

Utah Concealed Firearm Permit Course

Using revised training guidelines from
Aug 31, 2022

Updated Aug 20, 2024

Agenda

- Welcome
- Introductions
- Reasons for getting a Permit
- Basic Firearm Safety Training
- Care and Storage
- Laws
- Criteria for Suspension, Denial, etc
- Reciprocity and Recognition
- Liability
- Suicide Prevention
- Finish

My Name in Jim Black

- Washington County School District (1995-Present)
 - Utah Concealed Firearm Permit (2000)
- NRA Pistol and Personal Protection Instructor (2001)
 - NRA Rifle and Shotgun Instructor (2007)
 - NRA Range Safety Officer (2010)
- Utah Concealed Firearm Instructor (2012)



Permit-less Carry in Utah – House Bill 60

Q: Can I continue to renew my Utah Concealed Firearm Permit after HB60 went into effect on May 5th, 2021?

A: Yes, you can continue to obtain or renew your permit.

Q: After HB60 went into effect on May 5th, am I able to obtain a new Utah CFP?

A: Yes, you can still go through the process to obtain a permit. Utah has reciprocal agreements with 36 other states that recognize Utah's permit in their state. If you choose not to get a permit in Utah and you travel to a state that requires a permit to carry open or concealed, then you are subject to the laws of that state.

Q: Can I be reimbursed for the fees to obtain or renew my Utah CFP?

A: All fees previously incurred to obtain or renew a CFP are non-refundable.

Q: Can I still use my Utah CFP to waive the background check fee when purchasing a firearm?

A: Yes, the ATF still recognizes Utah's CFP as an "alternate permit", which allows federally licensed firearm dealers to verify your permit in lieu of the \$7.50 background check.

Permit-less Carry in Utah – House Bill 60

Q: Does the permit-less carry allow me to carry my firearm into a public school?

A: No. You still need to obtain a Utah concealed firearm permit to carry in a public school. Private schools can make their own determinations on allowing weapons on campus.

Q: Are items such as firearm safety and handling, as well as suicide prevention, included in the Utah concealed firearm permit course?

A: Yes. The minimum Utah concealed firearm permit curriculum includes all of those items in at least some detail.

Q: Is live-fire (shooting live rounds) part of the Utah concealed firearm permit certification?

A: No. Utah law currently does not require live-fire for permit certification.

CONCEALED FIREARM PERMIT APPLICANT REQUIREMENTS

WHY A UTAH CFP?

- Some common reasons people may seek a Utah Concealed Firearm Permit
 - The ability to carry a firearm **fully loaded**
 - The ability to carry a firearm **concealed**
 - Waives the \$7.50 **background check fee** for purchasing a firearm (Utah residents only)
 - **Recognition** of Utah's permit by other states
 - Permit valid for **5 years**
 - Lower permit **cost** compared to many other states
 - Utah law makes no distinction or defines what type of firearm a concealed firearm permit holder can possess or how many

Section 1

Part 1

BASIC HANDGUN SAFETY TRAINING

Two primary causes of Firearm RELATED ACCIDENTS

Ignorance

(Lack of knowledge)

- Ignorance of rules for safe gun handling
- Ignorance of the proper and safe way to operate a pistol

Carelessness

(Poor or improper attitude)

- Failure to apply the rules for safe gun handling
- Failure to observe proper procedures for safely operating a pistol

ELEMENTS OF FIREARM SAFETY

Positive Attitude

Knowledge

Skill

FOUR BASIC GUN SAFETY RULES

1. Treat all firearms as if they are loaded.
2. Always keep your finger off the trigger until your sights are on target and you have made the decision to fire.
3. Never point a firearm at anything you are not willing to destroy.
4. Before the decision to fire, be sure of your target, your target's environment and any other safety hazards.

OTHER SAFETY RULES / RANGE SAFETY RULES

1. Know your target and what is beyond.
2. Know how to use the firearm safely.
3. Be sure the firearm is safe to operate (demonstrate safety check).
4. Use only the correct ammunition for your firearm.
5. Wear eye and ear protection as appropriate.
6. Never use alcohol or drugs before or while shooting.
7. Store all firearms so they are not accessible to unauthorized persons, i.e. children, restricted persons, etc.
8. Never handle a handgun in an emotional state such as anger or depression.
9. Keep the firearm unloaded until ready for use

OTHER SAFETY CONSIDERATIONS

Be a knowledgeable gun handler and user.

Before starting to clean a gun, be certain it is not loaded.

Cleaning a gun also provides an opportunity to check the proper function of the gun.

Always be sure the gun barrel is free from obstructions.

When handing a pistol to another person, always be sure that the muzzle is pointed in a safe direction, your finger is off the trigger, the action is open, magazine has been removed and all chambers are empty.

Carry only one type of ammunition to avoid mixing different types.

OTHER SAFETY CONSIDERATIONS Cont.

If in possession of an old or antique firearm, or gun that is a military souvenir, be sure that it is unloaded.

Never fire at surfaces that can cause a bullet to ricochet, such as water, or hard flat objects.



PERMIT HOLDERS ARE RESPONSIBLE FOR TEACHING THEIR CHILDREN AND OTHER OCCUPANTS IN THEIR HOME ABOUT FIREARM SAFETY

1. The permit holder should be a positive role model for their children.
2. Children should be taught the difference between television, toys and real life.
3. Children should be taught what to do if they come across a firearm without an adult present:
 - a. Stop
 - b. Don't Touch
 - c. Leave the area
 - d. Tell a responsible adult

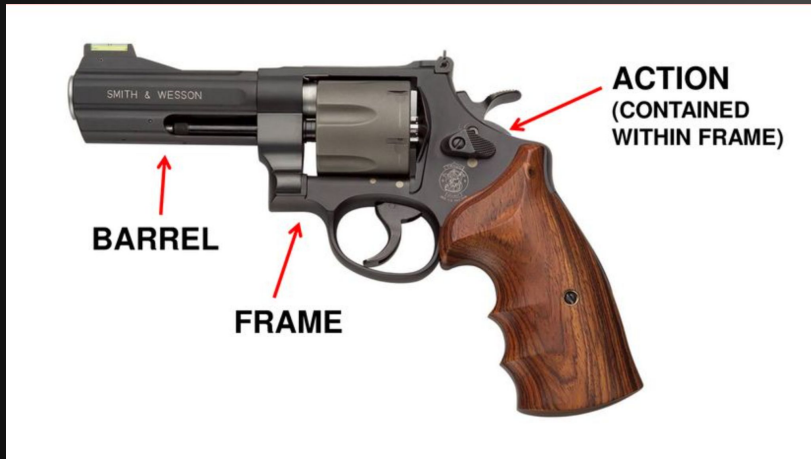
Section 1

Part 2

Handgun Parts and Operations

HANDGUN PARTS AND OPERATION

(Revolver and Semi-automatic)



FRAME

The frame of the revolver and semi-automatic is the backbone to which all other parts are attached:

- Grip Panels – Grip portion on the frame
- Backstrap – Rear vertical portion of frame
- Trigger Guard – Trigger protection to reduce unintentional firing
- Front and Rear Sights - Aiming

BARREL

The barrel is a metal tube through which a bullet passes on its way to a target.

- bore – inside of the barrel
- riflings – combination of lands and grooves which adds flight stability, accuracy, and distance to bullet
- caliber – the diameter of the bore

ACTION

Group of moving parts used to load, fire and unload the pistol

Revolver actions

- Trigger – When the trigger is pulled, it activates the hammer, which in turn causes the firing pin to strike and fire the cartridge.
- Cylinder – Holds cartridges in individual chambers arranged in a circular pattern. Each time the hammer moves to the rear, the cylinder turns and brings a new chamber in line with the barrel and the firing pin.
- Cylinder Release latch - Releases the cylinder and allows it to swing out so that cartridges can be loaded and unloaded.
- Two types of revolver actions
 - Single Action – Trigger performs only one action, releases the hammer, firing the pistol.
 - Double Action – Trigger performs two tasks. Cocks and releases the hammer, firing the pistol.



[Click on image for video](#)

Semi-Automatic actions

- Slide – Upon initial loading of all semi-automatics, the first cartridge must always be manually cycled into the firing chamber by retracting the slide and then releasing it. As the slide returns to the closed position, it removes a cartridge from the top of the magazine and inserts it into the chamber.
- Magazine – The magazine is a storage device designed to hold cartridges ready for insertion into the chamber.
- Magazine release – A device that releases the magazine so that it can be removed from the pistol.

Semi-Automatic actions Cont.

- Trigger – When the trigger is pulled, it activates the hammer (or the internal firing mechanism) which when released, causes the firing pin to strike and fire the cartridge. The slide moves to the rear ejecting the empty cartridge case and usually cocking the pistol in the process. The cartridges in the magazine are forced upward by the magazine spring into path of the slide. When the slide, (under pressure from a recoil spring or slide spring to return to a closed position) moves forward, it picks up and pushes the top cartridge into the chamber.



[Click on image for video](#)

Semi-Automatic actions Cont.

Three types of semi-auto actions

- Single Action – The trigger performs a single task, releasing the external hammer or the internal firing mechanism so that the firing pin hits the cartridge.
- Double/Single Action – The trigger performs two tasks. It cocks the external hammer or the internal firing mechanism for the first shot, and also releases the external hammer or the internal firing mechanism. After the first shot is fired, the movement of the slide on ejection of the spent cartridge will cock the external hammer or internal firing mechanism. With these mechanisms cocked, all successive shots will be single action.
- Double Action Only – The trigger will cock and release the external hammer or internal firing mechanism on the first shot and all successive shots.

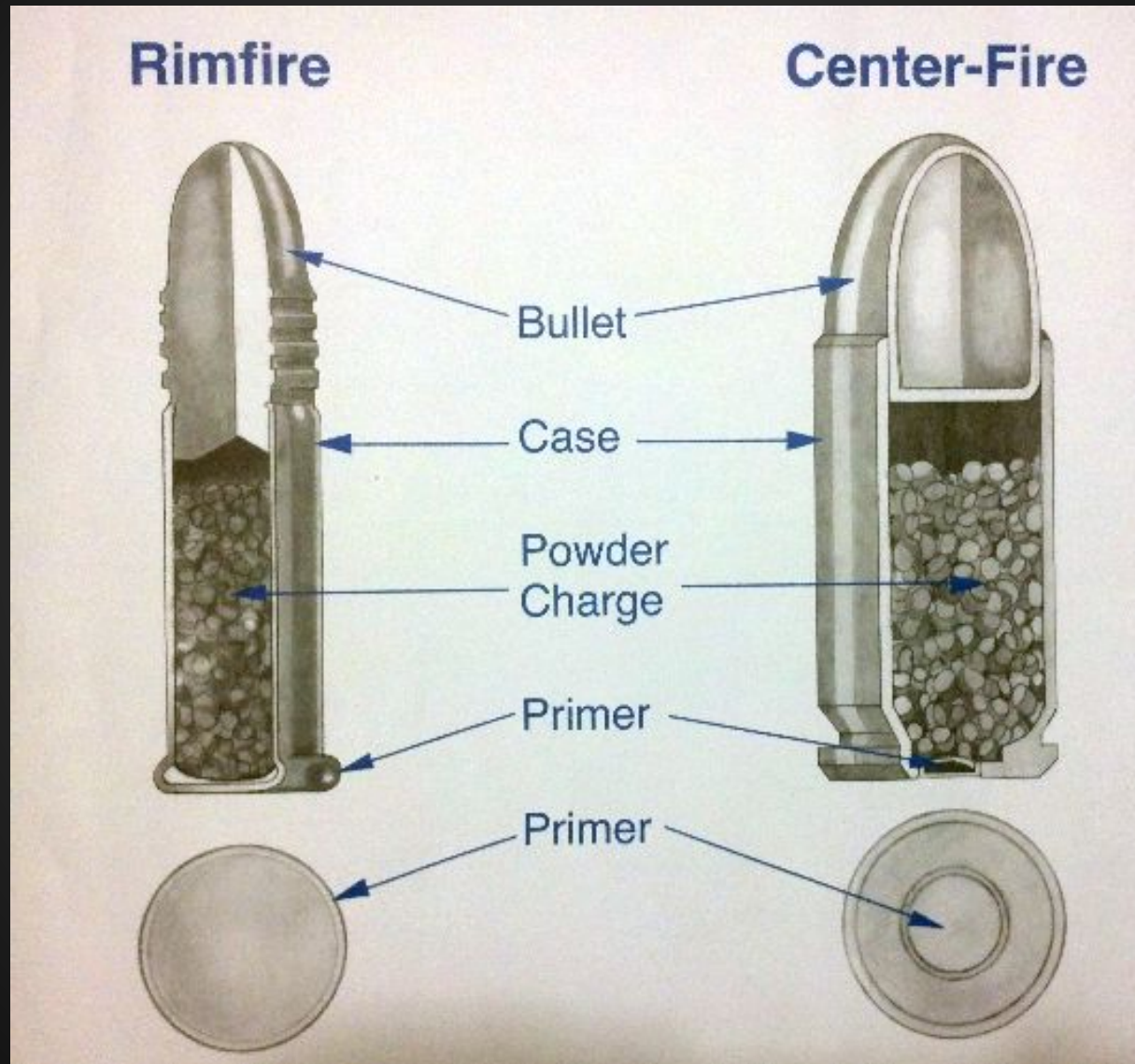
- SHOW HOW TO CHECK BOTH REVOLVER AND SEMI-AUTOMATIC TO ENSURE PROPER FUNCTION OF THE FIRING MECHANISM AND SAFETY.
- EXPLAIN AND DEMONSTRATE SAFE LOADING, COCKING, UNCOCKING, AND UNLOADING PROCEDURES FOR BOTH REVOLVERS AND SEMI-AUTOMATIC HANDGUNS.
- FAMILIARIZE YOURSELF WITH THE MANUFACTURER'S OPERATING MANUAL.
- KNOW AND BE FAMILIAR WITH CYLINDER ROTATION DIRECTION OF REVOLVERS.

