1	FIREARM SAFE HARBOR AMENDMENTS
2	2020 GENERAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: A. Cory Maloy
5	Senate Sponsor:
6	
7	LONG TITLE
8	General Description:
9	This bill amends the safe harbor provisions for firearms.
10	Highlighted Provisions:
11	This bill:
12	 clarifies that a cohabitant may surrender a firearm to law enforcement;
13	 allows law enforcement officers to receive firearms; and
14	 makes technical corrections.
15	Money Appropriated in this Bill:
16	None
17	Other Special Clauses:
18	None
19	Utah Code Sections Affected:
20	AMENDS:
21	53-5c-201, as last amended by Laws of Utah 2019, Chapters 136 and 369
22	53-5c-202, as last amended by Laws of Utah 2017, Chapter 334
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24	Be it enacted by the Legislature of the state of Utah:
25	Section 1. Section 53-5c-201 is amended to read:
26	53-5c-201. Voluntary commitment of a firearm by cohabitant Law enforcement
27	to hold firearm.



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20	(1) As used in this section, contabilitant means any individual 18 years of age of older
29	residing in the home who:
30	(a) is living as if a spouse of the owner cohabitant;
31	(b) is related by blood or marriage to the owner cohabitant;
32	(c) has one or more children in common with the owner cohabitant; or
33	(d) has an interest in the safety and wellbeing of the owner cohabitant.
34	(2) (a) A cohabitant or owner cohabitant may voluntarily commit a firearm to a law
35	enforcement agency or request that a law enforcement officer receive a firearm for safekeeping
36	if the owner cohabitant or cohabitant believes that the owner cohabitant or another cohabitant
37	with access to the firearm is an immediate threat to:
38	(i) himself or herself;
39	(ii) the owner cohabitant; or
40	(iii) any other person.
41	(b) A law enforcement agency may not hold a firearm under this section if the [law
42	enforcement agency obtains the firearm in a manner other than the owner cohabitant
43	voluntarily presenting, of the owner cohabitant's own free will, the firearm to the law
44	enforcement agency at the agency's office] owner cohabitant was not the individual who
45	surrendered the firearm and the owner cohabitant requests return of the firearm in person at the
46	law enforcement agency's office.
47	(3) Unless a firearm is an illegal firearm subject to Section 53-5c-202, a law
48	enforcement agency that receives a firearm in accordance with this chapter shall:
49	(a) record:
50	(i) the owner cohabitant's name, address, and phone number;
51	(ii) the firearm serial number and the make and model of each firearm committed; and
52	(iii) the date that the firearm was voluntarily committed;
53	(b) require the cohabitant to sign a document attesting that the cohabitant resides in the
54	home;
55	(c) hold the firearm in safe custody for 60 days after the day on which the firearm is
56	voluntarily committed; and
57	(d) upon proof of identification, return the firearm to:
58	(i) the owner cohabitant after the expiration of the 60-day period or, if the owner

24-3-103.5.

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59	cohabitant requests return of the firearm before the expiration of the 60-day period, at the time
60	of the request; or
61	(ii) an owner other than the owner cohabitant in accordance with Section 53-5c-202.
62	(4) The law enforcement agency shall hold the firearm for an additional 60 days:
63	(a) if the initial 60-day period expires; and
64	(b) the cohabitant or owner cohabitant requests that the law enforcement agency hold
65	the firearm for an additional 60 days.
66	(5) A law enforcement agency may not request or require that the owner cohabitant
67	provide the name or other information of the cohabitant who poses an immediate threat or any
68	other cohabitant.
69	(6) Notwithstanding an ordinance or policy to the contrary adopted in accordance with
70	Section 63G-2-701, a law enforcement agency shall destroy a record created under Subsection
71	(3), Subsection 53-5c-202(3)(b)(iii), or any other record created in the application of this
72	chapter immediately, if practicable, but no later than five days after immediately upon the:
73	(a) return of a firearm in accordance with Subsection (3)(d); or
74	(b) disposal of the firearm in accordance with Section 53-5c-202.
75	(7) Unless otherwise provided, the provisions of Title 77, Chapter 24a, Lost or Mislaid
76	Personal Property, do not apply to a firearm received by a law enforcement agency in
77	accordance with this chapter.
78	(8) A law enforcement agency shall adopt a policy for the safekeeping of a firearm held
79	in accordance with this chapter.
80	Section 2. Section 53-5c-202 is amended to read:
81	53-5c-202. Illegal firearms confiscated Disposition of unclaimed firearm.
82	(1) If a law enforcement agency receives a firearm in accordance with Section
83	53-5c-201, and the firearm is an illegal firearm, the law enforcement agency shall:
84	(a) notify the owner cohabitant attempting to voluntarily commit the firearm that the
85	firearm is an illegal firearm; and
86	(b) confiscate the firearm and dispose of the firearm in accordance with Section

(2) (a) If a law enforcement agency cannot, after a reasonable attempt, locate an owner cohabitant to return a firearm in accordance with Section 53-5c-201, the law enforcement

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90	agency shall dispose of the firearm in accordance with Section 24-3-103.5.
91	(b) A law enforcement agency may not dispose of a firearm under Subsection (2)(a)
92	before one year after the day on which the [owner] cohabitant initially voluntarily [commits]
93	committed the firearm in accordance with Section 53-5c-201.
94	(3) (a) If a person other than an owner cohabitant [who voluntarily commits a firearm
95	in accordance with Section 53-5c-201] claims ownership of the firearm, the person may:
96	(i) request that the law enforcement agency return the firearm in accordance with
97	Subsection (3)(b); or
98	(ii) petition the court for the firearm's return in accordance with Subsection (3)(c).
99	(b) Except as provided in Section 53-5c-201, the law enforcement agency shall return a
100	firearm to a person other than an owner cohabitant who claims ownership of the firearm if:
101	(i) the 60-day period described in Section 53-5c-201 has expired;
102	(ii) the person provides identification; and
103	(iii) the person signs a document attesting that the person has an ownership interest in
104	the firearm.
105	(c) After sufficient notice is given to the prosecutor, the court may order that the
106	firearm be:
107	(i) returned to the rightful owner as determined by the court; or
108	(ii) disposed of in accordance with Section 24-3-103.5.
109	(d) A law enforcement agency shall return a firearm ordered returned to the rightful

owner as expeditiously as possible after a court determination.