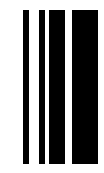




UTAH CFP CLASS 2021

Instructor: Aaron Turner





Utah Conceal Firearm Permit

Thank you for the opportunity to work with you today. This course will take you through the requirements of obtaining a Concealed Firearm Permit from the State of Utah.

On Screen Material - Yellow Highlight
Minimum Training Curriculum
Newsletter

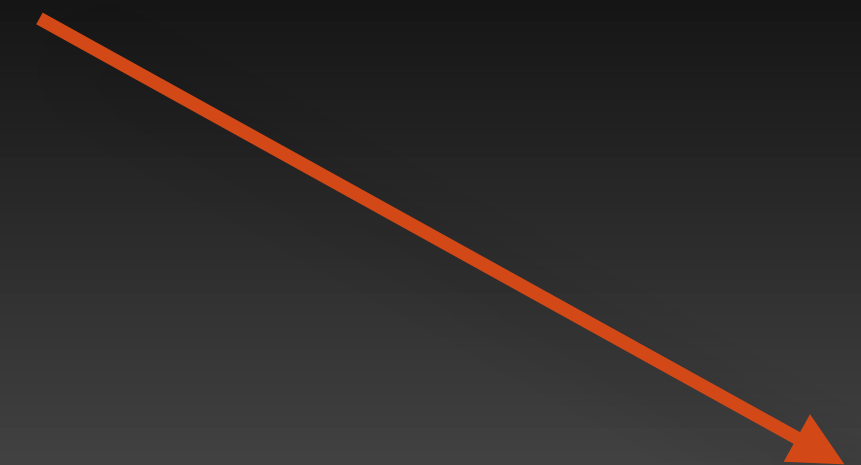
Securing of Firearms

Restroom / Beverages

Cell Phones - Please Pay Attention

Fact vs Opinion

MTC Page Reference





About Your Instructor

- Concealed Firearm Permit holder since 1995
- NRA Pistol Instructor/Range Safety Officer (RSO)
- Attended Police Officers Standard and Training (POST)
- Emergency Dispatcher – U of U Public Safety Department
- Special Service Officer – U of U Public Safety Department – Hospital Division
- Gold Cross Ambulance – Intermediate Paramedic, FTO, EVO

FAQ:

How often do you train?

I go to the range often. Practice makes perfect

What is the biggest challenge with being a permit holder?

Confidence in your training. Knowledge of the laws.

Why do you carry a firearm?

You are responsible for your own safety!



FIREARM SAFETY

Section One - Part One



CAUSE OF FIREARM ACCIDENTS

IGNORANCE • KNOWLEDGE • SKILL

ATTITUDE



FOUR BASIC FIREARM SAFETY RULES

- KEEP THE GUN POINTED IN A SAFE DIRECTION AT *ALL TIMES*.
- KEEP YOUR FINGER *OFF THE TRIGGER* UNTIL YOU ARE ON TARGET AND READY TO FIRE.
- *NEVER POINT A FIREARM* AT ANYTHING YOU ARE NOT WILLING TO DESTROY.
- BEFORE THE *DECISION TO FIRE*, BE SURE OF YOUR TARGET, YOUR TARGET'S ENVIRONMENT.

FINGER OFF THE TRIGGER



WITH THE PISTOL POINTED IN A SAFE DIRECTION, THE INDEX FINGER SHOULD BE PLACED ALONGSIDE THE FRAME OF THE PISTOL, ABOVE AND AWAY FROM THE TRIGGER GUARD.

SAFETY RULES

1. Know how to use the firearm safely.
2. Be sure the firearm is safe to operate.
3. Wear eye and ear protection as appropriate.
4. **Never use alcohol or drugs before or while shooting.**
5. Store all firearms so they are not accessible to unauthorized persons.
6. Never handle a firearm in an emotional state such as anger or depression.