Section 1

Part 3

Ammunition

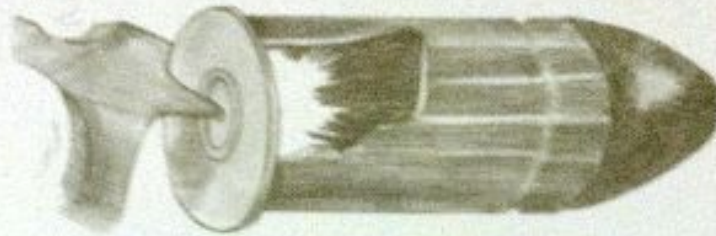
What is a "Bullet?"



Rimfire vs Centerfire



CARTRIDGE FIRING SEQUENCE



Firing pin strikes primer



Primer ignites powder charge, forming gases



Expanding gases propel bullet

Properties of Ammunition

- Reliability – The ability of a firearm to consistently chamber, fire, extract, and eject a particular load without malfunctions.
- Controllability – The ability to fire multiple rounds and still manage recoil and maintain accuracy.
- Stopping Power – The ability of a cartridge to quickly incapacitate an assailant or otherwise cause an assailant to stop his attack.
- Accuracy – Ability of the gun and ammunition combination to shoot to the point of aim indicated by the sights.
- Muzzle Flash – When in excess will impair night vision and illuminate your position.
- Type - Hollow point, FMJ, JHP, etc

Considerations between defensive and practice ammunition

- Defensive (Protection) Ammunition

- Hollow-points - They open up and expand in diameter upon impact. This more efficiently transfers energy and also prevents over penetration or complete penetration that could endanger the lives of others.
- Higher quality - Improved accuracy, reliability when in counts.
- Balance stopping power with controllability.

- Practice Ammunition

- Full Metal Jacket - Non-expanding, involves greater penetration of target
- Lower quality - Acceptable, reduced costs
- Controllability may be more important

Occasionally practice with your defensive ammunition.

AMMUNITION SAFETY AND GENERAL GUIDELINES

- Inspect ammunition for safety flaws and imperfections.
- Understand range capabilities of ammunition.
 - a. Review safety rule #4; be sure of your target, your target's environment, the background and beyond.
- Discuss dangerous capabilities of handgun ammunition.
- Be sure to use the proper caliber ammunition with gun to be fired.
 - Explain the difference between 9mm parabellum and 9mm Kurz (.380).

CARE AND STORAGE OF AMMUNITION

- Always keep ammunition in factory box or container that can be properly labeled.
- Store ammunition in a cool dry place free from extreme temperature variation.
- Store ammunition separately from guns and not accessible from unauthorized persons, especially children.
- Keep ammunition from acids, salts, and other chemicals that can cause corrosion.
- Never submerge in water or expose to any solvents, petroleum products, bore cleaner, ammonia or other chemicals. These chemicals can penetrate the cartridge and cause the primer or the powder to deteriorate.
- Explain the importance of rotating defensive (protection) ammunition stored for long periods of time in your handgun.

AMMUNITION MALFUNCTIONS

- Misfire – Failure of the cartridge to fire after the primer has been struck by the firing pin.
- Hangfire – A perceptible delay in the ignition of a cartridge after the primer has been struck by the firing pin.
- Squib load – Development of less than normal pressure or velocity after ignition of the cartridge. Unusual difference in recoil or noise

AMMUNITION MALFUNCTIONS

- Malfunction resolutions
 - Misfire and Hangfire – Keep the pistol pointed in a safe direction—a hangfire might exist and the cartridge could still fire. Don't attempt to open the action of the pistol to remove the cartridge for at least 30 seconds.
 - Squib Load – Keep the muzzle pointed in a safe direction, wait 30 seconds and then unload the gun. Check to make sure the chamber is empty and the barrel is free from obstructions.

Section 1

Part 4

FUNDAMENTALS OF SHOOTING A HANDGUN

FUNDAMENTALS OF SHOOTING A HANDGUN

BASIC TWO HANDED SHOOTING POSITIONS

1. Isosceles stance
2. Weaver stance
3. Modified Isosceles stance

BASIC FUNDAMENTALS

- Hand Grip – Operate the weapon repeatedly without changing grip.
- Body Position – Least amount of body and weapon movement
- Breath Control – Control breathing to minimize body and firearm movement.
- Sight Alignment – The relationship of the eye in alignment with the rear and front sight.
- Trigger Squeeze – The ability to apply increasing pressure on the trigger and allow the hammer to fall without disturbing sight alignment
- Follow Through – Stabilizing recoil, maintaining grip and stance, regaining front sight focus, resetting the trigger and preparing for follow up shot if a threat persists.

Section 1

Part 5

Safe Handling

SAFE HANDLING

DISCUSS RULES TO FOLLOW ON THE SHOOTING RANGE:

1. Fully comply with the range officer's instructions.
2. Follow the 4 safety rules at all times.
 - a. Treat all firearms as if they are loaded.
 - b. Always keep your finger off the trigger until your sights are on target and you have made the decision to fire.
 - c. Never point a firearm at anything you are not willing to destroy.
 - d. Before the decision to fire, be sure of your target, your target's environment and any other safety hazards.
3. Wear eye and ear protection at all times during practice shooting.
4. Explain and demonstrate the safe handling and presentation of a firearm to another person.
5. Explain and demonstrate the three range/combat positions for a firearm:
 - a. In the holster or carrying case
 - b. At the ready position
 - c. On target

Discuss and demonstrate the steps to follow if you have a malfunction.

- **Failure to Fire** (Faulty Ammo, Magazine not fully seated, etc.)
 - ***Type 1 Malfunction.***
- **Failure to Eject** (Stove Pipe, Partial Ejection)
 - ***Type 2 Malfunction***
- **Feedway Stoppage** (Double Feed, Extractor gummed or broken guide rods, Extractor does not get a good grip on the spent cartridge, Chamber remains blocked)
 - ***Type 3 Malfunction***
- **Failure to go into battery** (Bad Chamber design, weak guide spring, Extremely dirty guide rails or guide rod)
 - ***Type 4 Malfunction***
- EXPLAIN MALFUNCTION RESOLUTIONS EMPLOYING TAP, INVERT, RACK, AND REASSESS.

**EXPLAIN AND DEMONSTRATE SAFE
LOADING, COCKING,
UNCOCKING, AND UNLOADING
PROCEDURES FOR BOTH
REVOLVERS AND SEMI-AUTOMATIC
HANDGUNS. (REVIEW)**

DISCUSS AND DEMONSTRATE THE MAINTENANCE AND CLEANING OF HANDGUNS:

1. The importance of regular cleaning and maintenance
2. Safety considerations when cleaning
3. Demonstrate how to clean a revolver / semi-automatic

HOLSTERS, SAFE DRAW, PRESENTATION, AND HOLSTERING OF FIREARMS

1. Purpose of a holster
2. Discuss advantages and disadvantages of the several holster types:
 - a. Safety
 - b. Accessibility
 - c. Security
 - d. Concealment
3. Advantages and disadvantages of the various methods of carry, i.e., on person, in case, etc.
4. Safety must come before any other consideration.

SAFE CONCEALMENT CONSIDERATIONS

1. The firearm should be in a holster or gun case.
2. If the firearm is in view of the public, care should be taken so that it is only accessible to the permit holder.
3. A handgun should not just be thrown into a glove box, under the car seat or into a drawer.
4. The permit holder is responsible for their firearm at all times.

SAFE STORAGE OF FIREARMS AND AMMUNITION

1. Firearms should be stored unloaded. (Storage is when the firearm is not available for immediate use.)
2. Recommend that firearms and ammunition are stored separately
3. Storage options:
 - a. Safes
 - b. Locked cases
 - c. Safe proofing devices
 - d. The need for safety does not end just because you do not have the firearm with you.
4. Methods of Childproofing:
 - a. Do not store firearm where it is visible
 - b. Storage area is not accessible to children

Section 2

Part 1

UTAH CRIMINAL AND TRAFFIC CODE

UTAH FIREARM LAW

- Authority given to the State
 - Unless specifically authorized by the Legislature by statute, a local authority or state entity may not enact or enforce any ordinance, regulation, or rule pertaining to firearms.

76-10-500. Uniform law.

1. The individual right to keep and bear arms being a constitutionally protected right, the Legislature finds the need to provide uniform laws throughout the state. Except as specifically provided by state law, a citizen of the United States or a lawfully admitted alien shall not be:
 - a. prohibited from owning, possessing, purchasing, selling, transferring, transporting, or keeping any firearm at his place of residence, property, business, or in any vehicle lawfully in his possession or lawfully under his control; or
 - b. required to have a permit or license to purchase, own, possess, transport, or keep a firearm.
2. This part is uniformly applicable throughout this state and in all its political subdivisions and municipalities. All authority to regulate firearms shall be reserved to the state except where the Legislature specifically delegates responsibility to local authorities or state entities. Unless specifically authorized by the Legislature by statute, a local authority or state entity may not enact or enforce any ordinance, regulation, or rule pertaining to firearms.

