

CONCEAL CARRY RECIPROCITY AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Justin L. Fawson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates the Utah Concealed Weapon Reciprocity Policy Council and amends the duties of the attorney general.

Highlighted Provisions:

This bill:

- ▶ creates the Utah Concealed Weapon Reciprocity Policy Council; and
- ▶ requires the attorney general to provide legal representation and advocacy on behalf of the council.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

67-5-1, as last amended by Laws of Utah 2016, Chapter 120

ENACTS:

63C-2-101, Utah Code Annotated 1953

63C-2-102, Utah Code Annotated 1953

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



28 Section 1. Section **63C-2-101** is enacted to read:

29 **CHAPTER 2. UTAH CONCEALED WEAPON RECIPROCITY POLICY COUNCIL**

30 **63C-2-101. Title.**

31 This chapter is known as the "Utah Concealed Weapon Reciprocity Policy Council."

32 Section 2. Section **63C-2-102** is enacted to read:

33 **63C-2-102. Creation -- Members -- Duties.**

34 (1) There is created the Utah Concealed Weapon Reciprocity Policy Council.

35 (2) The members of the council are:

36 (a) the governor, or the governor's designee;

37 (b) a member of the Senate, appointed by the president of the Senate; and

38 (c) a member of the House of Representatives, appointed by the speaker of the House
39 of Representatives.

40 (3) Members of the council appointed in accordance with Subsections (2)(b) and (c)
41 shall serve two-year terms.

42 (4) When a vacancy occurs in the membership as prescribed in Subsections (2)(b) and
43 (c) for any reason, the replacement shall be appointed for the unexpired term in the same
44 manner as the original appointment.

45 (5) The council shall direct the goals and objectives of negotiations with other states to
46 establish reciprocity agreements or recognition agreements of the Utah concealed firearm
47 permit by those states, and shall promptly act on any agreement presented to the council by the
48 attorney general.

49 Section 3. Section **67-5-1** is amended to read:

50 **67-5-1. General duties.**

51 The attorney general shall:

52 (1) perform all duties in a manner consistent with the attorney-client relationship under
53 Section **67-5-17**;

54 (2) except as provided in Sections **10-3-928** and **17-18a-403**, attend the Supreme Court
55 and the Court of Appeals of this state, and all courts of the United States, and prosecute or
56 defend all causes to which the state or any officer, board, or commission of the state in an
57 official capacity is a party, and take charge, as attorney, of all civil legal matters in which the
58 state is interested;

59 (3) after judgment on any cause referred to in Subsection (2), direct the issuance of
60 process as necessary to execute the judgment;

61 (4) account for, and pay over to the proper officer, all money that comes into the
62 attorney general's possession that belongs to the state;

63 (5) keep a file of all cases in which the attorney general is required to appear, including
64 any documents and papers showing the court in which the cases have been instituted and tried,
65 and whether they are civil or criminal, and:

66 (a) if civil, the nature of the demand, the stage of proceedings, and, when prosecuted to
67 judgment, a memorandum of the judgment and of any process issued if satisfied, and if not
68 satisfied, documentation of the return of the sheriff;

69 (b) if criminal, the nature of the crime, the mode of prosecution, the stage of
70 proceedings, and, when prosecuted to sentence, a memorandum of the sentence and of the
71 execution, if the sentence has been executed, and, if not executed, the reason for the delay or
72 prevention; and

73 (c) deliver this information to the attorney general's successor in office;

74 (6) exercise supervisory powers over the district and county attorneys of the state in all
75 matters pertaining to the duties of their offices, and from time to time require of them reports of
76 the condition of public business entrusted to their charge;

77 (7) give the attorney general's opinion in writing and without fee to the Legislature or
78 either house and to any state officer, board, or commission, and to any county attorney or
79 district attorney, when required, upon any question of law relating to their respective offices;

80 (8) when required by the public service or directed by the governor, assist any county,
81 district, or city attorney in the discharge of county, district, or city attorney's duties;

82 (9) purchase in the name of the state, under the direction of the state Board of
83 Examiners, any property offered for sale under execution issued upon judgments in favor of or
84 for the use of the state, and enter satisfaction in whole or in part of the judgments as the
85 consideration of the purchases;