SAFETY IN THE HOME

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:
 - Stop
 - Don't Touch
 - Leave the area
 - Tell a responsible adult

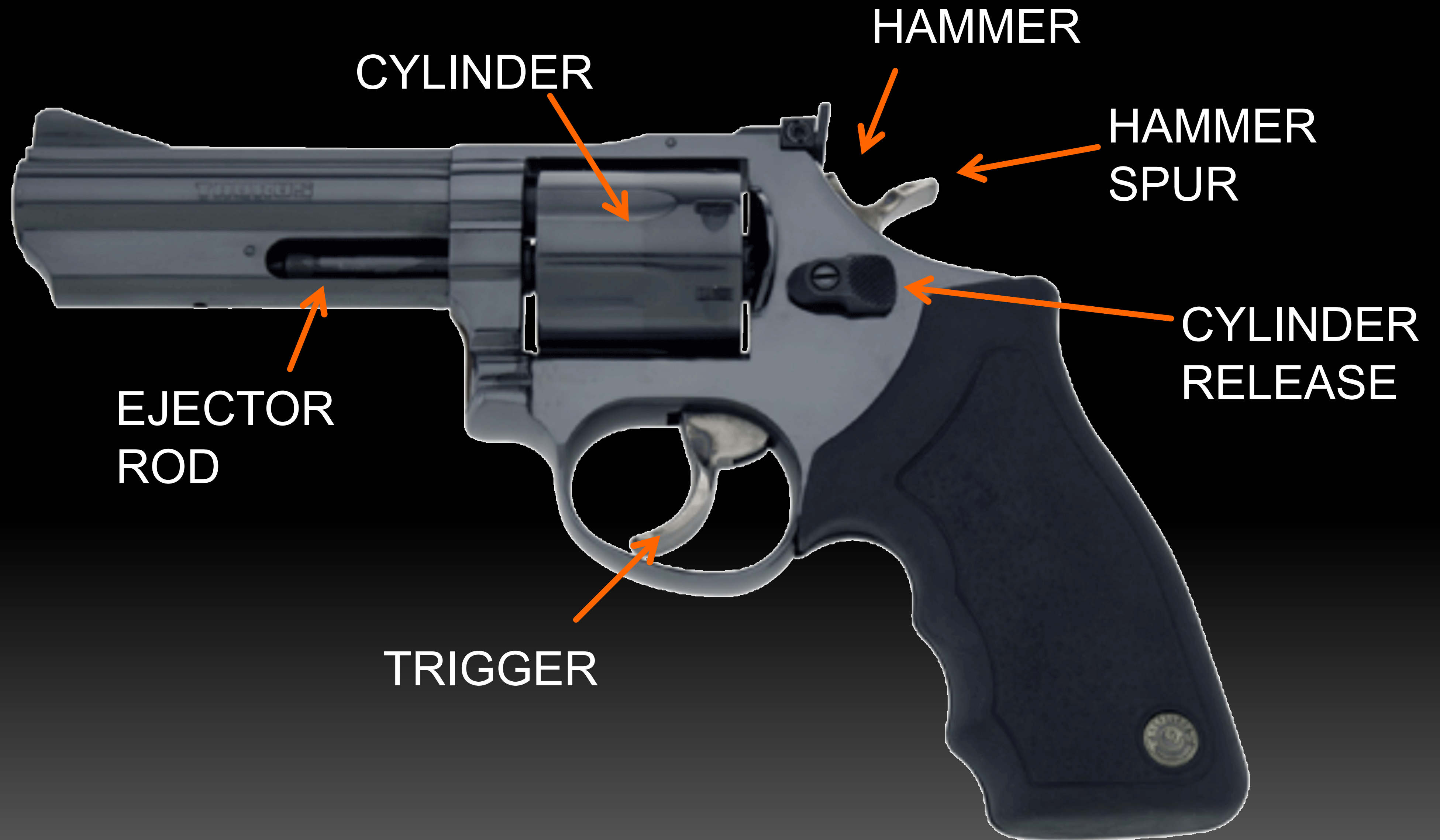


HANDGUN OPERATIONS

Section One – Part Two

REVOLVERS

MOVING PARTS





TWO TYPES OF ACTIONS

SINGLE-ACTION REVOLVER: Single action (SA) refers to any firearm that must be manually cocked before each shot. In such guns, the trigger performs a single function (firing the gun).

DOUBLE-ACTION REVOLVER: Double action (DA) refers to any gun which can be cocked and fired by a single pull of the trigger.