Utah Legal Issues

Some Topics for discussion

- Definitions associated with use of force laws
 - Ideas and explanations common to use of force statutes
- Use of and justification of force in Utah law
 - Statutes which most directly relate to CFPs
- Secured Areas and travel issues
 - Issues and considerations for CFP holders

Legal Review

- Utah Law:
 - Concealed Firearm Act
 - 53-5-701 to 53-5-711
 - Justification of Force
 - 76-2-401 to 76-2-407
 - Rules of Arrest
 - 77-7-1, 77-7-3
 - Weapons in Prohibited areas
 - 76-8-311.1 to 76-8-311.3
 - Assault and Related offenses
 - 76-5-102,103,104
 - Weapons Laws
 - 76-10-500 to 76-10-530
- Federal Law ,(18 U.S.C. Chapter 44, Section 922)
 - Straw Purchase
 - Unlawful Transport
 - Unlawful Transfer
 - Unlawful Possession
 - Unlawful possession at a school zone

BODILY INJURY

SERIOUS VS. SUBSTANTIAL

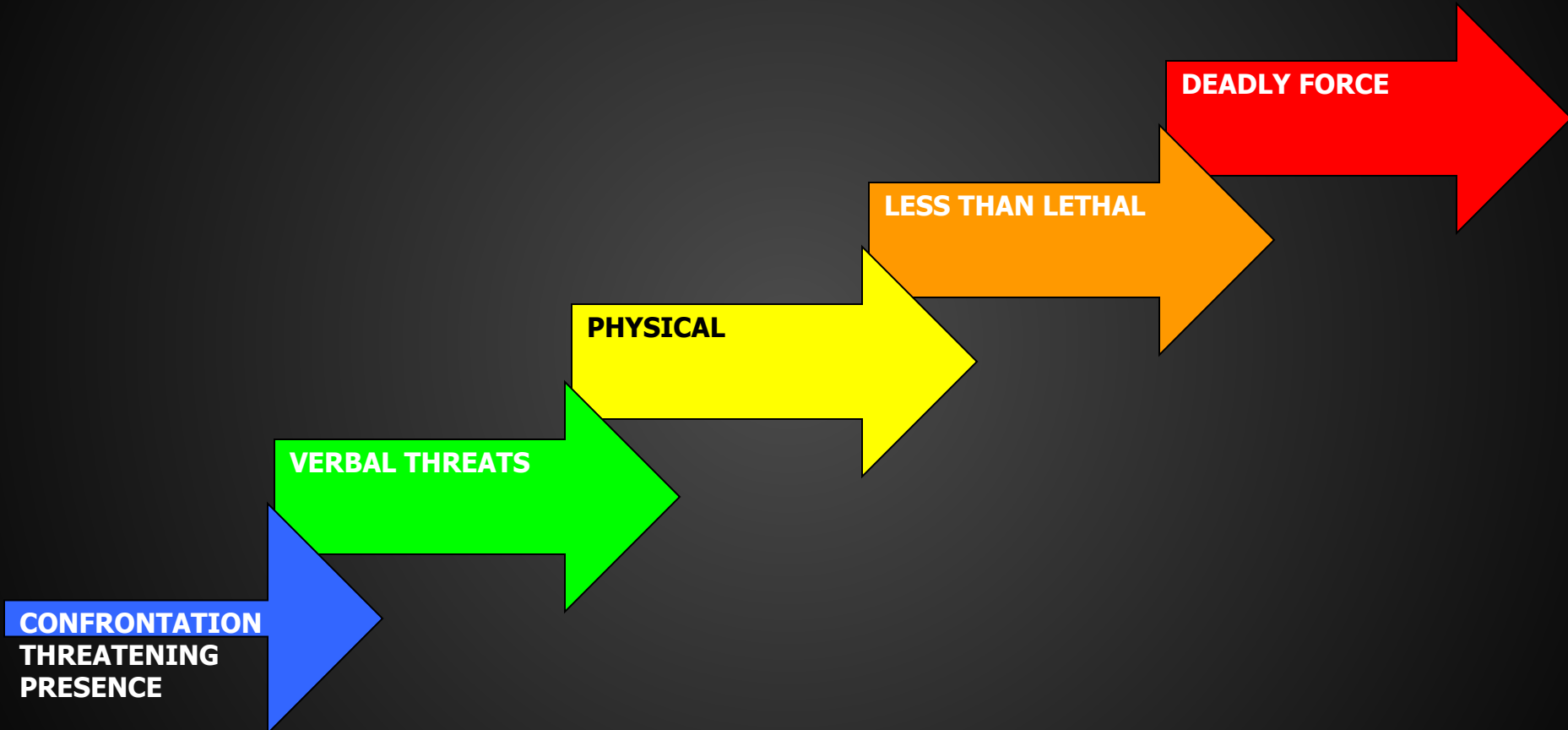
- Serious bodily injury **creates or causes serious permanent** disfigurement, protracted loss or impairment of function of any bodily member or organ, or creates a substantial risk of death
- Substantial bodily injury that creates or causes protracted physical pain, temporary disfigurement, or **temporary** loss or impairment of the function of any bodily member or organ.

76-1-101.5. Definitions.

(17) "Serious bodily injury" means bodily injury that creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ, or creates a substantial risk of death.

(18) "Substantial bodily injury" means bodily injury, not amounting to serious bodily injury, that creates or causes protracted physical pain, temporary disfigurement, or temporary loss or impairment of the function of any bodily member or organ.

Escalation of Force



FORCIBLE FELONIES

Commonality is **force against persons**

Examples include: aggravated assault, mayhem, aggravated murder, murder, manslaughter, kidnapping, and aggravated kidnapping, rape, forcible sodomy, rape of a child, object rape, object rape of a child, sexual abuse of a child, aggravated sexual abuse of a child, and aggravated sexual assault, arson, robbery, burglary, occupied vehicle burglary, offenses which create substantial risk of death/s.b.i.

76-2-402. Force in defense of person -- Forcible felony defined.

(1) As used in this section:

(a) "Forcible felony" means aggravated assault, mayhem, aggravated murder, murder, manslaughter, kidnapping and aggravated kidnapping, rape, forcible sodomy, rape of a child, object rape, object rape of a child, sexual abuse of a child, aggravated sexual abuse of a child, and aggravated sexual assault as defined in Chapter 5, Offenses Against the Individual, and arson, robbery, and burglary as defined in Chapter 6, Offenses Against Property.

(b) "Forcible felony" includes any other felony offense that involves the use of force or violence against an individual that poses a substantial danger of death or serious bodily injury.

(c) "Forcible felony" does not include burglary of a vehicle, as defined in Section 76-6-204, unless the vehicle is occupied at the time unlawful entry is made or attempted.

Firearms at Residence

- In the State of Utah, a person* may have a loaded firearm at his **residence**
 - An improvement to **real property used or occupied** as a primary, secondary, or temporary residence
 - Camp, tent, trailer, motor home, motel room, etc.
 - Permit-less carry will be covered in greater detail later on
 - ***non-restricted person**

76-10-511. Possession of loaded firearm at residence or on real property authorized.

Except for persons described in Section 76-10-503 and 18 U.S.C. Sec. 922(g) and as otherwise prescribed in this part, a person may have a loaded firearm:

1. at the person's place of residence, including any temporary residence or camp; or
2. on the person's real property.

Civil vs. Criminal Liability

Criminal

- The burden of proof on the state is "beyond a reasonable doubt."
 - Liability determined for criminal punishment, prison, fines etc.

Civil

- The burden of proof on the party asserting the claim is by the "preponderance of the evidence."
 - Liability determined to restore monetary or physical loss.

DEFENSE TO CIVIL ACTION

Utah law protects the **user of force from civil actions** from next-of-kin, heirs, etc.
if acting within the law

- Entered property with criminal intent, or
- Injury/damage occurred during commission of a crime
 - Doesn't apply if actions weren't a crime or clearly retreated from criminal activity

78B-3-110. Defense to civil action for damages resulting from commission of crime.

1. A person may not recover from the victim of a crime for personal injury or property damage if:
 - a. the person entered the property of the victim or the victim's family with criminal intent and the injury or damage was inflicted by the victim or occurred while the person was on the victim's property; or
 - b. the person committed a crime against the victim or the victim's family, during which the damage or injury occurred.
2. The provisions of Subsection (1) do not apply if the person can prove by clear and convincing evidence that the person's actions did not constitute a crime.
3. Subsection (1) applies to any next-of-kin, heirs, or personal representatives of the person if the person acquires a disability or is killed.
4. Subsections (1) and (2) do not apply if the person committing or attempting to commit the crime has clearly retreated from the criminal activity.
5. "Clearly retreated" means that the person committing the criminal act has fully, clearly, and immediately ceased all hostile, threatening, violent, or criminal behavior or activity

DEFENSE OF A PERSON

- Must **reasonably believe** force is necessary
 - Defend against **imminent** use of **unlawful force**
- May use force **intended or likely** to cause **death or serious bodily injury**
 - **If** used to prevent death, s.b.i., forcible felony
- No duty to retreat if lawfully there

76-2-402. Force in defense of person -- Forcible felony defined.

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(a) "Forcible felony" means aggravated assault, mayhem, aggravated murder, murder, manslaughter, kidnapping and aggravated kidnapping, rape, forcible sodomy, rape of a child, object rape, object rape of a child, sexual abuse of a child, aggravated sexual abuse of a child, and aggravated sexual assault as defined in Chapter 5, Offenses Against the Individual, and arson, robbery, and burglary as defined in Chapter 6, Offenses Against Property.

(b) "Forcible felony" includes any other felony offense that involves the use of force or violence against an individual that poses a substantial danger of death or serious bodily injury.

(c) "Forcible felony" does not include burglary of a vehicle, as defined in Section 76-6-204, unless the vehicle is occupied at the time unlawful entry is made or attempted.

(2)

(a) An individual is justified in threatening or using force against another individual when and to the extent that the individual reasonably believes that force or a threat of force is necessary to defend the individual or another individual against the imminent use of unlawful force.

(b) An individual is justified in using force intended or likely to cause death or serious bodily injury only if the individual reasonably believes that force is necessary to prevent death or serious bodily injury to the individual or another individual as a result of imminent use of unlawful force, or to prevent the commission of a forcible felony.

DEFENSE OF HABITATION

- Reasonable belief force is needed to stop entry or attack on habitation
 - Entry is violent, tumultuous, or by stealth
 - With the purpose of assault or personal violence or commission of a felony
- User of force is presumed reasonable
 - Acted out of reasonable fear of imminent peril
 - If the entry was unlawful and used force or
 - Violent, tumultuous, by stealth, or to commit a felony
 - Applies to both criminal and civil cases

76-2-405. Force or deadly force in defense of habitation, vehicle, or place of business or employment.

(1) Except as provided in Subsection (2), an actor is justified in using force against an individual when and to the extent that the actor reasonably believes that the force is necessary to prevent or terminate the individual's unlawful entry into the actor's vehicle or unlawful entry or attack upon the actor's habitation or place of business or employment.

DEFENSE ON REAL PROPERTY

- This is defense of **persons** on real property
 - **Same basic elements** as defense of habitation
 - Reasonable/Imminent/Unlawful trespass/Violent/etc.
 - Must be in **lawful possession** of real property
 - **Real Property generally refers to land, structures, etc.**
 - Same presumption of reasonableness

76-2-407. Deadly force in defense of persons on real property.

- (1) As used in this section, "forcible felony" means the same as that term is defined in Section 76-2-402.
- (2) An actor is justified in using force intended or likely to cause death or serious bodily injury against an individual in the actor's defense of another individual on real property other than the places or situations described in Section 76-2-405 if:
 - (a) the actor is in lawful possession of the real property;
 - (b) the actor reasonably believes that the force is necessary to prevent or terminate the individual's trespass onto the real property;
 - (c) the individual's trespass is made or attempted by use of force or in a violent and tumultuous manner; and
 - (d) the actor reasonably believes:
 - (A) that the individual's trespass is attempted or made for the purpose of committing violence against an individual on the real property; and
 - (B) that the force is necessary to prevent personal violence; or
 - (ii) the actor reasonably believes that:
 - (A) the individual's trespass is made or attempted for the purpose of committing a forcible felony that poses imminent peril of death or serious bodily injury to an individual on the real property; and
 - (B) the force is necessary to prevent the commission of the forcible felony.

DEFENSE OF PROPERTY

- Force, other than deadly force
 - Reasonably believes force is necessary to prevent or terminate criminal interference
 - Property lawfully in his possession
 - The possession of an immediate family member
 - Possession of another whose property he has a legal duty to protect

76-2-407. Deadly force in defense of persons on real property.

