

State of Utah

**Firearm Laws
For
Concealed Carry Permit
Applicants**

Utah Department of Public Safety
Bureau of Criminal Identification
3888 W 5400 S
Salt Lake City, Utah 84118-3549
801-965-4445

This publication is an official document of the
Utah Department of Public Safety
Bureau of Criminal Identification
Copyright 2008

INTRODUCTION

Concealed firearm permits in the State of Utah are regulated by the Bureau of Criminal Identification (BCI). BCI also regulates the purchase of firearms as legislated by the Handgun Violence Protection Act, commonly referred to as the Brady Bill.

A permit to carry a concealed firearm in the State of Utah may be obtained by completing the instructions, and meeting the requirements as outlined in the Application for Concealed Firearms Permit. Applications may be obtained through the BCI website at www.bci.utah.gov, or in person and submitted by mail to:

Bureau of Criminal Identification
3888 W 5400 S
Salt Lake City, Utah 84118-3549

BCI accepts applications between 8:00 a.m. and 5:00 p.m. Monday-Friday

Application costs are a non-refundable fee of \$65.25. This fee consists of \$35.00 for processing and \$30.25 charged by the FBI to process fingerprint cards. Payment may be made in person by cash, Mastercard, VISA, check or money order. Mailed applications may only be paid by Mastercard, VISA, check or money order, do not send cash through the mail. Please make checks or money orders payable to the Utah Bureau of Criminal Identification.

WHO IS ELIGIBLE?

Minimum requirements for application are 21 years of age and proof the applicant is of good character. As cited in Utah Criminal Code §53-5-704(2), an applicant demonstrates good character if he/she:

- (a) has not been convicted of a felony;
- (b) has not been convicted of a crime of violence
- (c) has not been convicted of an offense involving the use of alcohol;
- (d) has not been convicted of an offense involving the use of narcotics or other controlled substances;
- (e) has not been convicted of an offense involving moral turpitude;
- (f) has not been convicted of an offense involving domestic violence;
- (g) has not been adjudicated by a court of a state or of the United States as mentally incompetent, unless the adjudication has been withdrawn or reversed: and
- (h) is qualified to purchase and possess a dangerous weapon and a handgun pursuant to Section 76-10-503 and federal law.
- (i) within the last ten years, has not been adjudicated delinquent for an offense which if committed by an adult would have been a violent felony. (Juvenile offenses)
- (j) within the last seven years, has not been adjudicated delinquent for an offense which if committed by an adult would have been a felony. (Juvenile offenses)

CRIMINAL BACKGROUND CHECKS ARE CONDUCTED ON ALL APPLICANTS.

WHAT MUST ACCOMPANY THE APPLICATION?

- Weapon Familiarity Certification

Applicants must complete a firearms familiarity course taught by an instructor certified by BCI. The course must be completed before you apply for a permit. Your instructor must complete the certification information on the application.

- A photocopy of your Driver License

- One recent color photograph of passport quality, not larger than 3x5. Photos may be taken at BCI for a fee of \$13.00
- One fingerprint card, which **must** be filled out completely. Writing and prints **must** be legible. Fingerprints should be taken by a trained fingerprint technician. **Fingerprint cards that are not legible will be returned to the applicant and will cause a delay in processing the application.** Fingerprint services are available at BCI for a fee of \$13.00. This service may be offered through your local law enforcement agency.

DENIALS & SUSPENSIONS

A permit may be denied, suspended, or revoked if the applicant fails to maintain good character as defined under Utah Criminal Code §53-5-704. The permit may also be denied, suspended, or revoked if the licensing authority has reasonable cause to believe the applicant has been or is a danger to self or others as demonstrated by evidence including, but not limited to:

- Past pattern of behavior involving unlawful violence or threats of unlawful violence.
- Past participation in incidents involving unlawful violence or threats of unlawful violence; or
- Conviction of any offense in violation of Utah Criminal/Weapons Code (§76-10-500 series).

If a person granted a permit has been charged with a crime of violence in Utah or any other state, BCI shall suspend the permit. If the person charged is acquitted, or the charges are dropped, upon notification BCI shall immediately reinstate the suspended permit.

In determining whether the applicant has been or is a danger to self or others, the division may inspect:

- Expunged records of arrests and convictions in adult and juvenile court.

In the event of a denial, suspension, or revocation by BCI, the applicant may file a petition for review the Concealed Weapon Review Board. The petition must be received within 60 days from the date of the denial, suspension or revocation.

- The denial of a permit shall be in writing and shall include the general reasons for the action.
- A denied applicant may appeal to the Concealed Weapon Review Board, and in so doing have access to the evidence upon which the denial is based.
- On appeal to the board, BCI shall have the burden of proof by a preponderance of the evidence.
- Upon a ruling by the board on the appeal of a denied, suspended, or revoked permit, BCI shall issue a final order within 30 days stating the board's decision.

