

FIREARMS REGULATIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill declares that the state will not enforce certain federal firearms regulations.

Highlighted Provisions:

This bill:

- ▶ declares the state's commitment to the Second Amendment to the United States Constitution; and

- ▶ declares that the state and its political subdivisions will not enforce federal regulations that purport to restrict or ban certain firearms, ammunition, or firearms accessories.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

53-5a-201, Utah Code Annotated 1953

53-5a-202, Utah Code Annotated 1953

53-5a-203, Utah Code Annotated 1953

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

Section 1. Section **53-5a-201** is enacted to read:

29 **Part 2. Federal Firearm Enforcement Limitation Act**

30 **53-5a-201. Findings.**

31 To protect and preserve the individual right to keep and bear arms as guaranteed by the
32 Second Amendment to the United States Constitution and Utah Constitution, Article I, Section
33 6, the Legislature makes the following findings:

34 (1) the Tenth Amendment to the United States Constitution guarantees to the state and
35 the state's people all powers not granted to the federal government elsewhere in the United
36 States Constitution and reserves to the state and people of Utah certain powers as those powers
37 were understood at the time that Utah was admitted to statehood;

38 (2) the guarantee of powers to the state and the state's people under the Tenth
39 Amendment is a matter of contract between the state and people of Utah and the United States
40 as of the time of statehood;

41 (3) the Ninth Amendment to the United States Constitution guarantees to the people
42 rights not granted in the United States Constitution and reserves to the people of Utah certain
43 rights as those rights were understood at the time that Utah was admitted to statehood;

44 (4) the guarantee of rights to the people under the Ninth Amendment is a matter of
45 contract between the state and people of Utah and the United States as of the time of statehood;

46 (5) the Second Amendment to the United States Constitution reserves to the people the
47 right to keep and bear arms as that right was understood at the time that Utah was admitted to
48 statehood, and the guarantee of the right is a matter of contract between the state and people of
49 Utah and the United States as of the time of statehood; and

50 (6) the Utah Constitution clearly secures to Utah citizens, and prohibits
51 unconstitutional government interference with, the right of individual Utah citizens to keep and
52 bear arms.

53 Section 2. Section **53-5a-202** is enacted to read:

54 **53-5a-202. Definitions.**

55 As used in this part:

56 (1) (a) "Federal regulation" means a federal executive order, rule, or regulation that
57 infringes upon, prohibits, restricts, or requires individual licensure for, or registration of, the
58 purchase, ownership, possession, transfer, or use of a firearm, ammunition, or firearm
59 accessory.

60 (b) "Federal regulation" does not include:

61 (i) a federal firearm statute; or

62 (ii) a federal executive order, rule, or regulation that is incorporated into the Utah Code
63 by reference.

64 (2) "Firearm" means the same as that term is defined in Section [76-10-501](#).

65 (3) "Law enforcement officer" means the same as that term is defined in Section
66 [53-13-103](#).

67 (4) "Political subdivision" means a city, town, metro township, county, local district, or
68 water conservancy district.

69 Section 3. Section **53-5a-203** is enacted to read:

70 **53-5a-203. Prohibition on enforcement.**

71 (1) A law enforcement officer, state employee, or employee of a political subdivision is
72 prohibited from implementing, enforcing, assisting, or cooperating in the enforcement of a
73 federal regulation on firearms, firearm accessories, or ammunition.

74 (2) An employee of the state or a political subdivision may not expend public funds or
75 allocate public resources for the enforcement of a federal regulation on firearms, firearm
76 accessories, or ammunition.

77 (3) Notwithstanding Subsection (1) or (2), this section does not prohibit or otherwise
78 limit a law enforcement officer, state employee, or employee of a political subdivision from:

79 (a) cooperating, communicating, or collaborating with a federal agency if the primary
80 purpose of the cooperation is not the investigation or enforcement of a federal regulation on
81 firearms, ammunition, or firearm accessories;

82 (b) serving on or participating in:

83 (i) a federal law enforcement task force or program if:
84 (A) investigation and prosecution of state or federal firearms regulations are part of the
85 duties of the task force or program; or
86 (B) the law enforcement officer, state employee, or employee of the political
87 subdivision is compensated by federal funds; or
88 (ii) a state law enforcement task force or program that:
89 (A) receives federal funding; or
90 (B) has participation from federal law enforcement officials; or
91 (c) referring an investigation to a federal law enforcement agency if the law
92 enforcement officer, state employee, or political subdivision employee reasonably believes that
93 a federal law regarding firearms, ammunition, or firearm accessories has been violated.
94 (4) This section does not apply to:
95 (a) a law enforcement officer or state employee employed by or assisting:
96 (i) the Bureau of Criminal Identification of the Department of Public Safety established
97 in Section [53-10-201](#);
98 (ii) the Peace Officer Standards and Training Division created in Section [53-6-103](#); or
99 (iii) the Utah National Guard or the Utah State Defense Force created in Title 39A,
100 National Guard and Militia Act; or
101 (b) an individual who:
102 (i) is appointed as a Special Assistant U.S. Attorney under 18 U.S.C. Sec. 925D; or
103 (ii) is assisting another individual that is appointed as a Special Assistant U.S. Attorney
104 under 18 U.S.C. Sec. 925D.
105 Section 4. **Effective date.**
106 If approved by two-thirds of all the members elected to each house, this bill takes effect
107 upon approval by the governor, or the day following the constitutional time limit of Utah
108 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
109 the date of veto override.