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 - (b) the actor reasonably believes that the force is necessary to prevent or terminate the individual's trespass onto the real property;
 - (c) the individual's trespass is made or attempted by use of force or in a violent and tumultuous manner; and
 - (d)
 - (i) the actor reasonably believes:
 - (A) that the individual's trespass is attempted or made for the purpose of committing violence against an individual on the real property; and
 - (B) that the force is necessary to prevent personal violence; or
 - (ii) the actor reasonably believes that:
 - (A) the individual's trespass is made or attempted for the purpose of committing a forcible felony that poses imminent peril of death or serious bodily injurio an individual on the real property; a
 - (B) the force is necessary to prevent the commission of the forcible felony.

ARREST BY PRIVATE PERSONS

- Arrests may be made for
 - Public offense committed in your presence
 - Reasonable cause to believe the person has committed a felony
- Should you make an arrest or should you be a good witness?
 - Necessary use of force?
 - Identifiable by responding law enforcement?

77-7-3. By private persons.

A private person may arrest another:

1. For a public offense committed or attempted in his presence; or
2. When a felony has been committed and he has reasonable cause to believe the person arrested has committed it.

DETERMINING REASONABLENESS

- Some things a court may consider
 - Nature of danger
 - Immediacy of danger
 - Probability that unlawful force would result in death or serious bodily injury
 - Prior violent acts or propensities
 - Patterns of abuse or violence

76-2-402. Force in defense of person -- Forcible felony defined.

- (5) In determining imminence or reasonableness under Subsection (2), the trier of fact may consider:
- (a) the nature of the danger;
 - (b) the immediacy of the danger;
 - (c) the probability that the unlawful force would result in death or serious bodily injury;
 - (d) the other individual's prior violent acts or violent propensities;
 - (e) any patterns of abuse or violence in the parties' relationship; and
 - (f) any other relevant factors.

UNJUSTIFIABLE CIRCUMSTANCES

- Provokes the use of force as an excuse to inflict harm
- Committing or fleeing the commission of a felony
 - Force to facilitate the crime or the escape
- Engaged in mutual combat
 - Unless he withdraws and effectively communicates intent to withdraw

76-2-402. Force in defense of person -- Forcible felony defined.

(3)

- (a) An individual is not justified in using force under the circumstances specified in Subsection (2) if the individual:
 - (i) initially provokes the use of force against another individual with the intent to use force as an excuse to inflict bodily harm upon the other individual;
 - (ii) is attempting to commit, committing, or fleeing after the commission or attempted commission of a felony , unless the use of force is a reasonable response to factors unrelated to the commission, attempted commission, or fleeing after the commission of that felony ; or
 - (iii) was the aggressor or was engaged in a combat by agreement, unless the individual withdraws from the encounter and effectively communicates to the other individual the intent to withdraw from the encounter and, notwithstanding, the other individual continues or threatens to continue the use of unlawful force.
- (b) For purposes of Subsection (3)(a)(iii) the following do not, alone, constitute "combat by agreement":
 - (i) voluntarily entering into or remaining in an ongoing relationship; or
 - (ii) entering or remaining in a place where one has a legal right to be.

UNJUSTIFIABLE CIRCUMSTANCES

- Unjustified and unlawful force used against someone
 - Assault
 - Attempt or act that **causes or risks** bodily injury to another
 - Aggravated Assault
 - Attempt, threat, or act that causes or risks bodily injury to another and includes use of a **dangerous weapon**
 - Threat of Violence
 - Threatens and acts with intent to place a person in **imminent fear of injury or death**

SECURE/PROHIBITED AREAS

- Concealed permit holders **may not carry** firearms into these areas:
 - Secure facilities (court, law enforcement, correctional, and mental health facilities)
 - Posted notices
 - House of worship or private residence where prohibited
 - Any airport secure area
 - Other prohibited State or Federal facilities

53-5-710. Cross-references to concealed firearm permit restrictions.

- (1) A person with a permit of any kind to carry a concealed firearm may not carry a concealed firearm in the following locations:
 - (a) any secure area prescribed in Section 76-10-523.5 in which firearms are prohibited and notice of the prohibition posted;
 - (b) any airport secure area as provided in Section 76-10-529; or
 - (c) any house of worship or in any private residence where dangerous weapons are prohibited as provided in Section 76-10-530.
- (2) Notwithstanding Subsection 76-10-505.5(4), a person under the age of 21 with a permit of any kind to carry a concealed firearm may not carry a concealed firearm on or about school premises, as defined in Subsection 76-10-505.5(1)(a).

PROHIBITION NOTIFICATION

- If **notification** has been given per statute, a person **may not carry a concealed firearm** into houses of worship, private residences, private businesses
 - Personal communication
 - Posting of signs
 - Announcement
 - Publication in newspaper, newsletter, bulletin, etc.



76-10-530. Trespass with a firearm in a house of worship or private residence -- Notice -- Penalty.

- (1) A person, including a person licensed to carry a concealed firearm pursuant to Title 53, Chapter 5, Part 7, Concealed Firearm Act, after notice has been given as provided in Subsection (2) that firearms are prohibited, may not knowingly and intentionally:
- (a) transport a firearm into:
 - (i) a house of worship; or
 - (ii) a private residence; or
 - (b) while in possession of a firearm, enter or remain in:
 - (i) a house of worship; or
 - (ii) a private residence.

OTHER PROHIBITIONS

- Federal Facilities
 - A building or part thereof owned or leased by the Federal Government, where Federal employees are regularly present for the purpose of performing their official duties
- Indian Reservations
 - Obtain permission through tribal leadership
 - Not applicable to highways passing through
- National Parks/National Forests
 - Must abide by laws of state where park is located

TRAVELING WITH FIREARMS

- General
 - State laws regarding the possession of firearms vary. ALWAYS consider your travel mode, route, and destination and **understand state requirements before traveling.**
- Air Travel
 - **NEVER ATTEMPT TO TRAVEL WITH FIREARMS IN YOUR CARRY ON LUGGAGE!!!**
 - IT DOES NOT MATTER IF THE INTENT WAS CRIMINAL OR IF YOU SIMPLY FORGOT YOU POSSESSED A FIREARM.
- Best Practice is to always **“unpack before you pack!”**
 - Ensure your luggage and clothing are clear of any firearms or ammunition.
 - Never use a range bag for a travel bag.

TRAVELING WITH FIREARMS

- Firearms and ammunition are **ONLY accepted as checked baggage** and must be declared to an agent at check in.
 - Firearms must be transported unloaded and in a locked, hard-sided container.
 - Most airlines do not accept firearms to be checked curbside.
- TSA provides a number of resources to assist you:
 - blog.tsa.gov
 - www.tsa.gov
 - www.tsa.gov/travel/security-screening/prohibited-items
- Always **check with the TSA, specific airport, and airline** you're traveling with for exact rules and procedures.
- Recent [video on how to travel with firearms.](#)

TRAVELING WITH FIREARMS

- Each year nearly 7000 armed travelers are caught by TSA.
- 2023 TSA Firearms Found
 - 6,737 firearms discovered in carry-on bags nationwide and 93% were loaded



Weapons Laws

UNIFORM WEAPON LAW

- Except as specifically provided by state law, no one is...
 - Prohibited from owning, possessing, purchasing, selling, transferring, transporting, or keeping any firearm in his place of **residence, property, business**, or in any **vehicle** lawfully in his possession or lawfully under his control; or
 - **No permit or license required** to purchase, own, possess, transport, or keep a firearm
 - **No requirement to register** firearms with the State of Utah

76-10-500. Uniform law.

(2) The individual right to keep and bear arms being a constitutionally protected right under Article I, Section 6, of the Utah Constitution and the Second Amendment to the United States Constitution, the Legislature finds the need to provide uniform civil and criminal laws throughout the state and declares that the Legislature occupies the whole field of state regulation of firearms.

(3) Except as specifically provided by state law, a local or state governmental entity may not:

- (a) prohibit an individual from owning, possessing, purchasing, selling, transferring, transporting, or keeping any firearm at the individual's place of residence, property, business, or in any vehicle lawfully in the individual's possession or lawfully under the individual's control; or
- (b) require an individual to have a permit or license to purchase, own, possess, transport, or keep a firearm.

OPEN CARRY LAW

- Without a CFP: Open carry still exists but permit-less carry has, more or less, superseded it. A non-restricted person 21 years old can carry a loaded firearm on a public street with a few exceptions
- With CFP: ability to open carry or have concealed fully loaded
 - Number of weapons and weapon type not specific

76-9-102. Disorderly conduct.

(3) The mere carrying or possession of a holstered or encased firearm, whether visible or concealed, without additional behavior or circumstances that would cause a reasonable person to believe the holstered or encased firearm was carried or possessed with criminal intent, does not constitute a violation of this section. Nothing in this Subsection (3) may limit or prohibit a law enforcement officer from approaching or engaging any person in a voluntary conversation.

OPEN CARRY LAW

- All weapons have to be holstered or encased as of 2014.
Amended Disorderly Conduct Statute
 - Example: No more just open carry “slung” long guns



76-9-102. Disorderly conduct.

(3) The mere carrying or possession of a holstered or encased firearm, whether visible or concealed, without additional behavior or circumstances that would cause a reasonable person to believe the holstered or encased firearm was carried or possessed with criminal intent, does not constitute a violation of this section. Nothing in this Subsection (3) may limit or prohibit a law enforcement officer from approaching or engaging any person in a voluntary conversation.

WEAPONS LAW

THREATENING MANNER

- Threatening manner does not include:
 - The possession of a dangerous weapon, whether visible or concealed, without additional behavior which is threatening
 - May place hand on weapon while holstered and advise the possession of the weapon and to verbally disengage from the confrontation
 - Drawing your weapon without justification would be considered threatening behavior

76-10-506. Threatening with or using dangerous weapon in fight or quarrel.

(b) "Threatening manner" does not include:

- (i) the possession of a dangerous weapon, whether visible or concealed, without additional behavior which is threatening; or
- (ii) informing another of the actor's possession of a deadly weapon to prevent what the actor reasonably perceives as a possible use of unlawful force by the other and the actor is not engaged in any activity described in Subsection 76-2-402(3)(a).

(2) Except as otherwise provided in Section 76-2-402 and for an individual described in Section 76-10-503, an individual who, in the presence of two or more individuals, and not amounting to a violation of Section 76-5-103, draws or exhibits a dangerous weapon in an angry and threatening manner or unlawfully uses a dangerous weapon in a fight or quarrel is guilty of a class A misdemeanor.

(3) This section does not apply to an individual who, reasonably believing the action to be necessary in compliance with Section 76-2-402, with purpose to prevent another's use of unlawful force:

- (a) threatens the use of a dangerous weapon; or
- (b) draws or exhibits a dangerous weapon.

VEHICLES/STREETS



LOADED FIREARM VEHICLE OR STREET

- **No CFP** while in vehicle:
 - Applies to **handguns** only: can have statutorily loaded or unloaded, concealed or not concealed
 - Person is 18 years or older
 - Is in lawful possession of the vehicle
 - Not a restricted person
- **No CFP** on public street:
 - Non-restricted person 21 years old
 - May carry a loaded, concealed firearm

LOADED FIREARM VEHICLE OR STREET

- With CFP in Vehicle:
 - Same as non CFP holders but now you can have loaded **long guns**
- With CFP on Street:
 - Can have as many handguns and/or rifles/shotguns either concealed or visible on person and be loaded or unloaded and **encased**
 - *Remember a Utah Concealed Permit does not indicate how many or what type of firearms can be legally carried*

76-10-505. Carrying loaded firearm in vehicle or on street.

(1) Unless otherwise authorized by law, a person may not carry a loaded firearm:

- (a) in or on a vehicle, unless:
 - (i) the vehicle is in the person's lawful possession; or
 - (ii) the person is carrying the loaded firearm in a vehicle with the consent of the person lawfully in possession of the vehicle;
- (b) on a public street; or
- (c) in a posted prohibited area.

