

FIREARM REVISIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian S. King

Senate Sponsor: _____

LONG TITLE

General Description:

This bill concerns firearm restrictions and requirements.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits the sale, possession, and transfer of certain assault weapons and large-capacity magazines;
- ▶ raises the minimum age to purchase certain firearms to 21 years old and creates exceptions;
- ▶ requires criminal history background checks for certain transfers of a firearm between persons who are not federal firearms licensees; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-10-509.9, as enacted by Laws of Utah 1993, Second Special Session, Chapter 13

ENACTS:



28 [76-10-502.2](#), Utah Code Annotated 1953

29 [76-10-526.2](#), Utah Code Annotated 1953



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

32 Section 1. Section **76-10-502.2** is enacted to read:

33 **76-10-502.2. Assault weapon and large-capacity magazine prohibition -- Penalties**

34 **-- Exceptions.**

35 (1) (a) As used in this section:

36 (i) "Assault weapon" means a semi-automatic firearm:

37 (A) that has two or more firearm accessories; and

38 (B) (I) is capable of accepting a detachable magazine with the capacity to accept 10 or
39 more cartridges; or

40 (II) has a fixed magazine with the capacity to accept 10 or more cartridges.

41 (ii) (A) "Barrel shroud" means a ventilated covering that partially or completely
42 encircles the barrel of a firearm to protect the user's non-trigger hand from being burned.

43 (B) "Barrel shroud" does not include:

44 (I) a slide that partially or completely encircles the barrel; or

45 (II) an extension of the stock along the bottom of the barrel that does not substantially
46 encircle the barrel.

47 (iii) "Detachable magazine" means a cartridge-feeding device that can be readily
48 removed from a firearm without requiring the action of the firearm to be disassembled.

49 (iv) "Firearm accessory" means:

50 (A) a folding or telescoping stock;

51 (B) a pistol grip that protrudes conspicuously beneath the action of the firearm;

52 (C) a second handgrip or a protruding grip that can be held by the non-trigger hand;

53 (D) a thumbhole stock;

54 (E) a bayonet mount;

55 (F) a flash suppressor, muzzle break, or muzzle compensator;

56 (G) a threaded barrel designed to accommodate a flash suppressor, muzzle break, or
57 muzzle compensator;

58 (H) a barrel shroud; or

59 (I) a grenade launcher.

60 (v) "Flash suppressor" means a device that functions, or is intended to function, to
61 perceptibly reduce or redirect muzzle flash from a firearm user's field of vision.

62 (vi) (A) "Large-capacity magazine" means:

63 (I) a fixed or detachable magazine, box, drum, feed strip, or similar device capable of
64 accepting, or that is designed to be readily converted to accept, more than 15 rounds of
65 ammunition;

66 (II) a fixed, tubular shotgun magazine that holds more than 28 inches of shotgun shells,
67 including any extension device that is attached to the magazine and holds additional shotgun
68 shells; or

69 (III) a nontubular, detachable magazine, box, drum, feed strip, or similar device that is
70 capable of accepting more than eight shotgun shells when combined with a fixed magazine.

71 (B) "Large-capacity magazine" does not include:

72 (I) a feeding device that has been permanently altered so that the feeding device cannot
73 accommodate more than 15 rounds of ammunition;

74 (II) an unattached tubular device designed to accept, and capable of operating only
75 with, .22 rimfire ammunition; or

76 (III) a tubular magazine that is contained in a lever-action firearm.

77 (b) Terms defined in Sections [76-1-101.5](#) and [76-10-501](#) apply to this section.

78 (2) Except as provided in Subsection (4), an actor may not sell, purchase, possess, or
79 transfer:

80 (a) an assault weapon; or

81 (b) a large-capacity magazine.

82 (3) (a) A violation of Subsection (2)(a) is a class A misdemeanor.

83 (b) A violation of Subsection (2)(b) is a class B misdemeanor.

84 (4) This section does not apply to:

85 (a) an actor who, in the course of the actor's official duties relating to the actor's law
86 enforcement or related profession, is required to own or use an assault weapon or a
87 large-capacity magazine;

88 (b) an actor who:

89 (i) is a resident of the state;

90 (ii) owns an assault weapon or large-capacity magazine as of May 1, 2024; and
91 (iii) possesses documentation demonstrating that the assault weapon or large-capacity
92 magazine was legally purchased by, transferred to, or otherwise owned by the actor before May
93 1, 2024;

94 (c) an actor who:

95 (i) resides outside of the state;

96 (ii) is present in the state with an assault weapon or large-capacity magazine; and

97 (iii) possesses documentation demonstrating that the assault weapon or large-capacity
98 magazine was legally purchased by, transferred to, or otherwise owned by the actor before May
99 1, 2024; or

100 (d) an entity or an employee of an entity engaged in the manufacture of assault
101 weapons or large-capacity magazines within the state that are solely transferred to a licensed
102 firearm dealer that sells assault weapons or large-capacity magazines exclusively to the armed
103 forces, governmental agencies, a retailer operating outside of the state, or a foreign national
104 government approved by the United States for such transfers.

105 Section 2. Section **76-10-509.9** is amended to read:

106 **76-10-509.9. Prohibited sales of firearms to an individual under 21 years old.**

107 (1) Terms defined in Sections [76-1-101.5](#) and [76-10-501](#) apply to this section.

