

1 **CONCEALED FIREARM INSTRUCTOR AMENDMENTS**

 2024 GENERAL SESSION

 STATE OF UTAH

Chief Sponsor: Jason B. Kyle

 Senate Sponsor: John D. Johnson

2
3 **LONG TITLE**

4 **General Description:**

5 This bill concerns training requirements for a concealed firearms instructor applicant.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▸ modifies training requirements for a concealed firearms instructor applicant; and
- 9 ▸ makes technical and conforming changes.

10 **Money Appropriated in this Bill:**

11 None

12 **Other Special Clauses:**

13 None

14 **Utah Code Sections Affected:**

15 AMENDS:

16 **53-5-704**, as last amended by Laws of Utah 2022, Chapter 250

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

19 Section 1. Section **53-5-704** is amended to read:

20 **53-5-704 . Bureau duties -- Permit to carry concealed firearm -- Certification for**
21 **concealed firearms instructor -- Requirements for issuance -- Violation -- Denial,**
22 **suspension, or revocation -- Appeal procedure.**

23 (1) (a) Except as provided in Subsection (1)(b), the bureau shall issue a permit to carry a
24 concealed firearm for lawful self defense to an applicant who is 21 years old or older
25 within 60 days after receiving an application, unless the bureau finds proof that the
26 applicant is not qualified to hold a permit under Subsection (2) or (3).

27 (b) (i) Within 90 days before the day on which a provisional permit holder under
28 Section 53-5-704.5 reaches 21 years old, the provisional permit holder may apply

- 29 under this section for a permit to carry a concealed firearm for lawful self defense.
- 30 (ii) The bureau shall issue a permit for an applicant under Subsection (1)(b)(i) within
31 60 days after receiving an application, unless the bureau finds proof that the
32 applicant is not qualified to hold a permit under Subsection (2) or (3).
- 33 (iii) A permit issued under this Subsection (1)(b):
34 (A) is not valid until an applicant is 21 years old; and
35 (B) requires a \$10 application fee.
- 36 (iv) A person who applies for a permit under this Subsection (1)(b) is not required to
37 retake the firearms training described in Subsection 53-5-704(8).
- 38 (c) The permit is valid throughout the state for five years, without restriction, except as
39 otherwise provided by Section 53-5-710.
- 40 (d) The provisions of Subsections 76-10-504(1) and (2), and Section 76-10-505 do not
41 apply to an individual issued a permit under Subsection (1)(a) or (b).
- 42 (e) Subsection (4)(a) does not apply to a nonresident:
43 (i) active duty service member, who presents to the bureau orders requiring the active
44 duty service member to report for duty in this state; or
45 (ii) active duty service member's spouse, stationed with the active duty service
46 member, who presents to the bureau the active duty service member's orders
47 requiring the service member to report for duty in this state.
- 48 (2) (a) The bureau may deny, suspend, or revoke a concealed firearm permit if the
49 applicant or permit holder:
50 (i) has been or is convicted of a felony;
51 (ii) has been or is convicted of a crime of violence;
52 (iii) has been or is convicted of an offense involving the use of alcohol;
53 (iv) has been or is convicted of an offense involving the unlawful use of narcotics or
54 other controlled substances;
55 (v) has been or is convicted of an offense involving moral turpitude;
56 (vi) has been or is convicted of an offense involving domestic violence;
57 (vii) has been or is adjudicated by a state or federal court as mentally incompetent,
58 unless the adjudication has been withdrawn or reversed; and
59 (viii) is not qualified to purchase and possess a firearm pursuant to Section 76-10-503
60 and federal law.
- 61 (b) In determining whether an applicant or permit holder is qualified to hold a permit
62 under Subsection (2)(a), the bureau shall consider mitigating circumstances.

