

VOLUNTARY COMMITMENT OF A FIREARM AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: A. Cory Maloy

Senate Sponsor: Ann Millner

LONG TITLE

General Description:

This bill defines "owner cohabitant" for the purpose of the voluntary commitment of a firearm to law enforcement.

Highlighted Provisions:

This bill:

- ▶ defines "cohabitant" as any adult living in the home.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-5c-201, as last amended by Laws of Utah 2017, Chapter 334

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

Section 1. Section **53-5c-201** is amended to read:

53-5c-201. Voluntary commitment of a firearm by owner cohabitant -- Law enforcement to hold firearm.

(1) As used in this section, "cohabitant" means any individual 18 years of age or older residing in the home who:

(a) is living as if a spouse of the owner cohabitant;

(b) is related by blood or marriage to the owner cohabitant;

30 (c) has one or more children in common with the owner cohabitant; or

31 (d) has an interest in the safety and wellbeing of the owner cohabitant.

32 ~~[(1)]~~ (2) (a) ~~[An owner]~~ A cohabitant may voluntarily commit a firearm to a law
33 enforcement agency for safekeeping if the ~~[owner]~~ cohabitant believes that the owner
34 cohabitant or another cohabitant with access to the firearm is an immediate threat to:

35 (i) himself or herself;

36 (ii) the owner cohabitant; or

37 (iii) any other person.

38 (b) A law enforcement agency may not hold a firearm under this section if the law
39 enforcement agency obtains the firearm in a manner other than the owner cohabitant
40 voluntarily presenting, of the owner cohabitant's own free will, the firearm to the law
41 enforcement agency at the agency's office.

42 ~~[(2)]~~ (3) Unless a firearm is an illegal firearm subject to Section 53-5c-202, a law
43 enforcement agency that receives a firearm in accordance with this chapter shall:

44 (a) record:

45 (i) the owner cohabitant's name, address, and phone number;

46 (ii) the firearm serial number and the make and model of each firearm committed; and

47 (iii) the date that the firearm was voluntarily committed;

48 (b) require the ~~[owner]~~ cohabitant to sign a document attesting that the ~~[owner]~~
49 cohabitant resides in the home ~~[has an ownership interest in the firearm]~~;

50 (c) hold the firearm in safe custody for 60 days after the day on which the firearm is
51 voluntarily committed; and

52 (d) upon proof of identification, return the firearm to:

53 (i) the owner cohabitant after the expiration of the 60-day period or, if the owner
54 cohabitant requests return of the firearm before the expiration of the 60-day period, at the time
55 of the request; or

56 (ii) an owner other than the owner cohabitant in accordance with Section 53-5c-202.

57 ~~[(3)]~~ (4) The law enforcement agency shall hold the firearm for an additional 60 days:

58 (a) if the initial 60-day period expires; and

59 (b) the cohabitant or owner cohabitant requests that the law enforcement agency hold
60 the firearm for an additional 60 days.

61 [~~(4)~~] (5) A law enforcement agency may not request or require that the owner
62 cohabitant provide the name or other information of the cohabitant who poses an immediate
63 threat or any other cohabitant.

64 [~~(5)~~] (6) Notwithstanding an ordinance or policy to the contrary adopted in accordance
65 with Section 63G-2-701, a law enforcement agency shall destroy a record created under
66 Subsection [~~(2)~~] (3), Subsection 53-5c-202[~~(4)~~](3)(b)(iii), or any other record created in the
67 application of this chapter immediately, if practicable, but no later than five days after
68 immediately upon the:

69 (a) [~~returning~~] return of a firearm in accordance with Subsection [~~(2)~~] (3)(d); or

70 (b) [~~disposing~~] disposal of the firearm in accordance with Section 53-5c-202.

71 [~~(6)~~] (7) Unless otherwise provided, the provisions of Title 77, Chapter 24a, Lost or
72 Mislaid Personal Property, do not apply to a firearm received by a law enforcement agency in
73 accordance with this chapter.

74 [~~(7)~~] (8) A law enforcement agency shall adopt a policy for the safekeeping of a
75 firearm held in accordance with this chapter.