STATUTORILY LOADED AND UNLOADED

- Semi Automatic:
 - Fully loaded magazine without a round in the chamber
 - Revolvers:
 - Cylinder behind hammer must be empty and the next cylinder in rotation must also be empty
 - A Six shooter now becomes a four shooter



76-10-502. When weapon deemed loaded.

1. For the purpose of this chapter, any pistol, revolver, shotgun, rifle, or other weapon described in this part shall be deemed to be loaded when there is an unexpended cartridge, shell, or projectile in the firing position.
2. Pistols and revolvers shall also be deemed to be loaded when an unexpended cartridge, shell, or projectile is in a position whereby the manual operation of any mechanism once would cause the unexpended cartridge, shell, or projectile to be fired.
3. A muzzle loading firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinders.

CONCEALED WEAPON VIOLATIONS

- No CFP: Recent changes to 76-10-523 caused 76-10-504(1) and (2) as well as 76-10-505(1)(b) to not apply to a non-restricted person 21 years or older
- Concealed weapons violations can still apply
 - If caught with concealed “loaded” firearm guilty of class A misdemeanor
 - If caught with unlawfully possessed short barrel shotgun or a short barrel rifle (class 3 weapons) guilty of a 2nd Degree felony
 - **Reminder: Valid permit holders can carry legally owned firearms fully loaded and concealed**

76-10-504. Carrying concealed firearm -- Penalties.

(1) Except as provided in Sections 76-10-503 and 76-10-523 and in Subsections (2), (3), and (4), a person who carries a concealed firearm, as defined in Section 76-10-501, including an unloaded firearm on his or her person or one that is readily accessible for immediate use which is not securely encased, as defined in this part, in or on a place other than the person's residence, property, a vehicle in the person's lawful possession, or a vehicle, with the consent of the individual who is lawfully in possession of the vehicle, or business under the person's control is guilty of a class B misdemeanor.

WORKPLACE POLICIES VS. LAW

PROTECTION OF ACTIVITIES

PRIVATE VEHICLES

- Legal to store firearms in locked vehicles parked on private property
 - Employers may ban firearms on their property but;
 - **MUST** provide alternative parking at no cost to employee, or;
 - Provide a secured and monitored storage location where the individual may securely store a firearm before proceeding with the vehicle on to the property

34-45-103. Protection of certain activities -- Firearms -- Free exercise of religion.

1. Except as provided in Subsection (2), a person may not establish, maintain, or enforce any policy or rule that has the effect of:
 - a. prohibiting any individual from transporting or storing a firearm in a motor vehicle on any property designated for motor vehicle parking, if:
 - i. the individual is legally permitted to transport, possess, purchase, receive, transfer, or store the firearm;
 - ii. the firearm is locked securely in the motor vehicle or in a locked container attached to the motor vehicle while the motor vehicle is not occupied; and
 - iii. the firearm is not in plain view from the outside of the motor vehicle

PROTECTION OF ACTIVITIES

PRIVATE VEHICLES

- Exemptions to private parking lots
 - School premises
 - Governmental entities
 - Religious organizations-acting as employer



34-45-103. Protection of certain activities -- Firearms -- Free exercise of religion.

1. Except as provided in Subsection (2), a person may not establish, maintain, or enforce any policy or rule that has the effect of:
 - a. prohibiting any individual from transporting or storing a firearm in a motor vehicle on any property designated for motor vehicle parking, if:
 - i. the individual is legally permitted to transport, possess, purchase, receive, transfer, or store the firearm;
 - ii. the firearm is locked securely in the motor vehicle or in a locked container attached to the motor vehicle while the motor vehicle is not occupied; and
 - iii. the firearm is not in plain view from the outside of the motor vehicle

WEAPONS LAWS

EXEMPT PERSONS

- Concealed Weapon Act restrictions do not apply to any of the following:
 - US Marshal, or any federal official required to carry a firearm
 - Peace Officer of this or any other jurisdiction
 - Law Enforcement Official or Judge as defined and qualified
 - FFL Dealer engaged in regular business
 - Non-Utah resident traveling through state, provided all firearms are **unloaded** and securely **encased**

76-10-523. Persons exempt from weapons laws.

1. Except for Sections 76-10-506, 76-10-508, and 76-10-508.1, this part and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to any of the following:
 - a. a United States marshal;
 - b. a federal official required to carry a firearm;
 - c. a peace officer of this or any other jurisdiction;
 - d. a law enforcement official as defined and qualified under Section 53-5-711;
 - e. a judge as defined and qualified under Section 53-5-711; or
 - f. a common carrier while engaged in the regular and ordinary transport of firearms as merchandise.
2. The provisions of Subsections 76-10-504(1) and (2), and Section 76-10-505 do not apply to any person to whom a permit to carry a concealed firearm has been issued: (a) pursuant to Section 53-5-704; or (b) by another state or county.
3. Except for Sections 76-10-503, 76-10-506, 76-10-508, and 76-10-508.1, this part and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to a nonresident traveling in or through the state, provided that any firearm is: (a) unloaded; and (b) securely encased as defined in Section 76-10-501.

LAW ENFORCEMENT CONTACT

- Persons are not **required** in Utah to notify Law Enforcement about CFP
 - Utah residents: CFP status is on DL history when checked by police and is available to out-of-state law enforcement upon request
- Encourage all individuals with or without CFP to be cooperative and **comply with all lawful orders** from police officers

77-7-15. Authority of peace officer to stop and question suspect -- Grounds.

A peace officer may stop any person in a public place when he has a reasonable suspicion to believe he has committed or is in the act of committing or is attempting to commit a public offense and may demand his name, address and an explanation of his actions.

DISCHARGE OF FIREARM

PRIVATE PROPERTY – LIABILITY

- A private property owner who knowingly allows a person who has a permit to carry a concealed firearm under Section 53-5-704 to bring a firearm onto the owner's property, is **not civilly or criminally liable** for any damage or harm resulting from the discharge of the firearm by the permit holder while on the owner's property.
- **Civilly or Criminal Liable if property owner solicits, requests, commands, encourages, or intentionally aids in the firearms discharge**

53-5a-103. Discharge of firearm on private property -- Liability.

(2) Except as provided under Subsection (3), a property occupant, who knowingly allows a firearm possessor to lawfully bring a firearm onto the occupant's property, is not civilly or criminally liable for any damage or harm resulting from the discharge of the firearm by the firearm possessor while on the occupant's property.

(3) Subsection (2) does not apply if the property occupant solicits, requests, commands, encourages, or intentionally aids the firearm possessor in discharging the firearm while on the occupant's property for a purpose other than the lawful defense of an individual on the property.

(4) This section does not alter the responsibilities a tenant owes to a landlord under the terms of the lease agreement entered into between the tenant and landlord.

EXCEPTION

- Is civilly or criminally Liable if property owner solicits, requests, commands, encourages, or intentionally aids in the firearms discharge



53-5a-103. Discharge of firearm on private property -- Liability.

(2) Except as provided under Subsection (3), a property occupant, who knowingly allows a firearm possessor to lawfully bring a firearm onto the occupant's property, is not civilly or criminally liable for any damage or harm resulting from the discharge of the firearm by the firearm possessor while on the occupant's property.

(3) Subsection (2) does not apply if the property occupant solicits, requests, commands, encourages, or intentionally aids the firearm possessor in discharging the firearm while on the occupant's property for a purpose other than the lawful defense of an individual on the property.

(4) This section does not alter the responsibilities a tenant owes to a landlord under the terms of the lease agreement entered into between the tenant and landlord.

ALCOHOL/CONTROLLED SUBSTANCE VIOLATIONS

- Violation to carry dangerous weapon while under the influence of alcohol and or a controlled substance
 - Class B Misdemeanor
- Not a Defense:
 - Has a valid concealed firearm permit
 - Licensed in the pursuit of hunting

76-10-528. Carrying a dangerous weapon while under influence of alcohol or drugs unlawful.

- (1) It is a class B misdemeanor for an actor to carry a dangerous weapon while under the influence of:
- (a) alcohol as determined by the actor's blood or breath alcohol concentration in accordance with Subsections 41-6a-502(1)(a) through (c); or
 - (b) a controlled substance as defined in Section 58-37-2.

FIREARMS CONFISCATION PROHIBITION

- State of Emergency or Disaster:
 - Government and law enforcement may not confiscate firearms if lawful to possess
 - Officers may not be disciplined for refusing to confiscate
 - Law Enforcement and government may be subject to civil damages

53-2a-214. Prohibition of restrictions on and confiscation of a firearm or ammunition during an emergency.

(2) During a declared state of emergency or local emergency under this part:

- (a) neither the governor nor an agency of a governmental entity or political subdivision of the state may impose restrictions, which were not in force before the declared state of emergency, on the lawful possession, transfer, sale, transport, storage, display, or use of a firearm or ammunition; and
- (b) an individual, while acting or purporting to act on behalf of the state or a political subdivision of the state, may not confiscate a privately owned firearm of another individual.

(5)(a) A law enforcement officer is not subject to disciplinary action for refusing to confiscate a firearm under this section if:

- (i) ordered or directed to do so by a superior officer; and
- (ii) by obeying the order or direction, the law enforcement officer would be committing a violation of this section.

FEDERAL LAWS

FEDERAL FIREARM REGULATIONS

- Title 18 Chapter 44 - 922 Unlawful acts
 - **Straw** Purchase
 - Unlawful **transport** of firearm by non-licensed dealer, importer , manufacturer, or collector
 - Unlawful **transfer** of a firearm to restricted person
 - Unlawful **possession** of a firearm by restricted person
 - Unlawful **possession** of a firearm in a school zone

“STRAW” FIREARM PURCHASE

- Knowingly make or furnish a false or fictitious oral or written statement or misrepresented identification intending to deceive with respect to purchasing a firearm.

TRANSPORTING FIREARMS

- Interstate transportation of a firearm for lawful purpose is allowed if:
 - The **transporter** is not a restricted person
 - The firearm is not restricted
 - Only FFLs may transport to engage in business
 - Firearm must be **unloaded**
 - Ammunition and firearm **not readily accessible** or directly accessible from the passenger compartment unless in a locked container excluding glove box or console

FEDERAL FIREARM PROHIBITORS

FELONIES

- Conviction punishable by term **exceeding one year**
 - Not just felonies
 - Includes pending felonies



CONTROLLED SUBSTANCE USE

- Unlawful **user** of controlled substance
 - Possession (illegal) is a one year disqualifier even if case is dismissed or found not guilty
 - Medical Marijuana cards currently create issues with firearm possession



DOMESTIC VIOLENCE

- Conviction of misdemeanor crime of domestic violence (MCDV)
 - Misdemeanor
 - No infractions
 - Felony DV would be denied as a felony
 - Crimes
 - Must be a conviction
 - Domestic
 - “Intimate partner” as defined by the FBI
 - Violence
 - Must involve an element of force

ADJUDICATED MENTALLY DEFECTIVE

- Adjudicated mentally defective
 - Prohibited for life, even with rights restored and or expunged
 - **Exceptions:** Voluntary admits, in mental institution for observation/evaluation. Received ATF relief from disabilities under 18 U.S.C 478.144.



PROTECTIVE ORDER

- Protective order
 - Utah protective orders are non expiring
 - Has to have an element of cohabitation
 - Restraining orders (neighbors), stalking injunctions, etc. are not prohibitors



ADDITIONAL FEDERAL PROHIBITORS

- Illegally or unlawfully in the U.S.
- Dishonorable discharge from the armed forces
- Renounced U.S. citizenship

FEDERAL FIREARM PROHIBITORS

- Illegal or unlawfully in the U.S.
- Dishonorable discharge from the armed forces
- Renounced U.S. citizenship
- Protective order
 - Utah protective orders are non expiring.
 - Has to have element of cohabitation
 - Restraining orders (neighbors), stalking injunctions, etc. are not prohibitors
- Conviction of misdemeanor crime of domestic violence (MCDV)
- Pending Felony Charges

FIREARMS ON SCHOOL PREMISES

- Unlawful to possess a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone
 - Exception: If the individual possessing the firearm is licensed to do so by **the State in which the school zone is located**
- Public schools: A valid concealed firearm permit holder can possess a firearm within a public school
 - Private schools can restrict firearms (similar to private property owners)

FIREARMS ON SCHOOL PREMISES

- Exceptions:
 - Law Enforcement
 - **Utah** Concealed Firearm Permit Holder
 - The possession is approved by the responsible school administrator; for a lawful approved activity and is in the possession or control of the responsible person
 - In any vehicle lawfully under the person's control

76-10-505.5. Possession of a dangerous weapon, firearm, or short barreled shotgun on or about school premises -- Penalties.

