

**Representative Jacob L. Anderegg** proposes the following substitute bill:

**PROTECTION OF CONCEALED FIREARM PERMIT**

**INFORMATION**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jacob L. Anderegg**

Senate Sponsor: Margaret Dayton

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**LONG TITLE**

**General Description:**

This bill modifies a provision relating to concealed firearm permit information.

**Highlighted Provisions:**

This bill:

- ▶ prohibits the sharing of concealed firearm permit information with the federal government; and
- ▶ makes disclosing or sharing concealed firearm permit information a third degree felony.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

**AMENDS:**

**53-5-708**, as last amended by Laws of Utah 2010, Chapter 62

**63G-2-801**, as last amended by Laws of Utah 2012, Chapter 377



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

27 Section 1. Section **53-5-708** is amended to read:

28 **53-5-708. Permit -- Names private.**

29 (1) (a) The bureau shall maintain a record in its office of any permit issued under this  
30 part.

31 (b) Notwithstanding the requirements of Subsection 63G-2-301(2)(b), the names,  
32 addresses, telephone numbers, dates of birth, and Social Security numbers of persons receiving  
33 permits are protected records under Subsection 63G-2-305(10).

34 (c) Notwithstanding Section 63G-2-206, a person may not share any of the information  
35 listed in Subsection (1)(b) with any office, department, division, or other agency of the federal  
36 government unless:

37 (i) the disclosure is necessary to conduct a criminal background check on the  
38 individual who is the subject of the information;

39 (ii) the disclosure of information is made pursuant to a court order directly associated  
40 with an active investigation or prosecution of the individual who is the subject of the  
41 information;

42 (iii) the disclosure is made to a criminal justice agency in a criminal investigation or  
43 prosecution;

44 (iv) the disclosure is made by a law enforcement agency within the state to another law  
45 enforcement agency in the state or in another state in connection with an investigation,  
46 including a preliminary investigation, or a prosecution of the individual who is the subject of  
47 the information;

48 (v) the disclosure is made by a law enforcement agency within the state to an employee  
49 of a federal law enforcement agency in the course of a combined law enforcement effort  
50 involving the law enforcement agency within the state and the federal law enforcement agency;  
51 or

52 (vi) the disclosure is made in response to a routine request that a federal law  
53 enforcement officer makes to obtain information on an individual whom the federal law  
54 enforcement officer detains, including for a traffic stop, or questions because of the individual's  
55 suspected violation of state law.

56 (d) A person is guilty of a third degree felony if the person knowingly:

57            (i) discloses information listed in Subsection (1)(b) in violation of the provisions under  
58 Title 63G, Chapter 2, Government Records Access and Management Act, applicable to  
59 protected records; or

60            (ii) shares information in violation of Subsection (1)(c).

61            (2) The bureau shall immediately file a copy of each permit it issues under this part.

62            Section 2. Section **63G-2-801** is amended to read:

63            **63G-2-801. Criminal penalties.**

64            (1) (a) A public employee or other person who has lawful access to any private,  
65 controlled, or protected record under this chapter, and who intentionally discloses, provides a  
66 copy of, or improperly uses a private, controlled, or protected record knowing that the  
67 disclosure or use is prohibited under this chapter, is, except as provided in Subsection  
68 53-5-708(1)(c), guilty of a class B misdemeanor.

69            (b) It is a defense to prosecution under Subsection (1)(a) that the actor used or released  
70 private, controlled, or protected information in the reasonable belief that the use or disclosure  
71 of the information was necessary to expose a violation of law involving government  
72 corruption, abuse of office, or misappropriation of public funds or property.

73            (c) It is a defense to prosecution under Subsection (1)(a) that the record could have  
74 lawfully been released to the recipient if it had been properly classified.

75            (d) It is a defense to prosecution under Subsection (1)(a) that the public employee or  
76 other person disclosed, provided, or used the record based on a good faith belief that the  
77 disclosure, provision, or use was in accordance with the law.

78            (2) (a) A person who by false pretenses, bribery, or theft, gains access to or obtains a  
79 copy of any private, controlled, or protected record to which the person is not legally entitled is  
80 guilty of a class B misdemeanor.

81            (b) No person shall be guilty under Subsection (2)(a) who receives the record,  
82 information, or copy after the fact and without prior knowledge of or participation in the false  
83 pretenses, bribery, or theft.

84            (3) (a) A public employee who intentionally refuses to release a record, the disclosure  
85 of which the employee knows is required by law, is guilty of a class B misdemeanor.

86            (b) It is a defense to prosecution under Subsection (3)(a) that the public employee's  
87 failure to release the record was based on a good faith belief that the public employee was

88 acting in accordance with the requirements of law.

89 (c) A public employee who intentionally refuses to release a record, the disclosure of  
90 which the employee knows is required by a final unappealed order from a government entity,  
91 the records committee, or a court is guilty of a class B misdemeanor.