

Utah Concealed Weapons Permit

- **Instructor:**
 - BCI Concealed Firearms Instructor.
 - NRA Certified Pistol Instructor.
 - Deputy Sheriff.
 - WAT Operator (entry/breacher).
 - Bomb Squad Technician.
 - Pepper Spray Instructor.
 - U.S. Army Veteran (10 years).
 - Tour in Iraq conducting Combat Logistical Patrols.
 - Small Arms Readiness Group (SARG).
 - Distinguished Graduate from Front Sight.
 - Lifetime member of the NRA.
 - Lifetime of hunting and shooting.

- **Uniform Law, Weapons Utah Code Ann. § 76-10-500 (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.

- **Why do you want a Utah CWP?**
 - The ability to carry a firearm fully loaded.
 - The ability to carry a firearm concealed.
 - Waives the \$7.50 background check fee.
 - Reciprocity/Recognition with other states.
 - Permit valid for 5 years.
 - Desire to be trained and ready.

Utah law makes no distinction nor defines what type of firearm a CWP holder can possess or how many.

- **Application requirements:**

- At least 21 years old.
- One passport quality photograph.
- Photocopy of Driver's License.
- One blue fingerprint card.
- Red instructor stamp on application.
- Reciprocity/recognition agreements.
- Resident fee \$46, non-resident fee \$51.

- **Renewals:**

- Renewal fee \$15.
- Completed application.
- New passport photo.
- Late renewal fee of \$7.50.
- Permits expired in excess of 1 year have to start over.

Permits can be renewed in person, by mail, or online. Online renewals include an additional \$0.75 convenience fee. Renew at <https://secure.utah.gov/concealed-firearms>. Renewal fees for active duty military members, and their spouse, will be waived so long as the military member is stationed in Utah at the time of renewal.

- **Causes of returned permit applications:**

- Incorrect payment amount.
- Not signing the credit card line.
- Incorrect zip code for credit card.
- Failure to provide home states CWP.
- Failure to provide copy of DL.
- Problems with fingerprint card (we give you two).
- Improper photographs (passport photo only).

- **Applicants born outside the US:**

- Must be able to purchase and possess a firearm pursuant to state and federal laws.
- Foreign born applicants must supply proof of US legal residency, such as Naturalization Number, Born Abroad Birth Certificate (military), valid US passport, INS Registration Number, Alien Registration Number (Permanent Resident Alien).

- **Reciprocity and Recognition:**

- Utah will accept every other states or county CWP.

Utah has formal reciprocity with the following states: Alabama, Alaska, Arkansas, Colorado, Florida, Georgia, Louisiana, Mississippi, New Hampshire, North Carolina, North Dakota, Ohio, South Dakota, Texas, Virginia, Washington State, West Virginia.

States that recognize the Utah CWP: Arizona, Delaware, Idaho, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Oklahoma, Pennsylvania, Tennessee, Vermont, Wisconsin, Wyoming.

States that hate Utah and the Constitution: California, Nevada, Oregon, New Mexico, Kansas, Illinois, South Carolina, Maryland, Massachusetts, Rhode Island, New Jersey, Connecticut, New York, Maine.

- **Confidentiality:**

Utah Code 53-5-708, Class A Misdemeanor for sharing CWP information with Federal Government. It also prevents the state from compelling a CWP holder from disclosing if the person has a CWP and/or carrying a weapon.

- **Wait time:**

- Time frame for the state to issue a permit is 60 days, per state statute.
- If you would like to call BCI and check on your permit, wait until 60 after the application was received.
- As of June 1, 2013, BCI has received 84,823 applications.

- **Weapons familiarity:**

- Loading & Unloading
- Storage
- Carrying firearms concealed
- Revolver: Single action & Double action
- Semi-auto: Single action, Double action, Single-Double action

- **Handgun Safety:**

Four basic gun safety rules:

- Every gun is loaded.
- Always keep the gun pointed in a safe direction.
- Keep finger off the trigger until ready to shoot.
- Keep the gun unloaded until ready to use.

Range safety rules.

Child safety.

Cause of accidents.

- **Hand gun parts and operation**

- **How a pistol fires**

- **Ammunition**

- **Basic two and one hand grip**

- **Improper grip**

- **Gangster/Crack dealer grip**

- **Safe loading & unloading:**

- Consult owner's manual for individual pistol specifics.
- Remember general safety rules while loading/unloading.
 - Keep the pistol pointed in a safe direction.
 - Keep your finger off the trigger.
 - Keep the pistol unloaded until ready to fire.
- Ensure the ammunition is correct for the pistol.
- Ensure ammunition is appropriate for the application.
- Load/unload in the same location if possible.