(2) An actor who is 18 years old or older may not possess a dangerous weapon, firearm, or short barreled shotgun at a place that the actor knows, or has reasonable cause to believe, is on or about school premises.

(3)

(a) Possession of a dangerous weapon on or about school premises is a class B misdemeanor.

(b) Possession of a firearm or short barreled shotgun on or about school premises is a class A misdemeanor.

(4) This section does not apply if:

(a) the actor is authorized to possess a firearm as described in Section 53-5-704, 53-5-705, 76-10-511, or 76-10-523, or as otherwise authorized by law;

(b) the actor is authorized to possess a firearm as described in Section 53-5-704.5, unless the actor is in a location where the actor is prohibited from carrying a firearm under Subsection 53-5-710(2);

(c) the possession is approved by the responsible school administrator;

(d) the item is present or to be used in connection with a lawful, approved activity and is in the possession or under the control of the actor responsible for the item's possession or use;

SELLING FIREARMS

- Cannot sell to anyone **outside your state** of residency
 - Exception, Utah residents can sell firearm to active duty military personnel stationed in Utah
 - Must have duty orders-PCS Orders
 - No registration required
 - Only transactions at the FFL dealership are registered
 - Cannot sell to anyone **under 18** years of age
 - Suggest that a non-licensed sale include a bill of sale between parties to prove the transfer
 - Check if CFP is valid

BUREAU AUTHORITY

- BCI has statutory authority to supervise and administer rules and laws that pertain to the concealed firearm and instructor programs.
- Any changes in the law, administrative rules, reciprocal agreements or changes in training requirements to include a practical shooting exercise would have to be accomplished through the legislature and/or the Utah Attorney General's Office.

YOUR RESPONSIBILITY

- It is the responsibility of each **instructor** and/or **permit holder** to keep up with changes in Federal law, Utah law, and Administrative rules

Remember Laws Change!!

ONLINE REFERENCES

- BCI Website
 - bci.utah.gov
- Utah Criminal and Traffic Codes
 - le.utah.gov



BCI INFORMATION

- Physical address/mailing address:

Bureau of Criminal Identification
3888 W 5400 S
Salt Lake City, UT 84129
(801)965-4445
dpsfirearms@utah.gov

PERMIT CONFIDENTIALITY

- Statute prohibits the sharing of concealed firearm permit information
 - A person is guilty of a class A misdemeanor if the person knowingly discloses information other than for an official law enforcement purpose.

53-5-708. Permit -- Names private.

1.

- a. The bureau shall maintain a record in its office of any permit issued under this part.
- b. Notwithstanding the requirements of Subsection 63G-2-301(2)(b), the names, addresses, telephone numbers, dates of birth, and Social Security numbers of persons receiving permits are protected records under Subsection 63G-2-305(11) .

PERMIT ISSUE TIMES

- Statute sets the time frame for permit issuance at 60 days
 - PLEASE do not to contact BCI unless it has been 60 days
 - If an application status check is requested, BCI prefers applicants to email dpsfirearms@utah.gov after 60 days has lapsed from the date the application was receipted

[53-5-704](#). Bureau duties -- Permit to carry concealed firearm -- Certification for concealed firearms instructor -- Requirements for issuance -- Violation -- Denial, suspension, or revocation -- Appeal procedure.

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

ACTION AGAINST A PERMIT

- If an application is denied, or a permit suspended/revoked, the applicant or permit holder will receive a letter by certified mail, advising the general reason for the action
 - Instructors and permit holders **must keep their address current with BCI**

APPEALS PROCESS

- In the event of a denial, suspension or revocation by BCI, the applicant or instructor may file an appeal
 - The appeal must be received in writing and within 60 days of the date of denial, suspension, or revocation
 - The petitioner will have the opportunity to address the board and explain the appeal
 - Petitioner is not required to appear before the board
 - Once a ruling is made by the board, the petitioner will be notified by BCI within 30 days

CFP REVIEW BOARD

- Concealed Firearm Review Board
 - Five members
 - Appointed by the DPS Commissioner and serve a four year term
 - The board shall include a member representing law enforcement and at least two citizens, one of whom represents sporting interests
 - The board meets once every three months

APPLICATION REQUIREMENTS

- Application requirements:
- 21 years of age or older
- One **passport quality** photo
- Photocopy of driver license
- One (blue) type applicant fingerprint card
- Instructor stamp in **red** ink
- Non-resident applicants who reside in a state that Utah has reciprocity or recognition with must also supply **proof of having obtained a permit from their state of residency**
- Applications **must be received** by BCI **within one year** of taking the concealed firearm permit course

APPLICATION FEES

- Resident Concealed Firearm Permit
 - \$53.25
 - \$25.00 - Permit processing fee
 - \$13.25 - FBI fingerprint processing fee
 - \$15.00 - State background check fee
- Non Resident Concealed Firearm Permit
 - \$63.25
 - \$35.00 - Permit processing fee
 - \$13.25 - FBI fingerprint processing fee
 - \$15.00 - State background check fee

APPLICATION FEES

- K-12 School Employees
 - No charge for K-12 school employees
 - (need letter from school)
- Active Duty Military and spouse stationed in Utah
 - No charge for active duty military and spouse stationed in Utah
 - (include copy of active duty orders showing stationed in Utah)

APPLICATION RENEWALS

- Renewal requirements:
 - \$20.00 in state renewal fee
 - \$25.00 out of state renewal fee
 - Completed application
 - One passport quality photo
 - Permits expired by more than 30 days will incur a \$7.50 late fee.
 - Expired permits received that are over a year old will require the applicant to complete the full application process again

APPLICATION RENEWALS

- Permit holders may renew **in person**, by **mail**, and **online**.
 - To renew online, go to **<https://secure.utah.gov/concealed-firearms>**
 - There is a **\$0.75 convenience fee** to renew over the internet.
 - Permit holders will need the **capability to upload** a passport quality photo and a copy of his/her own states concealed firearm permit or concealed weapon permit, if applicable.

ACTIVE DUTY MILITARY

- Utah waives permit renewal fees for active duty service members and their spouses
 - This **only applies** to active duty service members and their spouses **while stationed in Utah**

53-5-707. Concealed firearm permit -- Fees -- Concealed Weapons Account.

- (1)
 - (a) An applicant for a concealed firearm permit shall pay a fee of \$25 at the time of filing an application.
 - (b) A nonresident applicant shall pay an additional \$10 for the additional cost of processing a nonresident application.
 - (c) The bureau shall waive the initial fee for an applicant who is:
 - (i) a law enforcement officer under Section 53-13-103;
 - (ii) an active duty service member;
 - (iii) the spouse of an active duty service member; or
 - (iv) a school employee.
- (2) The renewal fee for the permit is \$20. A nonresident shall pay an additional \$5 for the additional cost of processing a nonresidential renewal.
- (3) The replacement fee for the permit is \$10.
- (4)
 - (a) The late fee for the renewal permit is \$7.50.
 - (b) As used in this section, "late fee" means the fee charged by the bureau for a renewal submitted on a permit that has been expired for more than 30 days but less than one year.

UTAH PROVISIONAL PERMITS

- Qualified individuals 18 to 20 years old
- Same qualifications as standard permit
- Expires on 21st birthday
 - **Must apply for full permit at 21**
- Prohibited from carrying in elementary/secondary schools
- Non-resident applicant rules apply
 - Recognition/Non-recognition
 - Does the applicant's state offer a provisional permit?

PROVISIONAL PERMIT FAQs

- Can a provisional permit holder carry a firearm in schools?
 - No. UCA § 53-5-710(2), specifically excludes an under 21 permit holder from carrying a concealed firearm on or about school premises.
- Can a provisional permit holder purchase a handgun from a firearm dealer?
 - No. Per 18 USC § 922(b)(1) a person under 21 may not purchase a handgun from a federal firearm licensee.

PROVISIONAL PERMIT FAQs

- Can I take the concealed permit class and apply for the provisional permit before my 18th birthday?
 - Applicants may take the class at 17, but same one year application limit applies.
- How do I upgrade to a standard permit?
 - The provisional permit expires on the permit holder's 21st birthday. A complete application, including fingerprints, photo, and fees must be submitted for a standard permit. **The only exception is the class requirement which may be satisfied by including a copy of the provisional permit.**

PROVISIONAL DISCLAIMER

- DPS/BCI continues to verify the recognition status with other states
- However, as with all laws it is the responsibility of the individual to **understand and comply with all applicable laws** of the jurisdiction in question

PROBLEM AREAS

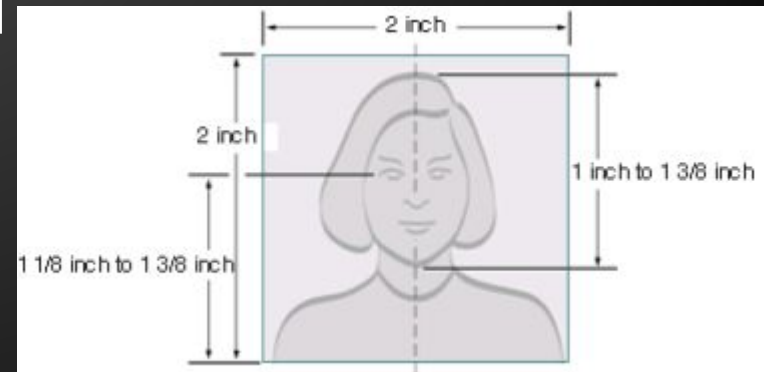
- Common reasons applications are mailed back (on an average 200-400 applications weekly)
 - Incorrect payment amount
 - Not signing the credit card line
 - Incorrect zip code associated with credit card
 - Instructor stamps must be legible
 - Photos must be of passport style and quality
 - Fingerprints must be of good quality and the card must have been completed

PROBLEM AREAS

- Not providing a copy of the applicant's driver license
- Not providing a copy of the applicant's home state permit (when applicable)
 - 8.5" X 11" paper (not wallet sized, cut out, etc.)
- Applicants born outside the United States must supply proper documents
- All necessary copies must be made and attached to the application prior to submission
- Current address must be on file with BCI
 - USPS will not forward BCI mail
 - Returned mail will cause delays and additional costs to the program

APPLICATION PHOTOS

- Applicants required to submit a recent color photograph of **passport quality**
 - Passport quality means:
 - Approximately 2 in. X 2 in.
 - Taken within last 6 months and showing current appearance
 - Full front view of subject's face
 - No hats or dark glasses
 - Plain (white) background



FINGERPRINTS

- Prints **must meet FBI requirements (53-5-706)**
 - Fingers **rolled** from one edge of the nail to the other edge and just below the first joint
 - Ridge characteristics are **clear**
 - Impressions are **uniform** in tone
 - There is an impression in **each block**
 - **If the digit has been amputated or is disfigured, write this in the box provided**
 - There are 4 impressions and a thumb in the **simultaneous impression block**

FINGERPRINTS

- Reasons prints may be rejected
 - Ink is unevenly distributed
 - Fingers are not fully inked
 - Too much or too little ink
 - Fingers slip or twist during rolling
 - Ridges are worn smooth
 - One or more fingers printed twice
 - One or more impressions missing
 - Fingerprints on the back of the card
 - Fail to include complete information

APPLICANTS

BORN OUTSIDE THE U.S.

