

CONCEALED CARRY AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill establishes a provisional permit to carry a concealed firearm for eligible individuals under 21 years of age.

Highlighted Provisions:

This bill:

- ▶ establishes a provisional permit to carry a concealed firearm;
- ▶ stipulates that individuals must be at least 18 years of age, but no more than 20 years of age, to obtain the permit;
- ▶ stipulates that the holder of a provisional permit issued by the state must meet eligibility requirements, including minimum age requirements, to carry a concealed firearm in another state; and
- ▶ prohibits a provisional permit holder from carrying a concealed firearm on or about an elementary or secondary school premises.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-5-706, as last amended by Laws of Utah 2011, Chapter 368



28 [53-5-707](#), as last amended by Laws of Utah 2014, Chapters 189 and 226
 29 [53-5-710](#), as last amended by Laws of Utah 1999, Chapter 366
 30 [53-10-202.5](#), as last amended by Laws of Utah 2010, Chapters 58, 283 and last
 31 amended by Coordination Clause, Laws of Utah 2010, Chapter 58

32 ENACTS:

33 [53-5-704.5](#), Utah Code Annotated 1953
 34 [53-5-707.5](#), Utah Code Annotated 1953

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

37 Section 1. Section [53-5-704.5](#) is enacted to read:

38 **[53-5-704.5](#). **Provisional permit to carry concealed firearm.****

39 (1) (a) The bureau shall issue a provisional permit to carry a concealed firearm for
 40 lawful self-defense to an applicant who is 18 years of age, but is no older than 20 years of age,
 41 within 60 days after receiving an application, unless the bureau finds proof that the applicant
 42 does not meet the qualifications set forth in Subsection [53-5-704\(2\)](#).

43 (b) The provisional permit is valid throughout the state until the applicant reaches the
 44 age of 21, without restriction, except as otherwise provided by Section [53-5-710](#).

45 (2) The bureau may deny, suspend, or revoke a provisional permit issued under this
 46 section as set forth in Subsections [53-5-704\(2\)](#) and (3).

47 (3) (a) In addition to meeting the other qualifications for the issuance of a provisional
 48 permit under this section, a nonresident applicant who resides in a state that recognizes the
 49 validity of the Utah provisional permit or has reciprocity with Utah's provisional permit law
 50 shall:

51 (i) hold a current applicable concealed firearm or concealed weapon permit issued by
 52 the appropriate permitting authority of the nonresident applicant's state of residency; and

53 (ii) submit a photocopy or electronic copy of the nonresident applicant's current
 54 concealed firearm or concealed weapon permit referred to in Subsection (3)(a)(i).

55 (b) A nonresident applicant who knowingly and willfully provides false information to
 56 the bureau under Subsection (3)(a) is prohibited from holding a Utah concealed firearm permit
 57 of any kind for a period of 10 years.

58 (4) The bureau shall also require the applicant to provide:

- 59 (a) the address of the applicant's permanent residence;
- 60 (b) one recent dated photograph;
- 61 (c) one set of fingerprints; and
- 62 (d) evidence of general familiarity with the types of firearms to be concealed as defined
63 in Subsection 53-5-704(8).

64 (5) In the event of a decision to deny, suspend, or revoke a permit, the applicant or
65 permit holder under this section may appeal the decision through the same process set forth in
66 Subsection 53-5-704(16).

67 (6) The applicant or permit holder of the provisional permit under this section must
68 meet the eligibility requirements of another state, including age requirements, to carry a
69 concealed firearm in that state.

70 Section 2. Section **53-5-706** is amended to read:

71 **53-5-706. Permit -- Fingerprints transmitted to bureau -- Report from bureau.**

72 (1) (a) Except as provided in Subsection (2), the fingerprints of each applicant shall be
73 taken on a form prescribed by the bureau.

74 (b) Upon receipt of the fingerprints and the fee prescribed in Section 53-5-707 or
75 53-5-707.5, the bureau shall conduct a search of its files for criminal history information
76 pertaining to the applicant, and shall request the Federal Bureau of Investigation to conduct a
77 similar search through its files.

78 (c) If the fingerprints are insufficient for the Federal Bureau of Investigation to conduct
79 a search of its files for criminal history information, the application or concealed firearm permit
80 may be denied, suspended, or revoked until sufficient fingerprints are submitted by the
81 applicant.