- **Safe cocking & uncocking:**

- D/A semi-auto pistols usually have decocking lever.
- S/A pistols and revolvers require careful decocking.
- Keep the pistol pointed in a safe direction while decocking.
- Keep thumb on hammer until hammer is fully at rest.

- **BREAK**

- **Cleaning and Maintenance:**

- Refer to owner's manual on proper disassembly and assembly.
- Coat all dirty metal parts in a good solvent.
- Scrub all metal with a copper brush until all carbon is gone.
- Use cotton patches and pick set to clean all the tight spaces.
- Apply oil to all the metal on metal surfaces.
- Reassemble pistol.
- Complete full functions check.

- **5 Step draw stroke:**

- 1) Lift concealment clothing and drive hand straight down onto pistol grip.
- 2) Unsnap pistol from holster and pull straight up, slap stomach with support hand.

- 3) Rotate pistol until barrel is parallel with the ground.
- 4) Push pistol out forward until pistol reaches support hand.
- 5) Take proper two handed grip, and bring pistol up to eye level.

- **Holstering:**

- Keep finger off the trigger.
- Move clothing to clear holster.
- Look down at holster.
- Drip holster straight down into holster.

- **Safe storage of firearms and ammunition:**

- Store in a cool dry place.
- Keep ammo and weapons separate.
- Gun safe or lock box.
- Keep child safety in mind.

- **Safe concealment considerations:**

- Carry the gun you want to get into a gun fight with.
- You get what you pay for with holsters.
- Find a holster that will allow you to carry your pistol comfortably.
- Be prepared to change the way you dress.
- Practice drawing from the holster you buy.
- Check yourself in the mirror to ensure your holster and pistol is covered at all times.

- **Concealed firearms act:**

Utah Code Ann. 53-5-704(1)(a), the bureau **shall issue** a permit to carry a concealed firearm for **lawful self-defense** to an applicant who is 21 years of age or older 60 days after receiving an application.

- **Background checks:**

- In order to receive a CWP, the bureau must be able to check each and every applicant's criminal history through local, state, and national computer files.
- If the bureau is unable to do a thorough background check, the applicant shall not be eligible to receive a Utah Concealed Firearms Permit.

- **Dirt on you:**

- Utah Computerized Criminal History (UCCH)
- National Crime Information Center (NCIC)
- Interstate Identification Index (III)
- Driver's license information
- Statewide warrants file
- Criminal justice juveniles files
- Criminal history expungement systems
- National Instant Check Systems (NICS)
- Immigration and Naturalization Service (when applicable)

- **Dirt that haunts you:**

An offence 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 which: **is done knowingly contrary to justice, honesty, or good morals; has an element of harm or injury directed to another person or another's property.**

Examples include: 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, Criminal mischief, Falsifying govet. records, Wildlife violations involving weapons, Forgery, Receiving stolen property, Firearms violations, Burglary, Vandalism, Kidnapping, Crimes involving unlawful sexual conduct, Violations of the pornographic and harmful materials and performances act.

- **Dirt takes time to clean:**

- Class C Misd & Infractions – 3 years.
- Class B Misd – 4 years.
- Class A Misd – 5 years.
- Protective Order, Domestic Violence, Felony Conviction, Registerable sex offense, Mentally incompetent – Lifetime.
- Danger to self or others, Past pattern of violent behavior - CFP Board discretion.
- Outstanding warrants, Failure to provide sufficient fingerprints - suspension until reconciled.

- **Juvenile dirt:**

- **Non-violent Felony:** Distribute Controlled Substance, Forgery, Theft, Poss. stolen vehicle, Receive stolen property, Poss. controlled substance - 7 years.
- **Violent Felony:** Agg. Arson, Agg. Assault, Agg. Kidnapping, Rape, Murder, Robbery – 10 years.

- **Future dirt:**

- If you become ineligible to possess a firearm under state or federal law, or
- You knowingly and willfully provide false information to the bureau...
- Your permit will be suspended/revoked and you will receive a letter via certified mail from the bureau advising of the reason for the action.

You must keep your address current with BCI.

- **Appeals process:**

In the event of a denial/revocation/suspension, the CWP holder must file an appeal.

- The appeal must be received (in writing) 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.
- Once a ruling is made by the board, the petitioner will be notified by BCI within 30 days.

