

1 **CONCEALED FIREARM INSTRUCTOR AMENDMENTS**

2 2024 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jason B. Kyle**

5 Senate Sponsor: _____

6

7 **LONG TITLE**

8 **General Description:**

9 This bill concerns training requirements for a concealed firearms instructor applicant.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ modifies training requirements for a concealed firearms instructor applicant; and
- 13 ▶ makes technical and conforming changes.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **53-5-704**, as last amended by Laws of Utah 2022, Chapter 250

21

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

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

24 **53-5-704. Bureau duties -- Permit to carry concealed firearm -- Certification for**
25 **concealed firearms instructor -- Requirements for issuance -- Violation -- Denial,**
26 **suspension, or revocation -- Appeal procedure.**

27 (1) (a) Except as provided in Subsection (1)(b), the bureau shall issue a permit to carry



28 a concealed firearm for lawful self defense to an applicant who is 21 years old or older within
29 60 days after receiving an application, unless the bureau finds proof that the applicant is not
30 qualified to hold a permit under Subsection (2) or (3).

31 (b) (i) Within 90 days before the day on which a provisional permit holder under
32 Section 53-5-704.5 reaches 21 years old, the provisional permit holder may apply under this
33 section for a permit to carry a concealed firearm for lawful self defense.

34 (ii) The bureau shall issue a permit for an applicant under Subsection (1)(b)(i) within
35 60 days after receiving an application, unless the bureau finds proof that the applicant is not
36 qualified to hold a permit under Subsection (2) or (3).

37 (iii) A permit issued under this Subsection (1)(b):

38 (A) is not valid until an applicant is 21 years old; and

39 (B) requires a \$10 application fee.

40 (iv) A person who applies for a permit under this Subsection (1)(b) is not required to
41 retake the firearms training described in Subsection 53-5-704(8).

42 (c) The permit is valid throughout the state for five years, without restriction, except as
43 otherwise provided by Section 53-5-710.

44 (d) The provisions of Subsections 76-10-504(1) and (2), and Section 76-10-505 do not
45 apply to an individual issued a permit under Subsection (1)(a) or (b).

46 (e) Subsection (4)(a) does not apply to a nonresident:

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

49 (ii) active duty service member's spouse, stationed with the active duty service
50 member, who presents to the bureau the active duty service member's orders requiring the
51 service member to report for duty in this state.

52 (2) (a) The bureau may deny, suspend, or revoke a concealed firearm permit if the
53 applicant or permit holder:

54 (i) has been or is convicted of a felony;

55 (ii) has been or is convicted of a crime of violence;

56 (iii) has been or is convicted of an offense involving the use of alcohol;

57 (iv) has been or is convicted of an offense involving the unlawful use of narcotics or
58 other controlled substances;

59 (v) has been or is convicted of an offense involving moral turpitude;
60 (vi) has been or is convicted of an offense involving domestic violence;
61 (vii) has been or is adjudicated by a state or federal court as mentally incompetent,
62 unless the adjudication has been withdrawn or reversed; and
63 (viii) is not qualified to purchase and possess a firearm pursuant to Section 76-10-503
64 and federal law.

65 (b) In determining whether an applicant or permit holder is qualified to hold a permit
66 under Subsection (2)(a), the bureau shall consider mitigating circumstances.

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

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

71 (ii) past participation in incidents involving unlawful violence or threats of unlawful
72 violence; or

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

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

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

78 (i) expunged records of arrests and convictions of adults as provided in Section
79 77-40a-403; and

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

81 (d) (i) The bureau shall suspend a concealed firearm permit if a permit holder becomes
82 a temporarily restricted person in accordance with Section 53-5c-301.

83 (ii) Upon removal from the temporary restricted list, the permit holder's permit shall be
84 reinstated unless:

85 (A) the permit has been revoked, been suspended for a reason other than the restriction
86 described in Subsection (3)(d)(i), or expired; or

87 (B) the permit holder has become a restricted person under Section 76-10-503.

88 (4) (a) In addition to meeting the other qualifications for the issuance of a concealed
89 firearm permit under this section, a nonresident applicant who resides in a state that recognizes

90 the validity of the Utah permit or has reciprocity with Utah's concealed firearm permit law
91 shall:

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

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

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

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

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

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

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

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

109 (b) one recent dated photograph;

110 (c) one set of fingerprints; and

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

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

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

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

120 (ii) current laws defining lawful use of a firearm by a private citizen, including lawful

121 self-defense, use of force by a private citizen, including use of deadly force, transportation, and
122 concealment.

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

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

127 (ii) certification of general familiarity by an individual who has been certified by the
128 bureau, which may include a law enforcement officer, military or civilian firearms instructor,
129 or hunter safety instructor; or

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

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

134 (d) A person applying for a renewal permit is not required to retake the firearms
135 training described in this Subsection 53-5-704(8) if the person:

136 (i) has an unexpired permit; or

137 (ii) has a permit that expired less than one year before the date on which the renewal
138 application was submitted.

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

140 (i) be at least 21 years old;

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

142 (iii) have:

143 (A) completed a firearm instruction training course from [~~the National Rifle~~
144 Association] a nationally recognized firearm training organization that customarily offers
145 firearm safety and firearm law instructor training or the Department of Public Safety, Division
146 of Peace Officer Safety Standards and Training; or

147 (B) received training equivalent to one of the courses referred to in Subsection
148 (9)(a)(iii)(A) as determined by the bureau;

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

151 (v) possess a Utah concealed firearm permit.

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

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

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

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

160 (d) (i) Each applicant for certification under this Subsection (9) shall pay a fee of
161 \$50.00 at the time of application for initial certification.

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

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

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

168 (11) (a) (i) A concealed firearms instructor shall provide a signed certificate to an
169 individual successfully completing the offered course of instruction.

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

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

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

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

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

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

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

182 (D) The seal shall be affixed to each student certificate issued by the instructor in a

183 manner that does not obscure or render illegible any information or signatures contained in the
184 document.

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

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

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

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

191 (13) An applicant for certification or a concealed firearms instructor has the same
192 appeal rights as described in Subsection (16).

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

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

199 (16) (a) In the event of a denial, suspension, or revocation of a permit, the applicant or
200 permit holder may file a petition for review with the board within 60 days from the date the
201 denial, suspension, or revocation is received by the applicant or permit holder by certified mail,
202 return receipt requested.

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

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

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

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

212 (ii) The final order shall be in the form prescribed by Subsection 63G-4-203(1)(i).

213 (iii) The final order is final bureau action for purposes of judicial review under Section

214 [63G-4-402](#).

215 (17) The commissioner may make rules in accordance with Title 63G, Chapter 3, Utah
216 Administrative Rulemaking Act, necessary to administer this chapter.

217 Section 2. **Effective date.**

218 This bill takes effect on May 1, 2024.