- 63 (3) (a) The bureau may deny, suspend, or revoke a concealed firearm permit if it has
64 reasonable cause to believe that the applicant or permit holder has been or is a danger
65 to self or others as demonstrated by evidence, including:
- 66 (i) past pattern of behavior involving unlawful violence or threats of unlawful
67 violence;
 - 68 (ii) past participation in incidents involving unlawful violence or threats of unlawful
69 violence; or
 - 70 (iii) conviction of an offense in violation of Title 76, Chapter 10, Part 5, Weapons.
- 71 (b) The bureau may not deny, suspend, or revoke a concealed firearm permit solely for a
72 single conviction of an infraction violation of Title 76, Chapter 10, Part 5, Weapons.
- 73 (c) In determining whether the applicant or permit holder has been or is a danger to self
74 or others, the bureau may inspect:
- 75 (i) expunged records of arrests and convictions of adults as provided in Section
76 77-40a-403; and
 - 77 (ii) juvenile court records as provided in Section 78A-6-209.
- 78 (d) (i) The bureau shall suspend a concealed firearm permit if a permit holder
79 becomes a temporarily restricted person in accordance with Section 53-5c-301.
- 80 (ii) Upon removal from the temporary restricted list, the permit holder's permit shall
81 be reinstated unless:
- 82 (A) the permit has been revoked, been suspended for a reason other than the
83 restriction described in Subsection (3)(d)(i), or expired; or
 - 84 (B) the permit holder has become a restricted person under Section 76-10-503.
- 85 (4) (a) In addition to meeting the other qualifications for the issuance of a concealed
86 firearm permit under this section, a nonresident applicant who resides in a state that
87 recognizes the validity of the Utah permit or has reciprocity with Utah's concealed
88 firearm permit law shall:
- 89 (i) hold a current concealed firearm or concealed weapon permit issued by the
90 appropriate permitting authority of the nonresident applicant's state of residency;
91 and
 - 92 (ii) submit a photocopy or electronic copy of the nonresident applicant's current
93 concealed firearm or concealed weapon permit referred to in Subsection (4)(a)(i).
- 94 (b) A nonresident applicant who knowingly and willfully provides false information to
95 the bureau under Subsection (4)(a) is prohibited from holding a Utah concealed
96 firearm permit for a period of 10 years.

- 97 (c) Subsection (4)(a) applies to all applications for the issuance of a concealed firearm
98 permit that are received by the bureau after May 10, 2011.
- 99 (d) Beginning January 1, 2012, Subsection (4)(a) also applies to an application for
100 renewal of a concealed firearm permit by a nonresident.
- 101 (5) The bureau shall issue a concealed firearm permit to a former peace officer who departs
102 full-time employment as a peace officer, in an honorable manner, within five years of
103 that departure if the officer meets the requirements of this section.
- 104 (6) Except as provided in Subsection (7), the bureau shall also require the applicant to
105 provide:
- 106 (a) the address of the applicant's permanent residence;
- 107 (b) one recent dated photograph;
- 108 (c) one set of fingerprints; and
- 109 (d) evidence of general familiarity with the types of firearms to be concealed as defined
110 in Subsection (8).
- 111 (7) An applicant who is a law enforcement officer under Section 53-13-103 may provide a
112 letter of good standing from the officer's commanding officer in place of the evidence
113 required by Subsection (6)(d).
- 114 (8) (a) General familiarity with the types of firearms to be concealed includes training in:
- 115 (i) the safe loading, unloading, storage, and carrying of the types of firearms to be
116 concealed; and
- 117 (ii) current laws defining lawful use of a firearm by a private citizen, including lawful
118 self-defense, use of force by a private citizen, including use of deadly force,
119 transportation, and concealment.
- 120 (b) An applicant may satisfy the general familiarity requirement of Subsection (8)(a) by
121 one of the following:
- 122 (i) completion of a course of instruction conducted by a national, state, or local
123 firearms training organization approved by the bureau;
- 124 (ii) certification of general familiarity by an individual who has been certified by the
125 bureau, which may include a law enforcement officer, military or civilian firearms
126 instructor, or hunter safety instructor; or
- 127 (iii) equivalent experience with a firearm through participation in an organized
128 shooting competition, law enforcement, or military service.
- 129 (c) Instruction taken by a student under this Subsection (8) shall be in person and not
130 through electronic means.