SEMI-AUTOMATIC





TYPES OF SEMI-AUTOMATIC PISTOL ACTIONS

SINGLE-ACTION:

Each pull of the trigger performs a single action: releasing the hammer. The hammer must be manually cocked for the first shot.

TRADITIONAL DOUBLE-ACTION:

The initial long, heavy trigger pull both cocks and releases the hammer. Each subsequent shot is fired in the single-action mode.

DOUBLE ACTION ONLY:

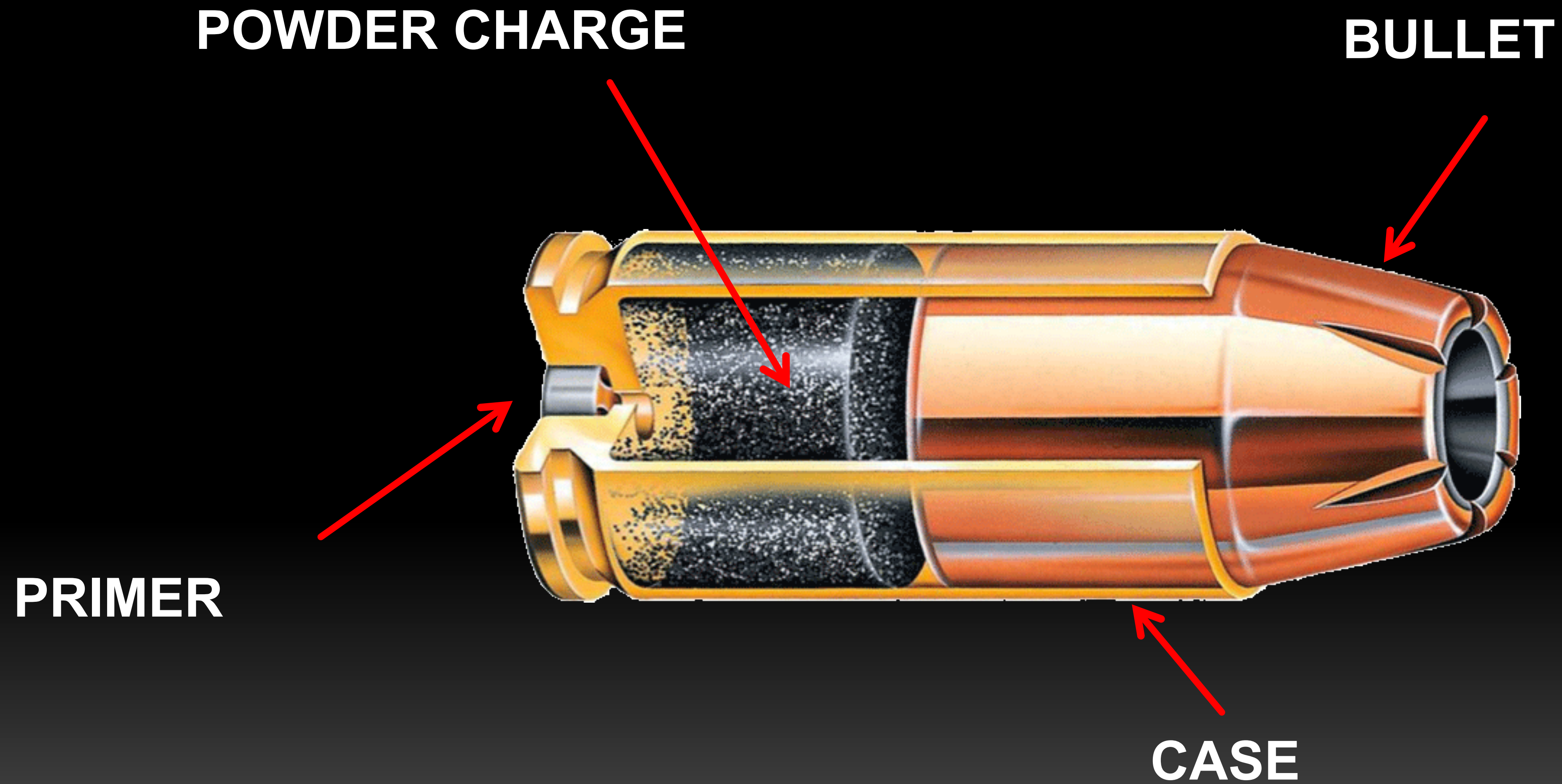
The trigger will cock and release the external hammer or internal firing mechanism on the first shot and all successive shots.



