

**RESTRICTED STATUS AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brian S. King**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE****General Description:**

This bill provides notification requirements for an individual who may not possess a firearm as a result of a criminal conviction.

**Highlighted Provisions:**

This bill:

- defines terms; and
- provides notification requirements to an individual accused or convicted of a criminal charge that would prevent the individual from lawfully owning or possessing a firearm.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**76-10-503.1**, Utah Code Annotated 1953

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

Section 1. Section **76-10-503.1** is enacted to read:

**76-10-503.1. Firearm restriction notification requirement.**



(1) As used in this section:

(a) "Restricted person" means an individual who is restricted from possessing, purchasing, transferring, or owning a firearm under Section 76-10-503.

(b) "Possess" or "Possession" means actual physical possession, actual or purported ownership, or exercising control of an item.

(2) A defendant intending to plead guilty or no contest to a criminal charge that will, upon conviction, cause the defendant to become a restricted person shall, before entering a plea before a court, sign an affidavit attesting that:

(a) the defendant's attorney or the prosecuting attorney has informed the defendant:

(i) that conviction of the charge will classify the defendant as a restricted person;

(ii) that a restricted person may not possess a firearm; and

(iii) of the criminal penalties associated with possession of a firearm by a restricted person of the same category the defendant will become upon entering a plea for the criminal charge; and

(b) the defendant acknowledges and understands that, by pleading guilty or no contest to the criminal charge, the defendant:

(i) will be a restricted person;

(ii) upon conviction, shall ~~immediately~~ **immediately** forfeit possession of each firearm currently possessed by the defendant; and

(iii) will be in violation of federal and state law if the defendant possesses a firearm.

(3) The prosecuting attorney or the defendant's attorney shall provide the affidavit described in Subsection (2) to the court before the defendant's entry of a plea, if the defendant pleads guilty or no contest.

(4) A defendant who is convicted by trial of a criminal charge resulting in the defendant becoming a restricted person shall, at the time of sentencing:

(a) be verbally informed by the court, prosecuting attorney, or defendant's attorney:

(i) that the defendant is a restricted person;

(ii) that, as a restricted person, the defendant may not possess a firearm; and

(iii) of the criminal penalties associated with possession of a firearm by a restricted person of the defendant's category; and

(b) sign an affidavit in the presence of the court attesting that the defendant

59 acknowledges and understands that the defendant:  
60 (i) is a restricted person;  
61 (ii) must ~~H~~→ **[immediately]** ←~~H~~ forfeit possession of each firearm; and  
62 (iii) will be in violation of federal and state law if the defendant possesses a firearm.  
63 (5) The prosecuting attorney and the defendant's attorney shall inform the court at the  
64 preliminary hearing if a charge filed against the defendant would qualify the defendant as a  
65 restricted person if the defendant is convicted of the charge.