- **Review board:**

- After receiving a timely petition or review, the board shall review the eligibility of the permit holder to carry a concealed weapon.
- The board is comprised of 5 members appointed by the commissioner on a bipartisan basis. The board includes members representing law enforcement and at least two citizens, one of whom represents sporting interests.
- Each member of the board serves a 4 year term.
- The board meets once every three months.

- **Making it all go away:**

- Expungement eligibility - will be based on your total history, not what has been reported to BCI.
This includes incidents in all states.
- Any alcohol related traffic offence – 10 years.
- Eligible felonies – 7 years.
- Class A Misd – 5 years.
- Class B Misd (except alcohol offences) – 4 years.
- Class C Misd and infractions – 3 years.
- Dismissals – 30 days.
- Time does not start until all confinement and probation has been completed and fines are paid.
- Expungement Section contact number – (801)965-4445.

- **Justification of force:**

Force in defense of a person:

- A person must reasonably believe that force or threat of force is necessary to defend the person or a third person against another person's **imminent use** of unlawful force.
- Force used that is **intended or likely to cause death or serious bodily injury** may only be used to prevent death or serious bodily injury to himself or a third person or to prevent the commission of a forcible felony.
- A person does not have a duty to retreat from threatened force in a place where that person has lawfully entered or remained.

76-1-601 "Serious bodily injury" means bodily injury that 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.

- **Assault:**

- An attempt with unlawful force or violence, to do bodily injury to another.
- A threat accompanied by a show of immediate force or violence, do to bodily injury to another.
- An act committed with unlawful force or violence, which causes bodily injury to another or creates a substantial risk of bodily injury to another.

- **Aggravated assault:**

- Intentionally causes serious bodily injury to another.
- Under circumstances not amounting to serious bodily injury, uses a weapon or other means of force likely to produce death or serious bodily injury.

- **You decide:**

Are you legally able to draw you concealed weapon and shoot someone who is threatening you with a knife but standing 20 feet away from you? Are they a threat?

- **What are forcible felonies?**

- Aggravated assault, Murder/aggravated Murder, Mayhem, Manslaughter, Kidnapping/aggravated kidnapping, Rape, Forcible sodomy, Object rape, Rape/object rape of a child, Sexual abuse/aggravated sexual abuse of a child, Aggravated sexual assault, Arson, Robbery, Burglary, Vehicle burglary (when occupied).
- Any other felony offense which involves the use of force or violence against a person so as to create a substantial danger of death or serious bodily injury.

- **WHAT IF...**

You are house sitting for a friend who is out of town on business. Your friend is going through a bitter divorce and the spouse has made multiple threats against your friend. As you approach your friend's house, you see movement in the back yard. You park your car short of the house, and walk to the house slowly. You know that no one should be at the house besides two dogs inside the house. As you near the house, you recognize that the person in the back yard is about the same size as your friend's spouse. The person is wearing a hoodie sweatshirt and carrying what looks like a bottle in their hand. You suspect the person is just a drunk, so you pull out your cell phone to call 911. Before you hit send, you notice the person has struck a match and is trying to light the bottle on fire.

Option 1 – you call 911 and report what you are seeing.

Option 2 – you sneak up and tackle the person and try to subdue them.

Option 3 – you call your friend to find out if they know what is going on.

Option 4 – you draw your pistol and confront the person and hold them at gunpoint until police arrive.

Option 5 – you draw your pistol and shoot the person until they drop the bottle.

- **Defending your house:**

Reasonable belief that force is necessary to prevent or terminate unlawful entry into, or attack on, the habitation.

- **You can use force likely to cause death or serious injury if.....**

- The entry is made or attempted in a **violent tumultuous manner, surreptitiously, or by stealth** and he **reasonably believes the entry is made or attempted for the purpose of assaulting or offering personal violence, or**
- He reasonably believes that the entry is made or attempted **for the purpose of committing a felony in the habitation** and the force is necessary to prevent the commission of the felony.

- **Presumption of Reasonableness:**

The person using force or deadly force in defense of habitation is presumed for the purpose of both civil and criminal cases, to have acted reasonably and had a reasonable fear of **imminent** peril or death or serious bodily injury if the entry/attempted entry is unlawful and is made or attempted by **use of force**, or in a **violent and tumultuous** manner, or **surreptitiously or by stealth**, or for the **purpose of committing a felony**.