AMMUNITION

Section One – Part Three

CARTRIDGE COMPONENTS



CARTRIDGE COMPONENTS

Proper cartridge identification is necessary to ensure the correct ammunition is loaded into the pistol.



CARTRIDGE COMPONENTS



Some ammunition has a “+P” or “+P+” designation, indicating it is loaded to higher than SAAMI standard pressures for a particular caliber.

<u>9mm</u>	<u>weight</u>	<u>ft/lbs</u>	<u>ft/sec (muzzle)</u>
Reg	115gr.	323	1145
+P	115gr	431	1300
+P+	115gr	500	1400

This higher-pressure ammunition must be used only in those firearms certified for its use.

RANGE AMMUNITION

Non-expanding type:

Typically referred to as **full metal jacket**

Reduced costs:

Mass produced with lower grade material.

Cost Comparison:

Caliber	FMJ/2019	FMJ/2021	JHP/2019	JHP/2021
.22 LR	.11¢	.16¢	-	-
380 Auto	.43¢	.96¢	.93¢	\$2.50
9mm	.29¢	.70¢	\$1.07	\$1.22
40 S&W	.39¢	.80¢	\$1.22	\$1.75
45 Auto	.50¢	.91¢	\$1.32	\$2.00

9 mm 124 gr JHP
@ 1181 f/s

9 mm 147 gr JHP
@ 1032 f/s

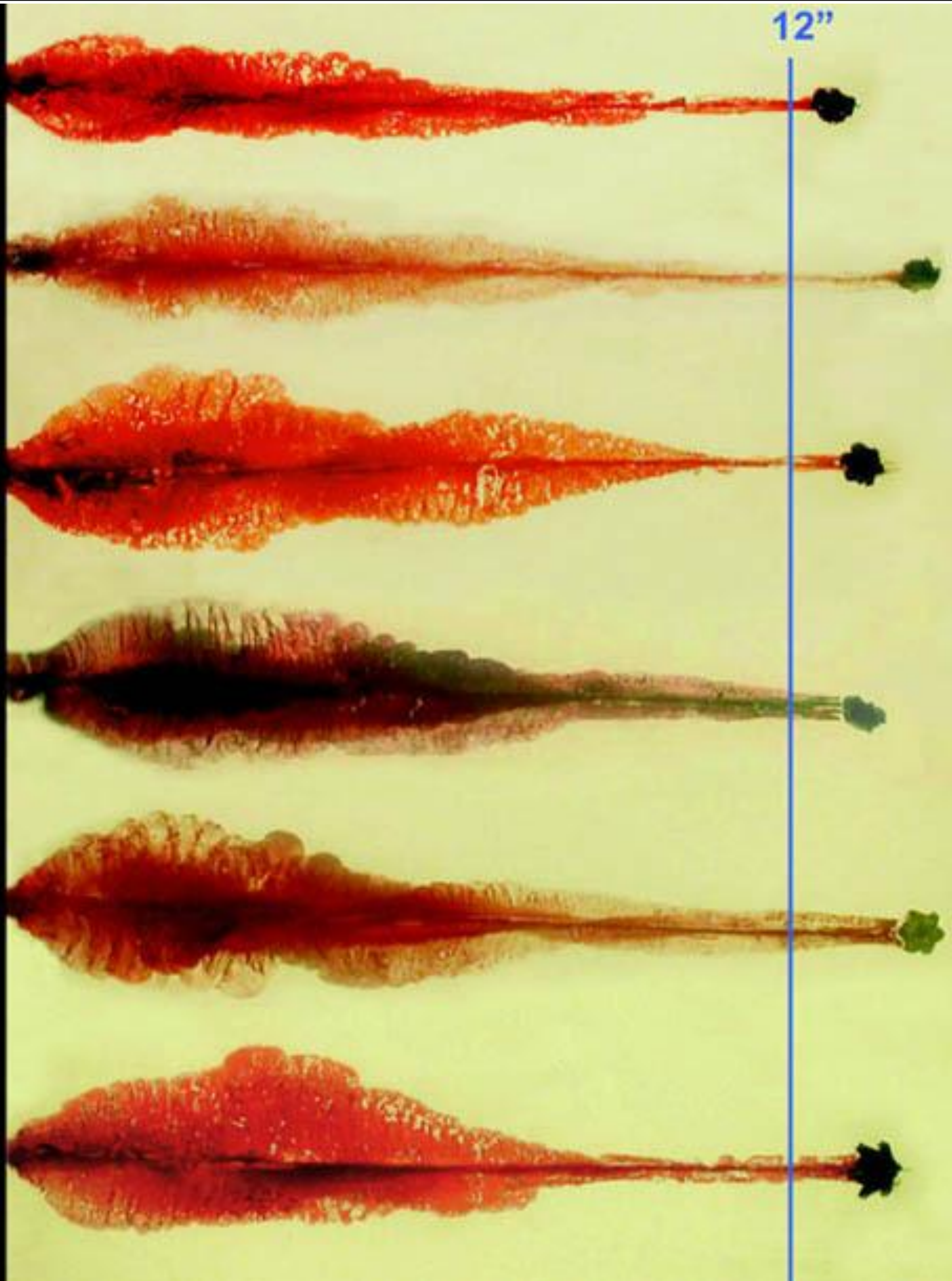
.357 SIG 125 gr JHP
@ 1319 f/s

.40 S&W 165 gr JHP
@ 1076 f/s

.40 S&W 180 gr JHP
@ 995 f/s


.45 ACP 230 gr JHP
@ 875 f/s

12"





AMMUNITION STORAGE

- **AMMUNITION SHOULD BE STORED IN A COOL, DRY PLACE**
 - **ALWAYS KEEP THE AMMUNITION IN THE ORIGINAL FACTORY BOX OR CARTON**