FIREARMS INSTRUCTOR APPLICATION

HOW TO APPLY

Instructor applicants must complete all applicable sections of the Application for Concealed Firearm Instructor form. This form can be obtained in person, by mail from BCI, or by accessing the BCI website at www.bci.utah.gov.

FEES “The fees are non-refundable”

Instructor Application **\$50.00** instructor’s certification is valid for three years from the date of issue.
Renewal Application **\$25.00** Renewal certification is valid for three years from date of issue.

Each applicant for certification or renewal as a Utah Concealed Carry Instructor **MUST** attend a course of instruction provided by the Bureau of Criminal Identification and pass a certification test before certification or renewal can be issued. To sign up for a BCI course of instruction, call (801) 957-8612 for the next available class. The required course will be provided at least twice yearly; it is the applicant’s responsibility to make all necessary arrangements to attend.

WHAT MUST ACCOMPANY THE APPLICATION

Utah Concealed Carry Instructor Course Certificate and one other instructor certification listed below

N.R.A. Firearms Instructor Certificate

P.O.S.T. Firearms Instructor Certificate

Attach a signed copy of our minimum training guidelines; if you wish to expand your course please provide a copy of your course curriculum.

One passport quality photo. Name must be written on the back of the photo.

A photocopy of your driver license or state identification card.

Attach a summary of your qualifications and past experience as a firearms instructor.

INSTRUCTOR RESPONSIBILITIES

Instructors must provide each student who attends their course with a copy of the approved course outline.

Each instructor will be required to provide a signed certificate of completion to a person completing the offered course of instruction.

The certificate of completion requires a stamp of the certified instructors “official seal” (only a seal design provided by the State of Utah will be accepted). A copy of the seal design will be provided by BCI, however it is the instructor’s responsibility to obtain the seal.

A new seal will be required each time certification is renewed to reflect the new expiration date.

Every concealed firearm permit applicant must receive instruction in the areas outlined by Section 53-5-704(8) of the “Concealed Weapons Act” as set forth in the Bureau’s training guidelines.

Instructors **MUST** supply a valid phone number and/or e-mail to be listed on the BCI website for customer contact.

Contact information must be current at all times or instructor will be removed from listing.

Instructors must notify BCI of any address change.

WARNING: Falsification of any information in the application may result in denial or revocation of an instructor permit and possible criminal prosecution.

KNOW THE LAW

PURCHASING A GUN

- It is **unlawful** for a gun dealer to sell or transfer **any** firearm until an instant criminal history background check is conducted and approved by BCI.
- A valid Utah concealed firearm permit may be used to waive the BCI background and the corresponding fees. However, the dealer is still required to call BCI to verify the validity of the concealed firearm permit.
- A person who wishes to purchase a handgun must show proof of Utah residency. A person who wishes to purchase a rifle or shotgun is not required to show Utah residency, however they will be required to comply with the laws of the state in which they reside.

CARRYING A GUN

It is unlawful for a person with a firearm permit to carry a concealed firearm in the following locations:

- Any secure area in which firearms are prohibited and notice of the prohibition is posted.
- Any secure area of an airport.
- Any courthouse, courtroom, mental health facility or correctional facility that may provide by rule that no firearm may be transported, sold, given, or possessed upon the facility. At least one notice shall be prominently displayed at each entrance to a secure area in which a dangerous weapon, firearm, or explosive is restricted.
- Any house of worship that has notified BCI and is posted on the BCI website.
- It is **unlawful** to carry a firearm while under the influence of alcohol or a controlled substance with or without a permit. A concealed weapon permit is not a defense to prosecution for any person who carries a weapon while under the influence of alcohol or a controlled substance [(76-10-528(2)(b)]
- It is **lawful** to carry a firearm capable of being concealed in one's home or place of business without a permit.

It is unlawful to exhibit any firearm in an angry or threatening manner unless in necessary self-defense.

CARRYING IN VEHICLES

Only a peace officer in the performance of his duty or a person with a valid permit to carry may carry a loaded firearm in a vehicle.

- Unless otherwise authorized by law, it is **unlawful** to carry a loaded firearm in or on a vehicle; on any public street, or in a posted prohibited area [76-10-505 (1)(a)(b)(c)].
- It is **unlawful** for a person without a concealed firearms permit to carry a concealed firearm into a bus terminal.

- It is **lawful** to carry a firearm in a vehicle without a permit if:
 - *The firearm is not concealed (in plain view);
 - *The firearm is unloaded;
- It is **recommended** that when transporting a firearm without a permit
 - *The firearm is enclosed in a case or box;
 - *The firearm be securely encased or held securely in a gun rack and is not readily accessible, not including a glove box or console box.

EXEMPTIONS

The following are exempt from Utah Weapons laws:

- Federal officials required to carry firearms while engaged in their official duties.
- Utah, city, county, and state law enforcement officials.
- Private shipping carriers while engaged in the regular transportation of firearms as merchandise.