- The applicant must be **qualified to purchase and possess** a firearm pursuant to state and federal law
- The applicant must supply **proof of United States legal residency**
 - Naturalization Number
 - Born Abroad Birth Certificate (ex. born on a US military base)
 - Valid U.S. Passport
 - INS or Alien Registration Number
- Supply a **copy** of the actual certificate

BADGES

- It is a Class B misdemeanor to
 - Displays or possesses any badge
 - With the intent to deceive or induce another to submit to his pretended official authority or act



76-8-512. Impersonation of officer.

- (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
- (2) An actor commits impersonation of an officer if the actor:
 - (a) impersonates a public servant or a peace officer with intent to deceive another individual or with intent to induce another individual to submit to the actor's pretended official authority or to rely upon the actor's pretended official act;
 - (b) falsely states that the actor is a public servant or a peace officer with intent to deceive another individual or to induce another individual to submit to the actor's pretended official authority or to rely upon the actor's pretended official act; or
 - (c) displays or possesses without authority a badge, identification card, other form of identification, a restraint device, the uniform of a state or local governmental entity, or a reasonable facsimile of any of these items, with the intent to deceive another individual or with the intent to induce another individual to submit to the actor's pretended official authority or to rely upon the actor's pretended official act.
- (3) A violation of Subsection (2) is a class B misdemeanor.

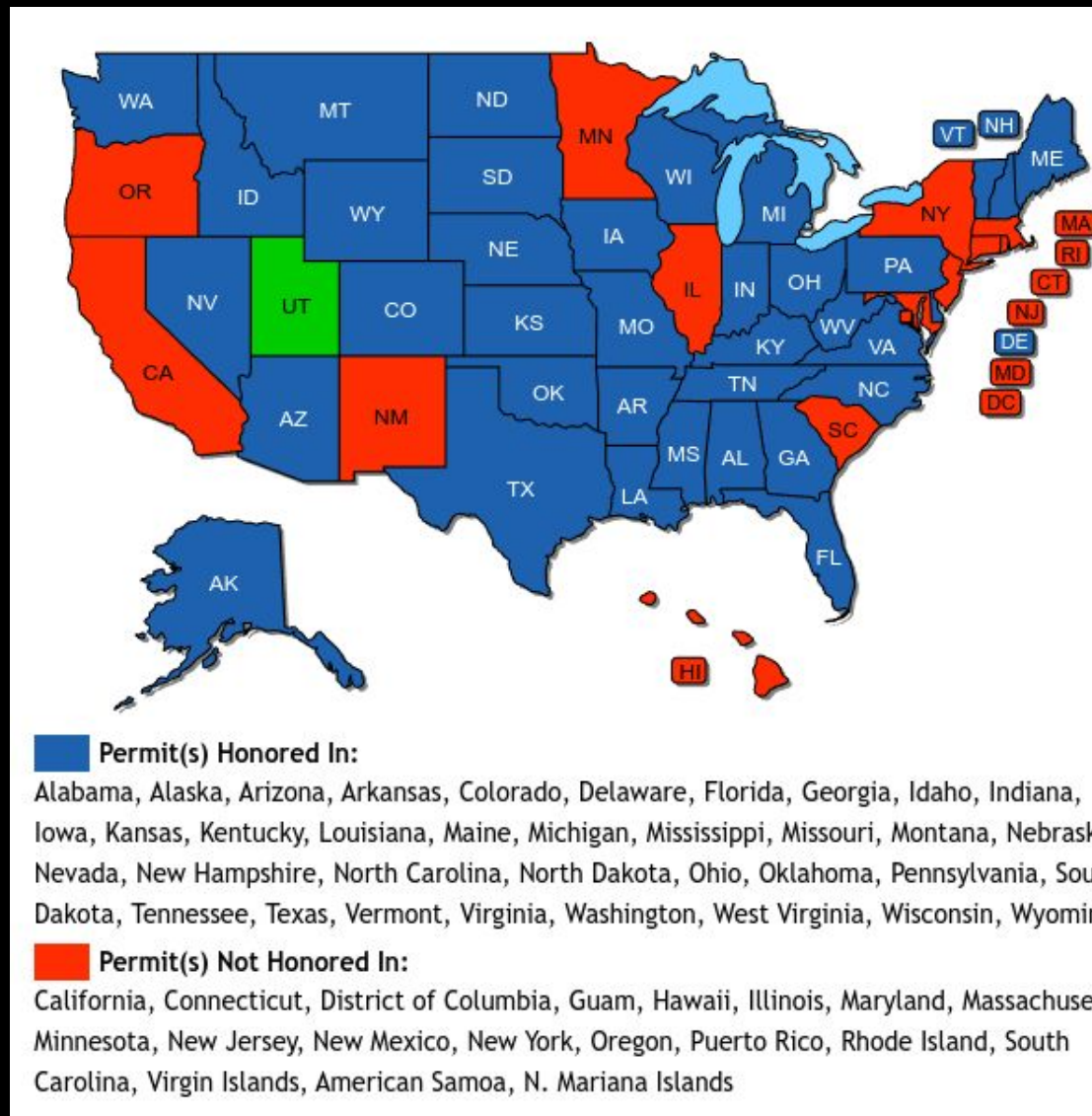
APPLICATION TO PERMIT

- Applications are received at BCI
 - In person, by mail, or online
 - In person applicants may get photos and prints at BCI for a fee of \$15 each.
- Applications are processed by **date of receipt**
- Permits are printed for approved applicants
 - Permits are sent by mail

RECOGNITION OF UTAH PERMITS

- The following states recognize the Utah permit:
 - Alabama, Alaska, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming
- Some states only recognize the Utah permit if the permit holder is a Utah resident:
 - Colorado, Michigan, Pennsylvania, Maine, New Hampshire, Florida

Reciprocity and Recognition



RECOGNITION OF UTAH PERMITS

State	Recognition Status	Standard Permit		Provisional Permit	
		Home State Permit Required to apply for Utah permit	Home State Permit NOT Required to apply for a Utah permit	Home State Permit Required to apply for a Utah permit	Home State Permit NOT Required to apply for a Utah permit
<u>Hawaii</u>	Neither		✓		✓
<u>Idaho</u>	Both	✓		✓	
<u>Illinois</u>	Neither		✓		✓
<u>Indiana</u>	Both	✓		✓	
<u>Iowa</u>	Standard Only	✓			✓
<u>Kansas</u>	Standard Only	✓			✓
<u>Kentucky</u>	Standard Only	✓			✓
<u>Louisiana</u>	Standard Only	✓			✓
<u>Maine</u>	Standard Only	✓			✓
<u>Maryland</u>	Neither		✓		✓
<u>Massachusetts</u>	Neither		✓		✓
<u>Michigan</u>	Standard Only	✓			✓
<u>Minnesota</u>	Neither		✓		✓
<u>Mississippi</u>	Both	✓			✓
<u>Missouri</u>	Both	✓		✓	
<u>Montana</u>	Both	✓		✓	
<u>Nebraska</u>	Standard Only	✓			✓
<u>Nevada</u>	Both	✓			✓
<u>New Hampshire</u>	Standard Only	✓			✓
<u>New Jersey</u>	Neither		✓		✓
<u>New Mexico</u>	Neither		✓		✓
<u>New York</u>	Neither		✓		✓

Permit holders should always contact any state they plan to visit to confirm their laws
Utah honors all valid permits

CRITERIA FOR ISSUANCE, DENIAL SUSPENSION AND REVOCATION U.C.A. § 53-5-704

**Note: Danger to self or others may include
threats or attempts of suicide with or
without arrest or conviction.**

Disqualifying Criteria

The bureau may deny, suspend, or revoke a concealed firearm permit if the applicant or permit holder:

- has been or is convicted of a **felony**;
- has been or is convicted of a **crime of violence**;
- has been or is convicted of an **offense involving the use of alcohol**;
- has been or is convicted of an offense involving the **unlawful use of narcotics or other controlled substances**;
- has been or is convicted of an offense involving **moral turpitude**;
- has been or is convicted of an offense involving **domestic violence**;
- has been or is **adjudicated** by a state or federal court as **mentally incompetent**, unless the adjudication has been withdrawn or reversed; and
- is **not qualified** to purchase and possess a firearm pursuant to Section 76-10-503 and federal law.

Disqualifying Criteria

Class C misdemeanors & infractions.....	3 years
Class B misdemeanors.....	4 years
Class A misdemeanors.....	5 years
Protective Order.....	Lifetime
Domestic Violence.....	Lifetime
Felony conviction.....	Lifetime
Convicted of a registerable sex offense.....	Lifetime
Mentally Incompetent.....	Lifetime
Danger to self or others.....	CFP Board's discretion
Past pattern of violent behavior.....	CFP Board's discretion
False information on initial or renewal permit application	CFP Board's discretion
Failure to provide sufficient fingerprints.....	Suspension until acceptable fingerprints are received
Is not qualified to purchase and possess firearms pursuant to Section 76-10-503 and federal law	
Utah Administrative Code allows BCI to consider mitigating circumstances after the time period has elapsed from the date the applicant was convicted or released from incarceration, parole, or probation, whichever occurred last	
Restoration of Rights/Relief from Disabilities are still a denier if the felony conviction remains on the criminal history	

Disqualifying Criteria

R722-300-3(2)(I) "offense involving moral turpitude" means a crime under the laws of this state, any other state, the United States, or any district, possession, or territory of the United States involving conduct that:

- (i) is done knowingly contrary to justice, honesty, or good morals;
- (ii) has an element of falsification or fraud; or
- (iii) contains an element of harm or injury directed to another person or another's property;

Examples, but not limited to:

- Theft
- Fraud
- Tax evasion
- Issuing bad checks
- Robbery
- Interference with police
- Fleeing, resisting, or failure to obey police
- Obstruction of justice
- Bribery
- Perjury
- Extortion
- Arson
- Forgery
- Wildlife violations involving weapons
- Receiving stolen property
- Firearms violations
- Burglary
- Vandalism
- Kidnapping
- Crimes involving unlawful sexual conduct
- Violations of the pornographic and harmful materials and performances act
- Falsifying govt. Records
- Criminal mischief

Disqualifying Criteria

Juvenile Felony Convictions U.C.A. 76-10-503

10 years for a violent felony U.C.A. 76-3-203.5

7 years for a non-violent felony

Some examples:

Non-Violent Felony

Distribute Controlled Substance

Forgery

Theft

Possession of a stolen vehicle

Receive stolen property

Possession of a controlled substance

Violent Felony

Aggravated Arson

Aggravated Assault

Aggravated Kidnapping

Rape

Murder

Robbery



IS YOUR
SAFETY ON?