 - **DO NOT EXPOSE AMMUNITION TO WATER, SOLVENTS, PETROLEUM PRODUCTS OR OTHER MATERIALS THAT CAN CAUSE CARTRIDGE DETERIORATION AND MALFUNCTIONS**
 - **WIPE FINGERPRINTS OFF!**
- 



CARTRIDGE MALFUNCTION

MISFIRE

HANG FIRE

SQUIB LOAD

If anything unusual is noticed when a shot is fired, such as a difference in recoil or in noise, immediately do the following:

- a. Stop firing immediately;
- b. Keep the muzzle pointed in a safe direction;
- c. Keep your finger off the trigger;
- d. Unload the gun and check to be sure the chamber is empty; and
- e. Inspect the barrel for obstructions.

CARTRIDGE MALFUNCTION

MISFIRE

A **MISFIRE** IS THE FAILURE OF A CARTRIDGE TO IGNITE WHEN THE PRIMER OR CASE RIM IS STRUCK BY THE FIRING PIN.

CAUSES:

- DEFECT IN THE CARTRIDGE
- DEFECT IN THE PISTOL



CARTRIDGE MALFUNCTION

HANG FIRE

A *HANG FIRE* IS A PERCEPTIBLE DELAY IN THE IGNITION OF A CARTRIDGE AFTER THE PRIMER OR CASE RIM HAS BEEN STRUCK BY THE FIRING PIN. THIS DELAY MAY LAST SEVERAL SECONDS.



CARTRIDGE MALFUNCTION

SQUIB LOAD

A **SQUIB LOAD** IS A CARTRIDGE DEVELOPING LESS THAN NORMAL PRESSURE OR VELOCITY UPON IGNITION. A SQUIB LOAD CAN CAUSE A BULLET TO FAIL TO EXIT THE MUZZLE AND LODGE IN THE BORE.

IF SIGNS OF A SQUIB LOAD ARE ENCOUNTERED:

- REDUCED NOISE
- REDUCED MUZZLE FLASH
- REDUCED RECOIL

STOP FIRING IMMEDIATELY, SAFELY OPEN THE ACTION AND CHECK THE BORE FOR OBSTRUCTIONS.