ANTIQUES

Utah statutes are silent on antique and replica firearms. They are treated as ordinary firearms for possession and carrying purposes

MACHINE GUNS

It is lawful to possess, purchase, or sell a machine gun that is legally registered and possessed in compliance with all federal laws and regulations.

MISCELLANEOUS

- It is **unlawful** to discharge any kind of firearm from any vehicle or from, upon, or across any public highway, within Utah State Park buildings, designated camp or picnic sites, overlooks, golf courses, boat ramps, and developed beaches; or without written permission to discharge the dangerous weapon from the owner or person in charge of the property within 600 feet of a house, dwelling, or any other building; or any structure in which a domestic animal is kept or fed, including a barn, poultry yard, corral, feeding pen, or stockyard.
- It is **unlawful** to shoot or shoot at any signs or placards placed by the wildlife board or road signs on any highway.
- It is **unlawful** to shoot wildlife from airplanes, motor vehicles, motor boats or snowmobiles. Handicapped hunters may be authorized to hunt from a vehicle under terms and conditions specified by the wildlife board.
- It is **unlawful**, and a misdemeanor, when prohibited by local ordinance or law, to make or keep gunpowder, nitroglycerin or other highly explosive substances within town, or to carry such substances through the streets.
- It is **unlawful** to deliver to any express or railway company, common carrier, warehouse, or store-house any package containing nitroglycerin, dynamite, gun cotton, or gun powder to be handled, stored shipped, or transported without plainly marking the package with the name and nature of the contents.

- It is **unlawful** to deliver any spring or “trap gun” to any express or railway company, common carrier, or to any person without informing them of the nature of the delivery.

MINORS

- It is **unlawful** for persons under the age of 16 to hunt unless accompanied – meaning at a distance within which visual and verbal communication is maintained for purposes of advising and assisting – by his/her parent or legal guardian, or other responsible person 21 years or older. (UCA 23-20-20)
- Persons under the age of 14, while hunting with any weapon, **must** be accompanied by his/her parent or legal guardian, or other responsible person 21 years or older **and** approved by his/her parent or guardian.
- Persons of at least 14 years of age and under 16 years of age **must** be accompanied by a person of the age 21 years or older while hunting wildlife, other than big game, with any weapon.
- It is **unlawful** for a minor under 18 years of age to possess a dangerous weapon unless he/she is accompanied by a parent or legal guardian **or** has their permission to have the weapon. A minor under the age of 14 **must** be accompanied by a parent. (UCA 76-10-509)
- It is **unlawful** for a minor under the age of 18 to possess a handgun unless he/she is:
 - (a) a patron of a lawfully operated target concession at an amusement center and the firearms used are chained or affixed to the counters;
 - (b) In attendance at a hunter’s safety course;
 - (c) engaged in practice at a range or other area where discharge of a firearm is not prohibited by law;
 - (d) engaged in organized competition;
 - (e) on real property with the permission of the owner, licensee, or lessee of the property and has permission of a parent or guardian or the owner to possess a firearm;
 - (f) is hunting lawfully;
 - (g) is traveling to or from any activity listed above.

SAFETY TIPS

- **Always** keep the gun pointed in a safe direction.
- **Always** keep your finger off the trigger until ready to shoot.
- **Always** keep the gun unloaded until ready to use.
- **Always** be aware of your target and what is beyond.
- **Always** use **only** the correct ammunition for your gun.
- **Always** wear ear and eye protection when appropriate.
- **Never** use alcohol or drugs before or while shooting your gun.
- **Always** store your gun in a safe and responsible manner so that it is not accessible to unauthorized persons, **especially children.**
- **Be Aware** that certain types of guns and many shooting activities require additional safety precautions.

CONCEALED APPLICATION RENEWAL

WHEN

The Utah concealed firearm permit is valid for a period of five (5) years. The Bureau of Criminal Identification will send a renewal application approximately 45 to 60 days prior to expiration.

BCI must be informed whenever a permit holder or instructor changes an address or renewal notice may not be received

HOW

Complete the renewal application form (available at BCI or BCI's website www.bci.utah.gov) and return it to the Bureau of Criminal Identification with your check, money order, MasterCard or VISA. Renewal applications may be mailed to

Bureau of Criminal Identification
3888 W 5400 S
Salt Lake City, UT 84118-3549

COST

The Cost of renewal is \$10.00. This may be paid by check, money order, MasterCard, or VISA. *Please do not send cash in the mail.*

PROCESS

Once a renewal application is received an updated background check is done. When the background check is completed and approved the permit is automatically renewed for five (5) years. A new card will be mailed to the applicant.

BACKGROUND CHECK

Occasionally a permit holder is involved in criminal activity which results in the revocation of his/her permit.

There will be no break in the validity of the permit provided the renewal process occurs before the expiration date. Even in cases where a criminal incident needs to be investigated, the permit remains valid until the investigation is completed. If corrective action is required the permit holder will be notified.