108 (2) A person may not sell [~~any firearm to a minor under 18 years of age unless the~~
109 minor is accompanied by a parent or guardian.] a firearm to an individual who is under 21
110 years old unless:

111 (a) the individual is:

112 (i) an active-duty service member as defined in Section [53-5-702](#);

113 (ii) a security officer as defined in Section [58-63-102](#);

114 (iii) a correctional officer as defined in Section [53-13-104](#); or

115 (iv) a special function officer as defined in Section [53-13-105](#); or

116 (b) the individual:

117 (i) provides documentation of a valid hunting license or combination license issued by
118 the Utah Division of Wildlife Resources;

119 (ii) is at least 18 years old; and

120 (iii) the sale is limited to a shotgun or a bolt-action rifle.

121 ~~[(2)]~~ (3) ~~[Any person who violates this section is guilty of]~~ A violation of Subsection
122 (2) is a third degree felony.

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

124 **76-10-526.2. Transfer of firearm between unlicensed persons.**

125 (1) (a) As used in this section:

126 (i) "Family member" means a spouse, child or stepchild, parent or stepparent, sibling or
127 stepsibling, grandparent, or grandchild.

128 (ii) "Transfer" means to sell, give, lend, deliver, or otherwise provide, with or without
129 consideration.

130 (iii) "Transferee" means an unlicensed person who receives a firearm from another
131 unlicensed person.

132 (iv) "Transferor" means an unlicensed person who transfers a firearm to another
133 unlicensed person.

134 (v) "Unlicensed person" means a person who is not a Federal Firearms Licensee.

135 (b) Terms defined in Sections [76-1-101.5](#) and [76-10-501](#) apply to this section.

136 (2) Except as provided in Section [76-10-526](#), a firearm may not be transferred between
137 unlicensed persons unless a criminal history background check is completed on the transferee
138 in compliance with this section.

139 (3) A transferor and a transferee shall obtain a criminal history background check from
140 a Federal Firearms Licensee before the transfer of a firearm.

141 (4) A Federal Firearms Licensee may conduct the criminal history background check
142 under Subsection (3) to facilitate the transfer of a firearm between a transferor and a transferee
143 if the transferor and the transferee:

144 (a) appear together with the firearm at the Federal Firearms Licensee's place of
145 business or a location where the Federal Firearms Licensee is legally permitted to conduct a
146 criminal history background check; and

147 (b) each complete, sign, and submit all federal and state forms necessary to process the
148 criminal history background check and otherwise complete the transfer under this section.

149 (5) (a) If a Federal Firearms Licensee agrees to conduct a criminal history background
150 check under Subsection (4), the Federal Firearms Licensee shall:

151 (i) indicate on the forms that the transfer is between unlicensed persons; and

152 (ii) process the transfer in the same manner as when transferring a firearm from the
153 Federal Firearms Licensee's own inventory to a transferee, complying with all federal and state
154 requirements, including record keeping.

155 (b) The Federal Firearms Licensee may charge a reasonable fee, which may include the
156 fee described in Subsection 76-10-526(12), to facilitate the criminal history background check
157 and transfer, and note the fee on the forms.

158 (6) A transferor may not transfer a firearm to a transferee if the results of the criminal
159 history background check indicate that the transferee is prohibited from possessing or receiving
160 a firearm under state or federal law.

161 (7) This section does not prevent the transferor from removing the firearm from the
162 premises of the Federal Firearms Licensee if the results of the criminal history background
163 check indicate that the transferee is prohibited from possessing or receiving firearms or if the
164 transfer results in a delay described in Subsection 76-10-526(7)(d).

165 (8) This section does not apply to the transfer of a firearm:

166 (a) between family members;

167 (b) by or to a Federal Firearms Licensee;

168 (c) by or to a law enforcement agency or an individual who is a law enforcement
169 officer, member of the armed services, or security guard, if the individual is acting within the
170 course and scope of the individual's employment;

171 (d) to an executor, administrator, trustee, or personal representative of an estate or trust
172 that occurs by operation of law upon the death of the owner of the firearm;

173 (e) temporarily, to a person who is not prohibited from possessing or receiving a
174 firearm under state or federal law if the transfer:

175 (i) is necessary to prevent imminent death or serious bodily harm; and

176 (ii) lasts only as long as necessary to prevent imminent death or serious bodily harm; or

177 (f) temporarily, to a person who is not prohibited from possessing or receiving a
178 firearm under federal or state law if the transfer and the transferee's possession of the firearm
179 take place exclusively in the presence of the transferor:

180 (i) at an established shooting range authorized by the governing body of the jurisdiction
181 in which the range is located or, if no authorization is required, operated in conformance with
182 local law in the jurisdiction;

183 (ii) while hunting or trapping if the hunting or trapping is legal in all places where the
184 transferee possesses the firearm and the transferee holds all licenses and permits required for
185 the hunting or trapping; or

186 (iii) at a lawfully organized competition involving the use of a firearm or for
187 participation in or practice for a performance by an organized group that uses firearms as part
188 of the performance.

189 (9) A transferor who transfers one or more firearms in violation of this section is guilty
190 of:

191 (a) a class A misdemeanor for the first offense; and

192 (b) a third degree felony for a second or subsequent offense.

193 (10) A transferee who receives one or more firearms in violation of this section is
194 guilty of:

195 (a) a class A misdemeanor for the first offense; and

196 (b) a third degree felony for a second or subsequent offense.

197 (11) Each firearm transferred in violation of this section constitutes a separate offense.

198 **Section 4. Effective date.**

199 This bill takes effect on May 1, 2024.