- **Guns at home:**

Except for restricted people, a person may have a loaded firearm at his place of residence, including any temporary residence or camp. A residence is defined as an improvement to real property used or occupied as a primary or secondary residence; i.e. tent, trailer, motor home, motel room, etc.

- **Deadly force in defense of person on real property:**

A person is justified in using force intended or likely to cause death or serious bodily injury against another in his defense of person on real property **other than his habitation** if:

- He is in lawful possession of real property.
- He reasonably believes that the force is necessary to prevent or terminate the trespass onto real property.
- The trespass is made or attempted by use of force or in a violent and tumultuous manner; and the trespass is attempted or made for the purpose of committing violence against any person on real property and he reasonably believes that the force is necessary to prevent personal

violence; or the person reasonably believes that the trespass is made or attempted for the purpose of committing a forcible felony that poses imminent peril or death or serious injury and that the force is necessary to prevent the commission of that forcible felony.

- **WHAT IF...**

Your dog wakes you in the early morning, barking and looking out the front window. You look outside and see a male, wearing all black, trying to break into your neighbor's car. This has happened frequently in your neighborhood and you have had enough of it. You have seen police respond in the past and order the criminals onto the ground at gunpoint. More often, you know the criminals get away with the stolen property. You want to take appropriate action and be a good citizen.

Option 1 – you go outside and order the male onto the ground at gunpoint until police arrive.

Option 2 – you go outside; keeping your gun concealed, and subdue the male until police arrive. You use your gun for self-defense only.

Option 3 – you call 911 and report the crime, giving as much information as possible.

Option 4 – you call your neighbor and let him handle his own business.

Option 5 – you do nothing, not wanting to get involved and possibly end up in court as a witness.

- **Presumption of reasonableness:**

The person using deadly force in defense of persons on real property is presumed, for the purpose of both civil and criminal cases, to have acted reasonably and had a reasonable fear of imminent peril of death or serious bodily injury if the trespass or attempted trespass is unlawful and is made or attempted **by use of force, or in a violent and tumultuous manner, or for the purpose of committing a forcible felony. Utah Code 76-2-407(2).**

- **Force in defense of property:**

A person is justified in using force, **other than deadly force**, when he reasonably believes that force is necessary to prevent or terminate criminal interference with real or personal property, IF:

- Lawfully in his possession.
- Lawfully in the possession of a member of his immediate family.
- Belonging to a person whose property he has a legal duty to protect.

- **Considerations in determining reasonableness of force:**

The trier of fact may consider, but not limited to, any of the following factors:

- 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.
- Utah code 76-2-402 (Use of force defined).

- **Unjustifiable circumstances:**

- Intentionally provokes the use of force as an excuse to inflict bodily harm.
- Is attempting to commit, committing or fleeing after the commission or attempted commission of a felony.
- Was the aggressor or was engaged in a combat by mutual agreement unless he withdraws from the attack and effectively communicates his intent to withdrawal.

- **Escalation of force:**

1) Confrontation, threatening presence. 2) Verbal threats. 3) Physical. 4) Less than lethal. 5) Lethal.

- **Liability:**

Criminal:

- The burden of proof is on the state “beyond reasonable doubt” – 100%.
- Liability determined for criminal punishment, prison, fines, etc.
- Usually always investigated by the police.

Civil:

- Burden of proof is on the party asserting the claim by “preponderance of the evidence” – 51%.
- Liability determined to restore monetary or physical loss.
- Usually always considered following the death of a person in the form of wrongful death and personal injury law suits.

Note: If you use your firearm and are found not guilty of criminal charges, you must understand that criminal court findings do not preclude civil court findings. You are still subject to civil action.

- **Defence to civil action:** Utah code 78b-3-110

A person may not recover from the victim of a crime for personal injury or property damage if:

- The person entered the victims, or victims family’s property, with criminal intent and the injury was inflicted by the victim or while the person was on the victim’s property.
- The person committed a crime against the victim or the victim’s family, during which the damage or injury occurred.

- **Defence to civil action:**

- The previous provisions do not apply if the person can prove by clear and convincing evidence that the person’s actions did not constitute a crime.
- Previous provisions apply to any next-of-kin, heirs, or personal representatives of the person if the person acquires a disability or is killed.
- Previous provisions do not apply if the person is clearly trying to retreat from criminal activity.

“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.

- **Citizen’s arrest:**

A private person may arrest another:

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

An arrest is an actual restraint of the person arrested or submission to custody. The person shall not be subjected to any more restraint than is necessary for his arrest and detention 77-7-1.