- 131 (d) A person applying for a renewal permit is not required to retake the firearms training
132 described in this Subsection 53-5-704(8) if the person:
- 133 (i) has an unexpired permit; or
134 (ii) has a permit that expired less than one year before the date on which the renewal
135 application was submitted.
- 136 (9) (a) An applicant for certification as a Utah concealed firearms instructor shall:
- 137 (i) be at least 21 years old;
138 (ii) be currently eligible to possess a firearm under Section 76-10-503;
139 (iii) have:
- 140 (A) completed a firearm instruction training course from the National Rifle
141 Association or another nationally recognized firearm training organization that
142 customarily offers firearm safety and firearm law instructor training or the
143 Department of Public Safety, Division of Peace Officer Safety Standards and
144 Training; or
- 145 (B) received training equivalent to one of the courses referred to in Subsection
146 (9)(a)(iii)(A) as determined by the bureau;
- 147 (iv) have taken a course of instruction and passed a certification test as described in
148 Subsection (9)(c); and
- 149 (v) possess a Utah concealed firearm permit.
- 150 (b) An instructor's certification is valid for three years from the date of issuance, unless
151 revoked by the bureau.
- 152 (c) (i) In order to obtain initial certification or renew a certification, an instructor
153 shall attend an instructional course and pass a test under the direction of the
154 bureau.
- 155 (ii) (A) The bureau shall provide or contract to provide the course referred to in
156 Subsection (9)(c)(i) twice every year.
- 157 (B) The course shall include instruction on current Utah law related to firearms,
158 including concealed carry statutes and rules, and the use of deadly force by
159 private citizens.
- 160 (d) (i) Each applicant for certification under this Subsection (9) shall pay a fee of
161 \$50.00 at the time of application for initial certification.
- 162 (ii) The renewal fee for the certificate is \$25.
- 163 (iii) The bureau may use a fee paid under Subsections (9)(d)(i) and (ii) as a dedicated
164 credit to cover the cost incurred in maintaining and improving the instruction

- 165 program required for concealed firearm instructors under this Subsection (9).
- 166 (10) A certified concealed firearms instructor shall provide each of the instructor's students
167 with the required course of instruction outline approved by the bureau.
- 168 (11) (a) (i) A concealed firearms instructor shall provide a signed certificate to an
169 individual successfully completing the offered course of instruction.
- 170 (ii) The instructor shall sign the certificate with the exact name indicated on the
171 instructor's certification issued by the bureau under Subsection (9).
- 172 (iii) (A) The certificate shall also have affixed to it the instructor's official seal,
173 which is the exclusive property of the instructor and may not be used by any
174 other individual.
- 175 (B) The instructor shall destroy the seal upon revocation or expiration of the
176 instructor's certification under Subsection (9).
- 177 (C) The bureau shall determine the design and content of the seal to include at
178 least the following:
- 179 (I) the instructor's name as it appears on the instructor's certification;
- 180 (II) the words "Utah Certified Concealed Firearms Instructor," "state of Utah,"
181 and "my certification expires on (the instructor's certification expiration
182 date)"; and
- 183 (III) the instructor's business or residence address.
- 184 (D) The seal shall be affixed to each student certificate issued by the instructor in
185 a manner that does not obscure or render illegible any information or
186 signatures contained in the document.
- 187 (b) The applicant shall provide the certificate to the bureau in compliance with
188 Subsection (6)(d).
- 189 (12) The bureau may deny, suspend, or revoke the certification of an applicant or a
190 concealed firearms instructor if it has reason to believe the applicant or the instructor has:
- 191 (a) become ineligible to possess a firearm under Section 76-10-503 or federal law; or
192 (b) knowingly and willfully provided false information to the bureau.
- 193 (13) An applicant for certification or a concealed firearms instructor has the same appeal
194 rights as described in Subsection (16).
- 195 (14) In providing instruction and issuing a permit under this part, the concealed firearms
196 instructor and the bureau are not vicariously liable for damages caused by the permit
197 holder.
- 198 (15) An individual who knowingly and willfully provides false information on an

- 199 application filed under this part is guilty of a class B misdemeanor, and the application
200 may be denied, or the permit may be suspended or revoked.
- 201 (16) (a) In the event of a denial, suspension, or revocation of a permit, the applicant or
202 permit holder may file a petition for review with the board within 60 days from the
203 date the denial, suspension, or revocation is received by the applicant or permit
204 holder by certified mail, return receipt requested.
- 205 (b) The bureau's denial of a permit shall be in writing and shall include the general
206 reasons for the action.
- 207 (c) If an applicant or permit holder appeals the denial to the review board, the applicant
208 or permit holder may have access to the evidence upon which the denial is based in
209 accordance with Title 63G, Chapter 2, Government Records Access and Management
210 Act.
- 211 (d) On appeal to the board, the bureau has the burden of proof by a preponderance of the
212 evidence.
- 213 (e) (i) Upon a ruling by the board on the appeal of a denial, the board shall issue a
214 final order within 30 days stating the board's decision.
- 215 (ii) The final order shall be in the form prescribed by Subsection 63G-4-203(1)(i).
- 216 (iii) The final order is final bureau action for purposes of judicial review under
217 Section 63G-4-402.
- 218 (17) The commissioner may make rules in accordance with Title 63G, Chapter 3, Utah
219 Administrative Rulemaking Act, necessary to administer this chapter.
- 220 Section 2. **Effective date.**
- 221 This bill takes effect on May 1, 2024.