

Representative A. Cory Maloy proposes the following substitute bill:

SALE OF A FIREARM AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: A. Cory Maloy

Senate Sponsor: Jacob L. Anderegg

LONG TITLE

General Description:

This bill addresses sale of a firearm.

Highlighted Provisions:

This bill:

▶ directs the Bureau of Criminal Identification to create an online process that allows an individual involved in the sale of a firearm to determine if the other party to the sale has a valid concealed carry permit or the firearm has been reported as stolen; and

▶ includes a sunset date.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

63I-1-276, as last amended by Laws of Utah 2019, Chapters 136, 440

ENACTS:

76-10-526.1, Utah Code Annotated 1953



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

Section 1. Section **63I-1-276** is amended to read:

63I-1-276. Repeal dates: Title 76.

Section 76-10-526.1, relating to an information check before the private sale of a firearm, is repealed July 1, 2025.

Section 2. Section **76-10-526.1** is enacted to read:

76-10-526.1. Information check before private sale of firearm.

(1) As used in this section:

(a) "Governmental entity" means the state and the state's political subdivisions.

(b) "Law enforcement agency" means the same as that term is defined in Section 53-1-102.

(c) "Personally identifiable information" means the same as that term is defined in Section 63D-2-102.

(2) Subject to Subsections (3) and (4), the bureau shall create an online process that allows an individual who is selling or purchasing a firearm to voluntarily determine:

(a) if the other individual involved in the sale of the firearm has a valid concealed carry permit; or

(b) based on the serial number of the firearm, if the firearm is reported as stolen.

(3) Subsection (2) does not apply to a federal firearms licensee or dealer.

(4) The bureau may not:

(a) provide information related to a request under Subsection (2) to a law enforcement agency; or

(b) collect a user's personally identifiable information under Subsection (2).

(5) A governmental entity may not require an individual who is selling or purchasing a firearm to use the process under Subsection (2).

(6) If an individual uses the process under Subsection (2), the individual is not required, based on the information the individual receives from the bureau, to make a report to a law enforcement agency.

(7) After responding to a request under Subsection (2), the bureau shall immediately dispose of all information related to the request.

57 (8) (a) This section does not create a civil cause of action arising from the sale or
58 purchase of a firearm under this section.

59 (b) An individual's failure to use the process under Subsection (2) is not evidence of
60 the individual's negligence in a civil cause of action.

61 Section 3. **Effective date.**

62 This bill takes effect on July 1, 2023.