- **Weapons in prohibited areas:**

You may not carry a concealed weapon in the following areas:

- Any secure area where firearms are prohibited and a notice is posted (no penalty).
 - Courts, Law Enforcement, correctional & Mental Health Facilities (F3).
- Any airport secure area (not baggage claim).
- Any house of worship or private residence where dangerous weapons are prohibited (infraction).

- Otherwise prohibited by State or Federal Law.
-Federal Facilities, Federal Court Buildings, Etc.

- **Federal Facility:**

A Federal Facility is 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.

- **Clarification on allowed carry areas:**

- Indian Reservations: Each tribe is self-governing, it is necessary to contact tribal leadership to obtain permission to carry on the reservation.

Exception: If a highway/interstate runs through the reservation, no permission is needed as long as you remain on the highway.

- National Parks: As of February 22, 2010, an individual can carry as long as the national park is located in a state where concealed firearms are permitted, must abide by the state's CFP laws.
- National Forests: Are not parks, they are governed by the state in which they are located (hunting, etc.)

- **Churches & Notification:**

- Personal communication – from the owner or person with lawful right to act for the entity.
- Posting of signs – posted in a location likely to be observed by person entering.
- Announcement – made by a person with authority at a regular congregational meeting.
- Publication in bulletin, newsletter, program, or document – generally circulated and available to members.
- Publication in newspaper or general circulation – in county of church location.

The first two options do not require notification with BCI, the last three do.

The LDS church prohibits concealed weapons, notification is posted on website.

- **Private property (liability):**

A private property owner who knowingly allows a person who has a permit to carry a concealed firearm, 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.

- Does not apply if the property owner solicits, requests, commands, encourages, or intentionally aids in the firearms discharge.

- **Threat of violence:**

A person commits threat of violence if the person threatens to commit any offense involving bodily injury, death, or substantial property damage, and:

- Acts with intent to place a person in fear of imminent serious bodily injury, substantial bodily injury, or death.

Is not a defense that the person did not attempt or was incapable or carrying out the threat.

- The threat may be either expressed or implied.

- **Uniform weapons laws:**

Except where provided by state law, a citizen of the US or a lawfully admitted alien shall not be:

- 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

- Required to have a permit or license to purchase, own, possess, transport, or keep a firearm.
- **Other applicable statutes:**
 - Illegal to possess a deadly weapon with intent to assault.
 - Illegal to draw or exhibit a dangerous weapon in an angry or threatening manner or in a fight or quarrel, except when necessary for self-defense.

- **Threatening manner defined:**

A threatening manner does not include:

- The possession of a dangerous weapon whether visible or concealed, without additional behavior which is threatening.
- Informing another of the actors possession of a deadly weapon in order to prevent what the actor reasonable perceives as a possible use of unlawful force by the other and actor is not engaged in any activity described in the use of force statute.

- **Threatening with or using dangerous weapons in a fight or quarrel:**

- It's unlawful to display any dangerous weapon in an angry or threatening manner.
- It's unlawful to use a dangerous weapon in a fight or quarrel.

This section does not apply to a person who reasonably believes the action to be necessary in compliance with use of force statute, with the purpose to prevent another's use of unlawful force:

- Threatens the use of a dangerous weapon.
- Draws or exhibits a dangerous weapon.

- **Carrying "loaded" firearm in vehicle or on street:**

A person may carry a loaded firearm in a vehicle without a CWP if:

- The person is 18 years old.
- Is in lawful possession of the vehicle.
- Other occupant has consent from the person in lawful control.
- Allowance extends to handguns only.

A person may carry on a public street if:

- The person has a CWP.
- A person without a CWP must carry in plain view and statutorily unloaded.

- **What is a loaded firearm?**

- Applies to non-concealed firearm permit holders.
- An unexpended cartridge in the firing position.
- The manual operation of any mechanism once would cause the unexpended cartridge to be fired.

- **Carrying "concealed" dangerous weapon:**

- A person who carries a concealed dangerous weapon, including an unloaded firearm, on his or her person or one that is readily accessible for immediate use which is not securely encased, or in a place other than the persons residence, property, vehicle, or business is guilty of a Class B Misd.
- A person who carries a concealed dangerous weapon which is a loaded firearm is guilty of a Class A Misd.

- A person who carries concealed an unlawfully possessed short barrel shotgun or a short barrel rifle is guilty of a 2nd degree Felony.

- **Motor Vehicle definition:**

A vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

- **Protection of Activities in Private Vehicles:**

Legal for people to have firearms stored in their locked vehicles parked on private property.

