

COURT COMMISSIONER AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kelly B. Miles

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to individuals exempt from certain firearm laws.

Highlighted Provisions:

This bill:

▶ provides that a court commissioner is exempt from certain firearm laws if the commissioner completes the required training; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-5-711, as last amended by Laws of Utah 2014, Chapter 146

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

Section 1. Section **53-5-711** is amended to read:

53-5-711. Law enforcement officials and judges -- Training requirements --

Qualification -- Revocation.

(1) For purposes of this section and Section **76-10-523**:



28 (a) (i) "Judge" means a judge or justice of a court of record or court not of record, ~~[but]~~
29 or a court commissioner.

30 (ii) "Judge" does not include a judge pro tem or senior judge.

31 (b) "Law enforcement official of this state" means:

32 (i) a member of the Board of Pardons and Parole;

33 (ii) a district attorney, deputy district attorney, county attorney or deputy county
34 attorney of a county not in a prosecution district;

35 (iii) the attorney general;

36 (iv) an assistant attorney general designated as a criminal prosecutor; or

37 (v) a city attorney or a deputy city attorney designated as a criminal prosecutor.

38 (2) To qualify for an exemption in Section 76-10-523, a law enforcement official or
39 judge shall complete the following training requirements:

40 (a) meet the requirements of Sections 53-5-704, 53-5-706, and 53-5-707; and

41 (b) successfully complete an additional course of training as established by the
42 commissioner of public safety designed to assist them while carrying out their official law
43 enforcement and judicial duties as agents for the state or its political subdivisions.

44 (3) Annual requalification requirements for law enforcement officials and judges shall
45 be established by the commissioner of public safety. Additional requalification requirements
46 may be established by the:

47 (a) Board of Pardons and Parole by rule for its members;

48 (b) Judicial Council by rule for judges; and

49 (c) the district attorney, county attorney in a county not in a prosecution district, the
50 attorney general, or city attorney by policy for prosecutors under their jurisdiction.

51 (4) The bureau may:

52 (a) issue a certificate of qualification to a judge or law enforcement official who has
53 completed the requirements of Subsection (2), which certificate of qualification is valid until
54 revoked;

55 (b) revoke the certificate of qualification of a judge or law enforcement official who:

56 (i) fails to meet the annual requalification criteria established pursuant to Subsection
57 (3);

58 (ii) would be subject to revocation of a concealed firearm permit under Subsection

- 59 53-5-704(2)(a); or
60 (iii) is no longer employed as a judge or law enforcement official as defined in
61 Subsection (1); and
62 (c) certify instructors for the training requirements of this section.

Legislative Review Note
Office of Legislative Research and General Counsel