

Senator David P. Hinkins proposes the following substitute bill:

**CONCEAL CARRY FIREARMS AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Walt Brooks**

Senate Sponsor: David P. Hinkins

6	Cosponsors:	Bradley G. Last	Rex P. Shipp
7	Nelson T. Abbott	Karianne Lisonbee	Casey Snider
8	Cheryl K. Acton	Phil Lyman	V. Lowry Snow
9	Carl R. Albrecht	A. Cory Maloy	Robert M. Spendlove
10	Kera Birkeland	Jefferson Moss	Jeffrey D. Stenquist
11	Jefferson S. Burton	Michael J. Petersen	Keven J. Stratton
12	Steve R. Christiansen	Val L. Peterson	Mark A. Strong
13	Kay J. Christofferson	Candice B. Pierucci	Jordan D. Teuscher
14	Joel Ferry	Paul Ray	Christine F. Watkins
15	Francis D. Gibson	Adam Robertson	Ryan D. Wilcox
16	Matthew H. Gwynn	Mike Schultz	Mike Winder
17	Dan N. Johnson	Travis M. Seegmiller	
	Marsha Judkins		

18

19 **LONG TITLE**

20 **General Description:**

21 This bill modifies provisions related to carrying a concealed firearm and suicide  
22 prevention.

23 **Highlighted Provisions:**



- 24 This bill:
- 25 ▶ provides that an individual who is 21 years old or older, and may lawfully possess a
  - 26 firearm, may carry a concealed firearm in a public area without a permit;
  - 27 ▶ provides for the transfer of unused funds in the Concealed Weapons Account to the
  - 28 Division of Substance Abuse and Mental Health for suicide prevention efforts; and
  - 29 ▶ creates the Suicide Prevention and Education Fund within the division for suicide
  - 30 prevention efforts.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

- 37 **53-5-707**, as last amended by Laws of Utah 2019, Chapter 440
- 38 **76-10-504**, as last amended by Laws of Utah 2015, Chapter 406
- 39 **76-10-505**, as last amended by Laws of Utah 2009, Chapter 362
- 40 **76-10-523**, as last amended by Laws of Utah 2019, Chapters 39, 375, and 458

41 ENACTS:

42 **62A-15-1104**, Utah Code Annotated 1953



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

45 Section 1. Section **53-5-707** is amended to read:

46 **53-5-707. Concealed firearm permit -- Fees -- Concealed Weapons Account.**

- 47 (1) (a) An applicant for a concealed firearm permit shall pay a fee of \$25 at the time of
- 48 filing an application.
- 49 (b) A nonresident applicant shall pay an additional \$10 for the additional cost of
- 50 processing a nonresident application.
- 51 (c) The bureau shall waive the initial fee for an applicant who is a law enforcement
- 52 officer under Section **53-13-103**.
- 53 (d) Concealed firearm permit renewal fees for active duty service members and the
- 54 spouse of an active duty service member shall be waived.

55 (2) The renewal fee for the permit is \$20. A nonresident shall pay an additional \$5 for  
56 the additional cost of processing a nonresidential renewal.

57 (3) The replacement fee for the permit is \$10.

58 (4) (a) The late fee for the renewal permit is \$7.50.

59 (b) As used in this section, "late fee" means the fee charged by the bureau for a renewal  
60 submitted on a permit that has been expired for more than 30 days but less than one year.

61 (5) (a) There is created a restricted account within the General Fund known as the  
62 "Concealed Weapons Account."

63 (b) The account shall be funded from fees collected under this section and Section  
64 [53-5-707.5](#).

65 (c) Funds in the account may only be used to cover costs relating to:

66 (i) the issuance of concealed firearm permits under this part; or

67 (ii) the programs described in Subsections [62A-15-103\(3\)](#) and [76-10-526\(15\)](#) and  
68 Section [62A-15-1101](#).

69 (d) No later than 90 days after the end of the fiscal year 50% of the fund balance shall  
70 be transferred to the Suicide Prevention and Education Fund, created in Section [62A-15-1104](#).

71 (6) (a) The bureau may collect any fees charged by an outside agency for additional  
72 services required by statute as a prerequisite for issuance of a permit.

73 (b) The bureau shall promptly forward any fees collected under Subsection (6)(a) to the  
74 appropriate agency.

75 (7) The bureau shall make an annual report in writing to the Legislature's Law  
76 Enforcement and Criminal Justice Interim Committee on the amount and use of the fees  
77 collected under this section and Section [53-5-707.5](#).

78 Section 2. Section **62A-15-1104** is enacted to read:

79 **62A-15-1103. Suicide Prevention and Education Fund.**

80 (1) There is created an expendable special revenue fund known as the Suicide  
81 Prevention and Education Fund.

82 (2) The fund shall consist of funds transferred from the Concealed Weapons Account  
83 in accordance with Subsection [53-5-707\(5\)\(d\)](#).

84 (3) Money in the fund shall be used for suicide prevention efforts that include a focus  
85 on firearm safety as related to suicide prevention.

