

**PROTECTION OF CONCEALED FIREARM PERMIT
INFORMATION**

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies a provision relating to concealed firearm permit information.

Highlighted Provisions:

This bill:

- ▶ prohibits the sharing of concealed firearm permit information with the federal government; and
- ▶ makes disclosing or sharing concealed firearm permit information a third degree felony.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-5-708, as last amended by Laws of Utah 2010, Chapter 62

63G-2-801, as last amended by Laws of Utah 2012, Chapter 377

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

Section 1. Section **53-5-708** is amended to read:



28 **53-5-708. Permit -- Names private.**

29 (1) (a) The bureau shall maintain a record in its office of any permit issued under this
30 part.

31 (b) Notwithstanding the requirements of Subsection 63G-2-301(2)(b), the names,
32 addresses, telephone numbers, dates of birth, and Social Security numbers of persons receiving
33 permits are protected records under Subsection 63G-2-305(10).

34 (c) Notwithstanding Section 63G-2-206, a person may not share any of the information
35 listed in Subsection (1)(b) with any office, department, division, or other agency of the federal
36 government.

37 (d) A person is guilty of a third degree felony if the person knowingly:

38 (i) discloses information listed in Subsection (1)(b) in violation of the provisions under
39 Title 63G, Chapter 2, Government Records Access and Management Act, applicable to
40 protected records; or

41 (ii) shares information in violation of Subsection (1)(c).

42 (2) The bureau shall immediately file a copy of each permit it issues under this part.
43 Section 2. Section **63G-2-801** is amended to read:

44 **63G-2-801. Criminal penalties.**

45 (1) (a) A public employee or other person who has lawful access to any private,
46 controlled, or protected record under this chapter, and who intentionally discloses, provides a
47 copy of, or improperly uses a private, controlled, or protected record knowing that the
48 disclosure or use is prohibited under this chapter, is, except as provided in Subsection
49 53-5-708(1)(c), guilty of a class B misdemeanor.

50 (b) It is a defense to prosecution under Subsection (1)(a) that the actor used or released
51 private, controlled, or protected information in the reasonable belief that the use or disclosure
52 of the information was necessary to expose a violation of law involving government
53 corruption, abuse of office, or misappropriation of public funds or property.

54 (c) It is a defense to prosecution under Subsection (1)(a) that the record could have
55 lawfully been released to the recipient if it had been properly classified.

56 (d) It is a defense to prosecution under Subsection (1)(a) that the public employee or
57 other person disclosed, provided, or used the record based on a good faith belief that the
58 disclosure, provision, or use was in accordance with the law.

59 (2) (a) A person who by false pretenses, bribery, or theft, gains access to or obtains a
60 copy of any private, controlled, or protected record to which the person is not legally entitled is
61 guilty of a class B misdemeanor.

62 (b) No person shall be guilty under Subsection (2)(a) who receives the record,
63 information, or copy after the fact and without prior knowledge of or participation in the false
64 pretenses, bribery, or theft.

65 (3) (a) A public employee who intentionally refuses to release a record, the disclosure
66 of which the employee knows is required by law, is guilty of a class B misdemeanor.

67 (b) It is a defense to prosecution under Subsection (3)(a) that the public employee's
68 failure to release the record was based on a good faith belief that the public employee was
69 acting in accordance with the requirements of law.

70 (c) A public employee who intentionally refuses to release a record, the disclosure of
71 which the employee knows is required by a final unappealed order from a government entity,
72 the records committee, or a court is guilty of a class B misdemeanor.

Legislative Review Note
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Office of Legislative Research and General Counsel