82 (2) (a) If the permit applicant has previously applied to the bureau for a permit to carry
83 concealed firearms, the bureau shall note the previous identification numbers and other data
84 which would provide positive identification in the files of the bureau on the copy of any
85 subsequent permit submitted to the bureau in accordance with this section.

86 (b) No additional application form, fingerprints, or fee are required under this
87 Subsection (2).

88 Section 3. Section **53-5-707** is amended to read:

89 **53-5-707. Concealed firearm permit -- Fees -- Concealed Weapons Account.**

90 (1) (a) An applicant for a concealed firearm permit shall pay a fee of \$24.75 at the time
91 of filing an application.

92 (b) A nonresident applicant shall pay an additional \$10 for the additional cost of
93 processing a nonresident application.

94 (c) The bureau shall waive the initial fee for an applicant who is a law enforcement
95 officer under Section [53-13-103](#).

96 (d) Concealed firearm permit renewal fees for active duty service members and the
97 spouse of an active duty service member shall be waived.

98 (2) The renewal fee for the permit is \$15.

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

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

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

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

105 (b) The account shall be funded from fees collected under this section and Section
106 [53-5-707.5](#).

107 (c) Funds in the account shall be used to cover costs relating to the issuance of
108 concealed firearm permits under this part and may not be used for any other purpose.

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

111 (b) The bureau may modify the fee under Subsection (1)(a) by adjusting that fee so that
112 the total of the fee under Subsection (1)(a) and the fee under Subsection (6)(a) is the nearest
113 even dollar amount to that total.

114 (c) The bureau shall promptly forward any fees collected under Subsection (6)(a) to the
115 appropriate agency.

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

119 Section 4. Section [53-5-707.5](#) is enacted to read:

120 **53-5-707.5. Provisional concealed firearm permit -- Fees -- Disposition of fees.**

121 (1) (a) An applicant for a provisional concealed firearm permit, as described in Section
122 53-5-704.5, shall pay a fee of \$24.75 at the time of filing an application.

123 (b) A nonresident applicant shall pay an additional \$10 for the additional cost of
124 processing a nonresident application.

125 (2) The replacement fee for the permit is \$10.

126 (3) Fees collected under this section shall be remitted to the Concealed Weapons
127 Account, as described in Subsection 53-5-707(5).

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

130 (b) The bureau may modify the fee under Subsection (1)(a) by adjusting that fee so that
131 the total of the fee under Subsection (1)(a) and the fee under Subsection (4)(a) is the nearest
132 even dollar amount to that total.

133 (c) The bureau shall promptly forward any fees collected under Subsection (4)(a) to the
134 appropriate agency.

135 Section 5. Section **53-5-710** is amended to read:

136 **53-5-710. Cross-references to concealed firearm permit restrictions.**

137 (1) A person with a permit of any kind to carry a concealed firearm may not carry a
138 concealed firearm in the following locations:

139 ~~[(1)]~~ (a) any secure area prescribed in Section 76-10-523.5 in which firearms are
140 prohibited and notice of the prohibition posted;

141 ~~[(2)]~~ (b) [in] any airport secure area as provided in Section 76-10-529; or

142 ~~[(3)]~~ (c) [in] any house of worship or in any private residence where dangerous
143 weapons are prohibited as provided in Section 76-10-530.

144 (2) Notwithstanding Subsection 76-10-505.5(2), a person under the age of 21 with a
145 permit of any kind to carry a concealed firearm may not carry a concealed firearm on or about
146 school premises, as defined in Subsection 76-10-505.5(1)(a).

147 Section 6. Section **53-10-202.5** is amended to read:

148 **53-10-202.5. Bureau services -- Fees.**

149 The bureau shall collect fees for the following services:

150 (1) applicant fingerprint card as determined by Section 53-10-108;

151 (2) bail enforcement licensing as determined by Section 53-11-115;

- 152 (3) concealed firearm permit as determined by Section [53-5-707](#);
- 153 (4) provisional concealed firearm permit as determined by Section [53-5-707.5](#);
- 154 [~~4~~] (5) application for and issuance of a certificate of eligibility for expungement as
- 155 determined by Section [77-40-106](#);
- 156 [~~5~~] (6) firearm purchase background check as determined by Section [76-10-526](#);
- 157 [~~6~~] (7) name check as determined by Section [53-10-108](#);
- 158 [~~7~~] (8) private investigator licensing as determined by Section [53-9-111](#); and
- 159 [~~8~~] (9) right of access as determined by Section [53-10-108](#).

Legislative Review Note
Office of Legislative Research and General Counsel