86           (4) The division shall establish a process by rule in accordance with Title 63G, Chapter  
87 3, Utah Administrative Rulemaking Act, for the expenditure of money from the fund.

88           (5) The division shall make an annual report to the Legislature regarding the status of  
89 the fund, including a report detailing amounts received, expenditures made, and programs and  
90 services funded.

91           Section 3. Section **76-10-504** is amended to read:

92           **76-10-504. Carrying concealed firearm -- Penalties.**

93           (1) Except as provided in [~~Section~~] Sections [76-10-503](#) and [76-10-523](#) and in  
94 Subsections (2), (3), and (4), a person who carries a concealed firearm, as defined in Section  
95 [76-10-501](#), including an unloaded firearm on his or her person or one that is readily accessible  
96 for immediate use which is not securely encased, as defined in this part, in or on a place other  
97 than the person's residence, property, a vehicle in the person's lawful possession, or a vehicle,  
98 with the consent of the individual who is lawfully in possession of the vehicle, or business  
99 under the person's control is guilty of a class B misdemeanor.

100           (2) A person who carries a concealed firearm that is a loaded firearm in violation of  
101 Subsection (1) is guilty of a class A misdemeanor.

102           (3) A person who carries concealed an unlawfully possessed short barreled shotgun or  
103 a short barreled rifle is guilty of a second degree felony.

104           (4) If the concealed firearm is used in the commission of a violent felony as defined in  
105 Section [76-3-203.5](#), and the person is a party to the offense, the person is guilty of a second  
106 degree felony.

107           (5) Nothing in Subsection (1) or (2) prohibits a person engaged in the lawful taking of  
108 protected or unprotected wildlife as defined in Title 23, Wildlife Resources Code of Utah, from  
109 carrying a concealed firearm as long as the taking of wildlife does not occur:

- 110           (a) within the limits of a municipality in violation of that municipality's ordinances; or
- 111           (b) upon the highways of the state as defined in Section [41-6a-102](#).

112           Section 4. Section **76-10-505** is amended to read:

113           **76-10-505. Carrying loaded firearm in vehicle or on street.**

114           (1) Unless otherwise authorized by law, a person may not carry a loaded firearm:

115           (a) in or on a vehicle, unless:

116           (i) the vehicle is in the person's lawful possession; or

117 (ii) the person is carrying the loaded firearm in a vehicle with the consent of the person  
118 lawfully in possession of the vehicle;

119 (b) on a public street; or

120 (c) in a posted prohibited area.

121 (2) Subsection (1)(a) does not apply to a minor under 18 years of age, since a minor  
122 under 18 years of age may not carry a loaded firearm in or on a vehicle.

123 (3) Notwithstanding [~~Subsection~~] Subsections (1)(a)(i) and (ii), and Subsection  
124 73-10-523(5), a person may not possess a loaded rifle, shotgun, or muzzle-loading rifle in a  
125 vehicle.

126 (4) A violation of this section is a class B misdemeanor.

127 Section 5. Section **76-10-523** is amended to read:

128 **76-10-523. Persons exempt from weapons laws.**

129 (1) Except for Sections 76-10-506, 76-10-508, and 76-10-508.1, this part and Title 53,  
130 Chapter 5, Part 7, Concealed Firearm Act, do not apply to any of the following:

131 (a) a United States marshal;

132 (b) a federal official required to carry a firearm;

133 (c) a peace officer of this or any other jurisdiction;

134 (d) a law enforcement official as defined and qualified under Section 53-5-711;

135 (e) a judge as defined and qualified under Section 53-5-711;

136 (f) a court commissioner as defined and qualified under Section 53-5-711; or

137 (g) a common carrier while engaged in the regular and ordinary transport of firearms as  
138 merchandise.

139 (2) Notwithstanding Subsection (1), the provisions of Section 76-10-528 apply to any  
140 individual listed in Subsection (1) who is not employed by a state or federal agency or political  
141 subdivision that has adopted a policy or rule regarding the use of dangerous weapons.

142 (3) Subsections 76-10-504(1) and (2), and Section 76-10-505 do not apply to:

143 (a) an individual to whom a permit to carry a concealed firearm has been issued:

144 (i) pursuant to Section 53-5-704; or

145 (ii) by another state or county; or

146 (b) a person who is issued a protective order under Subsection 78B-7-603(1)(b) or  
147 78B-7-404(1)(b), unless the person is a restricted person as described in Subsection

148 [76-10-503](#)(1), for a period of 120 days after the day on which the person is issued the  
149 protective order.

150 (4) Except for Sections [76-10-503](#), [76-10-506](#), [76-10-508](#), and [76-10-508.1](#), this part  
151 and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to a nonresident traveling  
152 in or though the state, provided that any firearm is:

153 (a) unloaded; and

154 (b) securely encased as defined in Section [76-10-501](#).

155 (5) Subsections [76-10-504](#)(1) and (2), and [76-10-505](#)(1)(b) do not apply to a person 21  
156 years old or older who may otherwise lawfully possess a firearm.