86 (10) when the property of a judgment debtor in any judgment mentioned in Subsection
87 (9) has been sold under a prior judgment, or is subject to any judgment, lien, or encumbrance
88 taking precedence of the judgment in favor of the state, redeem the property, under the
89 direction of the state Board of Examiners, from the prior judgment, lien, or encumbrance, and

90 pay all money necessary for the redemption, upon the order of the state Board of Examiners,
91 out of any money appropriated for these purposes;

92 (11) when in the attorney general's opinion it is necessary for the collection or
93 enforcement of any judgment, institute and prosecute on behalf of the state any action or
94 proceeding necessary to set aside and annul all conveyances fraudulently made by the judgment
95 debtors, and pay the cost necessary to the prosecution, when allowed by the state Board of
96 Examiners, out of any money not otherwise appropriated;

97 (12) discharge the duties of a member of all official boards of which the attorney
98 general is or may be made a member by the Utah Constitution or by the laws of the state, and
99 other duties prescribed by law;

100 (13) institute and prosecute proper proceedings in any court of the state or of the
101 United States to restrain and enjoin corporations organized under the laws of this or any other
102 state or territory from acting illegally or in excess of their corporate powers or contrary to
103 public policy, and in proper cases forfeit their corporate franchises, dissolve the corporations,
104 and wind up their affairs;

105 (14) institute investigations for the recovery of all real or personal property that may
106 have escheated or should escheat to the state, and for that purpose, subpoena any persons
107 before any of the district courts to answer inquiries and render accounts concerning any
108 property, examine all books and papers of any corporations, and when any real or personal
109 property is discovered that should escheat to the state, institute suit in the district court of the
110 county where the property is situated for its recovery, and escheat that property to the state;

111 (15) administer the Children's Justice Center as a program to be implemented in
112 various counties pursuant to Sections [67-5b-101](#) through [67-5b-107](#);

113 (16) assist the Constitutional Defense Council as provided in Title 63C, Chapter 4a,
114 Constitutional and Federalism Defense Act;

115 (17) pursue any appropriate legal action to implement the state's public lands policy
116 established in Section [63C-4a-103](#);

117 (18) investigate and prosecute violations of all applicable state laws relating to fraud in
118 connection with the state Medicaid program and any other medical assistance program
119 administered by the state, including violations of Title 26, Chapter 20, Utah False Claims Act;

120 (19) investigate and prosecute complaints of abuse, neglect, or exploitation of patients

121 at:

122 (a) health care facilities that receive payments under the state Medicaid program; and

123 (b) board and care facilities, as defined in the federal Social Security Act, 42 U.S.C.

124 Sec. 1396b(q)(4)(B), regardless of the source of payment to the board and care facility;

125 (20) (a) report at least twice per year to the Legislative Management Committee on any
126 pending or anticipated lawsuits, other than eminent domain lawsuits, that might:

127 (i) cost the state more than \$500,000; or

128 (ii) require the state to take legally binding action that would cost more than \$500,000

129 to implement; and

130 (b) if the meeting is closed, include an estimate of the state's potential financial or other
131 legal exposure in that report; ~~and~~

132 (21) if the attorney general operates the Office of the Attorney General or any portion
133 of the Office of the Attorney General as an internal service fund agency in accordance with
134 Section [67-5-4](#), submit to the rate committee established in Section [67-5-34](#):

135 (a) a proposed rate and fee schedule in accordance with Subsection [67-5-34\(4\)](#); and

136 (b) any other information or analysis requested by the rate committee[-]; and

137 (22) (a) act as the designated official in the state for matters relating to reciprocity of
138 concealed weapons permits with other states;

139 (b) seek out responsible officials in all states that recognize the Utah concealed firearm
140 permit, but do not have formal reciprocity agreements with Utah, and negotiate the

141 establishment of formal reciprocity agreements;

142 (c) open and conduct negotiations with other states that do not recognize the Utah
143 concealed firearm permit, on behalf of the council established in Section [63C-2-102](#), to:

144 (i) establish formal reciprocity agreements; or

145 (ii) enter into concealed weapons permit recognition agreements;

146 (d) present to the council the terms of any such agreements; and

147 (e) serve as the custodian of official records and documents of all concealed weapon

148 reciprocity agreements or recognition agreements with other states, and maintain a list of states
149 with such agreements publicly on its website.

Legislative Review Note
Office of Legislative Research and General Counsel