform the dealer that:

200 (i) the records indicate the individual is prohibited; or

201 (ii) the individual is approved for purchasing, possessing, or transferring a firearm;

202 (c) provide the dealer with a unique transaction number for that inquiry; and

203 (d) provide a response to the requesting dealer during the call for a criminal  
204 background check, or by return call, or other electronic means, without delay, except in case of  
205 electronic failure or other circumstances beyond the control of the bureau, the bureau shall  
206 advise the dealer of the reason for the delay and give the dealer an estimate of the length of the  
207 delay.

208 (8) (a) The bureau may not maintain any records of the criminal history background  
209 check longer than 20 days from the date of the dealer's request, if the bureau determines that  
210 the individual receiving the firearm is not prohibited from purchasing, possessing, or  
211 transferring the firearm under state or federal law.

212 (b) However, the bureau shall maintain a log of requests containing the dealer's federal  
213 firearms number, the transaction number, and the transaction date for a period of 12 months.

214 (9) (a) If the criminal history background check discloses information indicating that  
215 the individual attempting to purchase the firearm is prohibited from purchasing, possessing, or  
216 transferring a firearm, the bureau shall:

217 (i) within 24 hours after determining that the purchaser is prohibited from purchasing,  
218 possessing, or transferring a firearm, notify the law enforcement agency in the jurisdiction  
219 where the dealer is located; and

220 (ii) inform the law enforcement agency in the jurisdiction where the individual resides.

221 (b) Subsection (9)(a) does not apply to an individual prohibited from purchasing a  
222 firearm solely due to placement on the temporary restricted list under Section 53-5c-301.

223 (c) A law enforcement agency that receives information from the bureau under  
224 Subsection (9)(a) shall provide a report before August 1 of each year to the bureau that  
225 includes:

226 (i) based on the information the bureau provides to the law enforcement agency under  
227 Subsection (9)(a), the number of cases that involve an individual who is prohibited from  
228 purchasing, possessing, or transferring a firearm as a result of a conviction for an offense  
229 involving domestic violence; and

230 (ii) of the cases described in Subsection (9)(c)(i):

231 (A) the number of cases the law enforcement agency investigates; and

232 (B) the number of cases the law enforcement agency investigates that result in a  
233 criminal charge.

234 (d) The bureau shall:

235 (i) compile the information from the reports described in Subsection (9)(c);

236 (ii) omit or redact any identifying information in the compilation; and

237 (iii) submit the compilation to the Law Enforcement and Criminal Justice Interim  
238 Committee before November 1 of each year.

239 (10) If an individual is denied the right to purchase a firearm under this section, the  
240 individual may review the individual's criminal history information and may challenge or  
241 amend the information as provided in Section 53-10-108.

242 (11) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah  
243 Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of all  
244 records provided by the bureau under this part are in conformance with the requirements of the

245 Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993).

246 (12) (a) A dealer shall collect a criminal history background check fee for the sale of a  
247 firearm under this section.

248 (b) The fee described under Subsection (12)(a) remains in effect until changed by the  
249 bureau through the process described in Section [63J-1-504](#).

250 (c) (i) The dealer shall forward at one time all fees collected for criminal history  
251 background checks performed during the month to the bureau by the last day of the month  
252 following the sale of a firearm.

253 (ii) The bureau shall deposit the fees in the General Fund as dedicated credits to cover  
254 the cost of administering and conducting the criminal history background check program.

255 (13) An individual with a concealed firearm permit issued under Title 53, Chapter 5,  
256 Part 7, Concealed Firearm Act, is exempt from the background check and corresponding fee  
257 required in this section for the purchase of a firearm if:

258 (a) the individual presents the individual's concealed firearm permit to the dealer prior  
259 to purchase of the firearm; and

260 (b) the dealer verifies with the bureau that the individual's concealed firearm permit is  
261 valid.

262 (14) (a) A law enforcement officer, as defined in Section [53-13-103](#), is exempt from  
263 the background check fee required in this section for the purchase of a personal firearm to be  
264 carried while off-duty if the law enforcement officer verifies current employment by providing  
265 a letter of good standing from the officer's commanding officer and current law enforcement  
266 photo identification.

267 (b) Subsection (14)(a) may only be used by a law enforcement officer to purchase a  
268 personal firearm once in a 24-month period.

269 (15) A dealer engaged in the business of selling, leasing, or otherwise transferring a  
270 firearm shall:

271 (a) make the firearm safety brochure described in Subsection [26B-5-211\(3\)](#) available to  
272 a customer free of charge; and

273 (b) at the time of purchase, or at the time of delivering the firearm if the waiting period  
274 described in Subsection [76-10-526.2\(2\)](#) applies, distribute a cable-style gun lock provided to  
275 the dealer under Subsection [26B-5-211\(3\)](#) to a customer purchasing a shotgun, short barreled

276 shotgun, short barreled rifle, rifle, or another firearm that federal law does not require be  
277 accompanied by a gun lock at the time of purchase.

278 Section 3. Section **76-10-526.2** is enacted to read:

279 **76-10-526.2. Waiting period for purchase of firearm -- Exceptions -- Penalty.**

280 (1) As used in this section, "valid permit to carry a concealed firearm" does not include  
281 a temporary permit issued under Section 53-5-705.

282 (2) Except as provided in Subsection (3), a dealer may not deliver a firearm to a  
283 purchaser before the later of:

284 (a) five days after the day on which the firearm was purchased; or

285 (b) the day on which the background check described in Section 76-10-526 is  
286 completed.

287 (3) The waiting period described in Subsection (2) does not apply:

288 (a) to the trade of one firearm for another firearm; or

289 (b) to a purchase of a firearm by:

290 (i) an individual with a valid permit to carry a concealed firearm who is exempt from  
291 the criminal background check fee under Subsection 76-10-526(13);

292 (ii) a law enforcement officer who is exempt from the criminal background check fee  
293 under Subsection 76-10-526(14); or

294 (iii) a Federal Firearm Licensee.

295 (4) A violation of Subsection (2) is subject to the penalties described in Section  
296 76-10-527.

297 Section 4. Section **76-10-527** is amended to read:

298 **76-10-527. Penalties.**

299 (1) A dealer is guilty of a class A misdemeanor who willfully and intentionally:

300 (a) requests, obtains, or seeks to obtain criminal history background information under  
301 false pretenses;

302 (b) disseminates criminal history background information; or

303 (c) violates Section 76-10-526 or 76-10-526.2.

304 (2) ~~[A person]~~ An actor who purchases or transfers a firearm is guilty of a third degree  
305 felony ~~[of the third degree]~~ if the ~~[person]~~ actor willfully and intentionally makes a false  
306 statement of the information required;

- 307           (a) for a criminal background check in Section [76-10-526](#); or
- 308           (b) for an exemption to the waiting period under Section [76-10-526.2](#).
- 309           (3) Except as otherwise provided in Subsection (1), a dealer is guilty of a third degree
- 310 felony [~~of the third degree~~] if the dealer willfully and intentionally sells or transfers a firearm in
- 311 violation of this part.
- 312           (4) [~~A person~~] An actor is guilty of a third degree felony [~~of the third degree~~] if the
- 313 [~~person~~] actor purchases a firearm with the intent to:
- 314           (a) resell or otherwise provide a firearm to a person who is ineligible to purchase or
- 315 receive a firearm from a dealer; or
- 316           (b) transport a firearm out of this state to be resold to an ineligible person.
- 317           Section 5. **Effective date.**
- 318           This bill takes effect on May 1, 2024.