Exceptions:

- An employer can provide alternative parking at no cost to the employee.
- Provide a secured and monitored storage location where the individual may securely store a firearm before proceeding with the vehicle on to the property.

Exemptions:

- School premises.
- Government entities.
- Religious organizations.
- Residential units.

- **People exempt from weapons laws:**

- US Marshals
- All Federal Officers
- A peace officer
- Law Enforcement Officials
- Judges
- Firearms transporter

- **A non-resident may possess a firearm while traveling through the state as long as the firearm is unloaded and securely encased.**

- **Dealing with the fuzz:**

- When stopped or questioned by a peace officer based on reasonable suspicion, all individuals with or without a permit, who are lawful possessors of firearms in public and in vehicles are encouraged to be cooperative and comply with the lawful orders of peace officers.
- You are not required to notify peace officers that you are carrying a weapon.

- **How the fuzz should act around you:**

- All enforcement action is done by BCI Investigators, but final review and findings are done by the CWP board.
- Do not seize the permit (unless revoked).
- If a disqualifying offense exists, forward a copy of the incident to BCI.
- Always observe officer safety. It's reasonable for an officer to know where a firearm is and if it is loaded.

- **Alcohol & Drugs:**

- Carrying a dangerous weapon while under the influence of alcohol or a controlled substance is unlawful.

Same standard as DUI statute:

- Impaired – danger to self or others.
- Blood or breath test at or above .08 grams.

It is not a defense:

- Has a valid CWP.
- Licensed in the pursuit of wildlife.

- **Firearms confiscation prohibition:**

- Declared state of emergency or disaster.

Hurricane Katrina:

- Government and law enforcement may not confiscate firearms if lawful to possess .
- Officer may not be disciplined for refusing to confiscate.
- Law Enforcement and government may be subject to civil damages.

- **Federal laws:**

Straw purchase:

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

Transporting firearms:

- Legal to transport firearms across state lines if:
 - The transporter is not a restricted person.
 - The firearm is not a restricted firearm.
 - The transport is not for business or transfer.
 - 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.

Unlicensed Selling of Firearms:

- Cannot sell to anyone outside your state.
- No registration required, only needed when purchasing a firearm from an FFL dealer.
- Cannot sell to anyone under 18 years old.
- Suggest that a non-licensed sale include a bill of sale between parties to prove the transfer.

Unlawful Possession:

- Conviction of punishable by term exceeding one year.
- Fugitive from justice.
- Unlawful user of controlled substance.
- Adjudicated mentally defective.
- Illegal or unlawful in the US.
- Dishonorable discharge from the Armed Forces.
- Renounced citizenship in the US.
- Protective Order.
- Conviction of misdemeanor crime of Domestic Violence.

Possession of Firearm at a School:

- Unlawful to possess a firearm at a place that the individual knows, or has a 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).

- **School Premises:**

Possession of a dangerous weapon, firearm, or sawed-off shotgun on or about school premises.

On or about means:

- In a school or daycare.
- On the grounds of a school.
- In an institution of higher learning.
- Inside the building.
- Any portion of the building not used as a school is excluded.

A person may not possess any dangerous weapon, firearm, or sawed off shotgun, at a place that the person knows, or has reasonable cause to believe, is on or about school premises.

- **Firearms on school premises:**

Exceptions:

- Law Enforcement.
- CWP holder.
- Approved by school administrator.
- Lawful, approved activity under control of responsible person.
- Any vehicle lawfully under person's control.

- **Your Responsibilities:**

Laws Change and it's your responsibility to keep up with changes in Federal Law, Utah Law, and Administrative rules.

- BCI Website : publicsafety.utah.gov.
- Utah criminal and traffic codes: www.le.state.ut.us/Documents/code_const.htm.

- **Having the proper mindset:**

- You are the weapon, a gun is a tool.
- Play 'what if' with yourself and already know how you will handle different situations.
- The first person to call 911 is the 'Complainant', everyone else are suspects.
- If you carry, there is at least one gun in every fight.
- Plan that if you get into a gun fight, you will get shot and you will keep fighting.
- Understand your role as a citizen.
- Train the subconscious and be positive.

- **Check on learning:**

- What is serious bodily injury?
- What is a weapon?
- Can you legally inform someone during a confrontation that you have a pistol?
- Under what circumstances are you legally able to draw your pistol against another person?
- What are the four gun safety rules?
- Can you draw your pistol because someone is sitting on you front porch and refuses to leave?