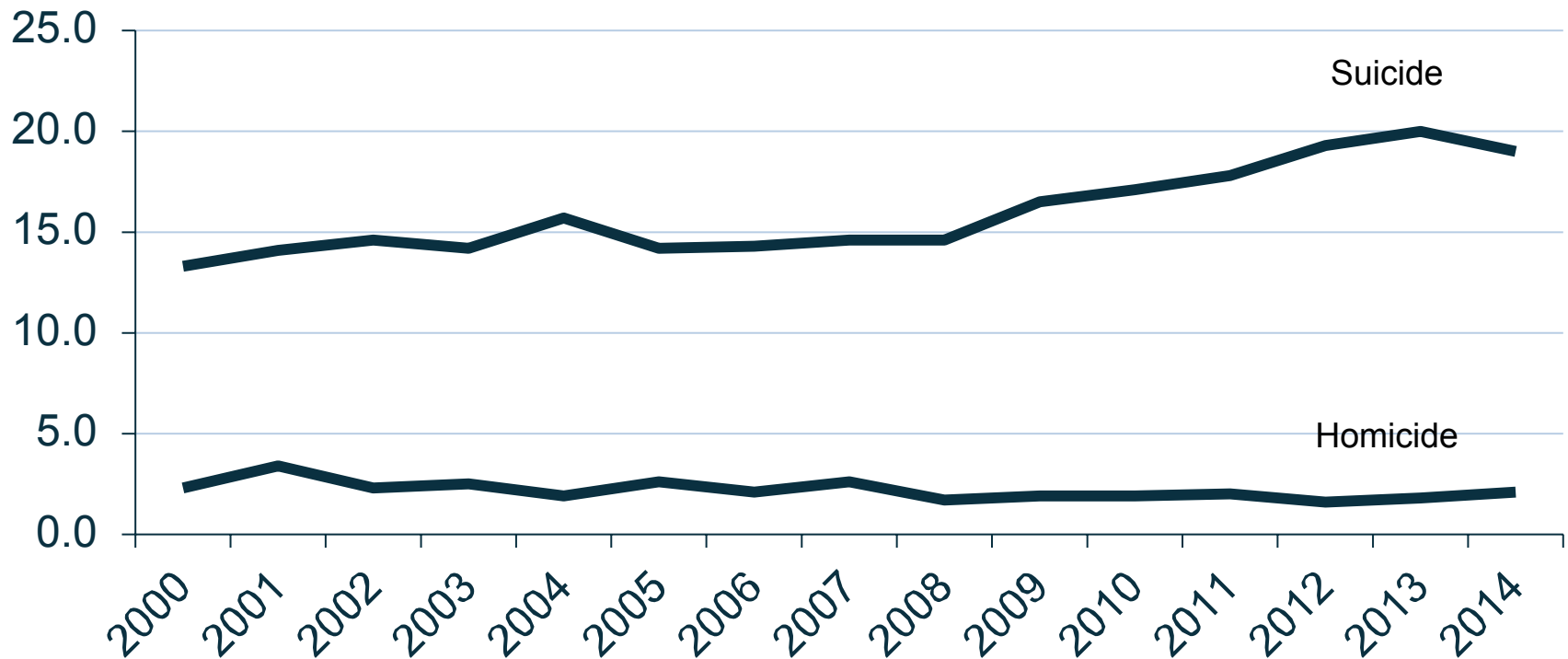
Firearm Suicide Prevention

A brief module for Utah concealed carry classes.

Protecting your family involves
more than keeping them safe
from accident or attack.



Utah Suicide & Homicide Rates

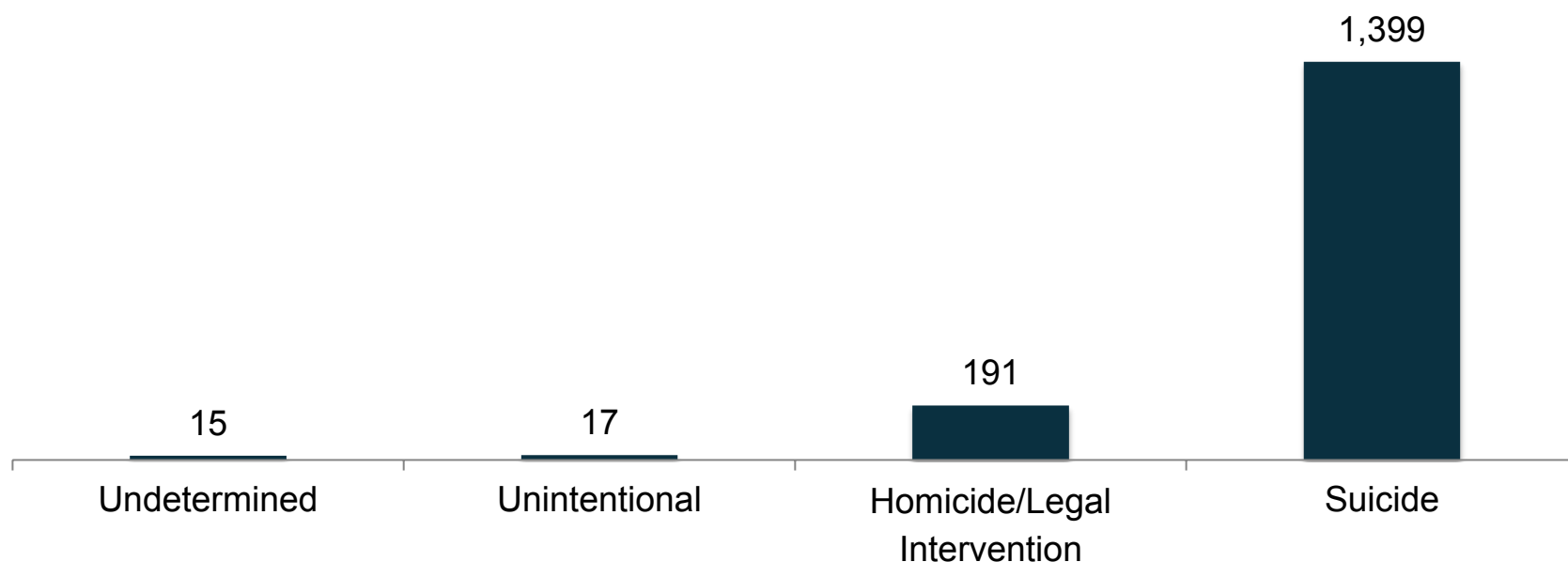


Rates are the number of deaths for every 100,000 people in Utah. The graph includes suicides and homicides by all methods. In 2014, 50% of suicides and 59% of homicides in UT were by firearms.

Utah Firearm Deaths, 2010-2014



86% of firearm deaths in Utah are suicides.



Source: CDC WONDER website (official mortality data)

Time & Distance



Putting time & distance between a suicidal person and a gun may save a life.

- But won't they just substitute another method?
- Some may, but nearly anything else is less likely to kill.
- Others may delay their attempt.
- Either way, the odds of survival go up, for three reasons...

Why means matter

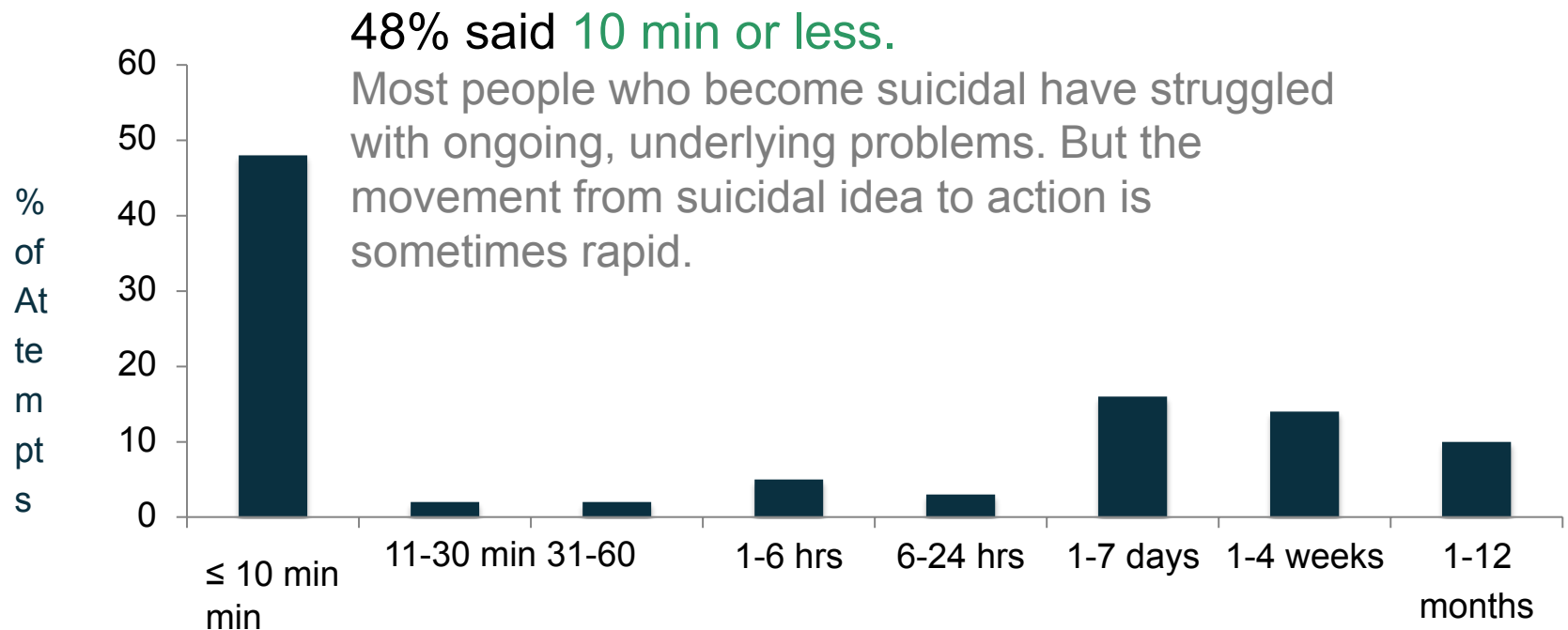


1. Suicidal crises are often brief.
2. The deadliness of an attempt depends in part on the method used.
3. 90% of those who attempt suicide and survive don't go on to kill themselves.

Suicidal Crises



People admitted to a hospital after an attempt were asked how long they'd been thinking about suicide before the attempt.



Why means matter



1. Suicidal crises are often brief.
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Protecting One Another

IS YOUR
SAFETY ON?

- Having access to a firearm during a suicidal crisis increases the odds that an attempter will die.
- We can protect one another. Be alert to signs of suicide in friends and family.
- If someone is at risk, help keep guns from them until they recover.
- It's like holding on to a friend's keys when they're drunk.

Who's at Risk of Suicide?



- People who struggle with depression, substance abuse, or other mental health problems, especially if they're also facing a painful crisis like a relationship break-up, arrest, trouble at work, or financial crises – problems that make you feel hopeless and trapped.
- **Teens at Home?** Teens who die by suicide may show few or not warning signs. A wise precaution: store all guns locked if you have children at home- especially teenagers.

Storage Options



- If a household member is at risk of suicide, you could **store guns away from home until they've recovered** (e.g., with a relative you trust, at a self-storage unit)
- Or **change the locks** and make sure they can't find the keys/combination.
- Another option: **don't keep ammunition at home until they've recovered.**
- Hiding guns isn't recommended. Family members often know one another's hiding places.
- If it's a friend at risk, **offer to hold onto their guns.*****

* This is allowable under Utah law but may not be under other state laws.

What if it's You at Risk?



- If you feel yourself spiraling down, take precautions before things get to a crisis point.
- Any strategy that builds some time between you and a gun in a suicidal crisis will keep you safer.
- Store your guns off-site temporarily, or ask someone you trust to hold onto the keys, or store keys somewhere they're not available in a crisis like a bank safe deposit box, or disassemble guns.
- These are temporary measures until you've recovered.

Under Utah's **Safe Harbor** law (53-5c-201), a gun owner or spouse can store their firearms free of charge with law enforcement if they believe someone at home is a danger to self or others.

Getting Help



- Utah Statewide Crisis Line: 1-801-587-3000
- 988 Suicide and Crisis Lifeline
- National Suicide Lifeline: 1-800-273-TALK (8255)
- In an emergency, call 911 and ask for a CIT (Crisis Intervention Team) officer
- To learn more about suicide prevention, visit utahsuicideprevention.org

Protecting our Freedom

- Gun-owning families can bring down the number of firearm suicides.
- We can do it without government mandates.
- Together, we can protect our family, our friends, and our freedom.



The End?

Free or Low Cost Practice Opportunities

- [Rowdy's Range](#) Bowling Pin Shoots
 - \$10 - 1st and 3rd Saturday starting @7:00pm
- Fun Shoot @ [Red Cliffs Rifle and Pistol Range](#)
 - \$10 - 2nd and 4th Saturday
 - 8:00am in the Summer
 - 9:00am in the Winter
- Tuesday Night Steel @ [SUPS](#)
 - \$10? - Starting at 6:00pm
- .22 Steel Shoot @ [Dixie Desperados](#)
 - Free - 1st and 3rd Thursday 6:30pm to 8:30pm