SHOOTING FUNDAMENTALS

Section One - Part Four

SHOOTING STANCE



**Isosceles
Triangle**



**Weaver
Stance**

DEMONSTRATION

- *LOAD CHECK*
- *SAFE DISCARD*
- *SAFE KEEP*
- *HAND GRIP*
- *PROPER EXTENSION*
- *PROPER DRAW*
- *SIGHT ALIGNMENT*
- *SIGHT PICTURE*
- *TRIGGER PRESS*





SAFE HANDLING

Section One - Part Five



SAFETY ON THE RANGE

1. Fully comply with the range officer's instructions.
2. Follow the 4 safety rules at all times.
 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.
3. Cease Fire
4. The right horizontal surfaces

SAFETY ON THE RANGE

FAILURE TO FIRE – TYPE 1 (FTF)

FAILURE TO EJECT – TYPE 2 (FTE)

FEED WAY STOPPAGE – TYPE 3

FAILURE TO GO INTO BATTERY – TYPE 4

SAFETY ON THE RANGE



SAFETY ON THE RANGE



CLEANING & MAINTENANCE

- The importance of regular cleaning and maintenance
- Before starting to clean a gun, be certain it is not loaded.



HOLSTERS

The firearm should be in a holster or gun case.

If the firearm is in view of the public, care should be taken so that it is only accessible to the permit holder.

A handgun should not just be thrown into a glove box, under the car seat or into a drawer.

Safety comes before all else





UTAH CRIMINAL CODE

Section Two - Part One



CLARIFICATIONS

BILL OF RIGHTS

FORCE VS DEADLY FORCE

PROTECTING PROPERTY WITH DEADLY FORCE

DISMISSIVE LAW SYSTEM

CRITICAL HABITS FOR WINNING A GUNFIGHT

White	Unprepared and unready to take action.
Yellow	Prepared, alert & relaxed. Good situational awareness.
Orange	Alert to probable danger. Ready to take action.
Red	Action Mode. Focused on the emergency at hand.
Black	Panic. Breakdown of physical & mental performance.

Attention buys you time, time buys you options!
2.0 second expected response time.



CRITICAL HABITS FOR WINNING A GUNFIGHT


Stopping the Threat.

Get into the mindset that “I will win this gunfight!” In a gunfight, you are not shooting to try and kill someone! You’re shooting to stop potential great bodily harm or death to you or others. If the assailant dies as a result, consider that was **his/her** decision. A significant part of your training should be visualizing yourself in various, realistic deadly force situations, and make sure you truly believe that sometimes good people have to kill bad people.

When the gun goes on, the ego is turned off!
In a civilized society we use words not violence to resolve conflicts



CRITICAL HABITS FOR WINNING A GUNFIGHT

1. **Keep Your Head Up** - We often hear, the attack 'came out of nowhere'.
 2. **Learn to Identify What's Significant** - What affects your safety and your existence.
 3. **See with Honest Eyes** - Developing the skill to rapidly size up threatening situations.
 4. **Have a Plan** - Analyzing and reacting to what you see.
 5. **Avoid "Cerebral Fibrillation"** - That's panic.
 6. **Stay in Motion** - Stopping and standing still is a frequent reaction to attacks, just the opposite of what's desirable.
 7. **Actually Use Cover** - Many will stand right next to cover and fire.
 8. **Fight Through "Speed Bumps"** - Running out of ammunition, stoppages, being wounded — they're all just speed bumps. Get over or around them quickly and move on.
 9. **Maintain the Offensive and Finish the Fight** - To win, you have to overwhelm the suspect with so much precise force that he can't deal with it.
 10. **Reinforce Rigorously** - Drilling in good tactics through scenario training is not an entertainment enterprise. Done right, it's arduous, it's challenging, it's sometimes frustrating - it's work.
- 



CRITICAL HABITS FOR WINNING A GUNFIGHT

What are the two things you will never have enough of in a gun fight?

- *AMMUNITION* •
- *TIME* •

CRITICAL HABITS FOR WINNING A GUNFIGHT

80% Dry Practice - 20% Live Fire

MUSCLE MEMORY

NO AMMUNITION



CRIMINAL CODE

CONCEALED FIREARM ACT

JUSTIFICATION OF FORCE

RULES OF ARREST

WEAPONS IN PROHIBITED AREAS

WEAPONS LAWS

ASSAULT & RELATED OFFENSES

UNIFORM FIREARM LAW

PRIVATE VEHICLE – TRAFFIC CODE

WEAPONS LAWS



CRIMINAL CODE

CONCEALED FIREARM ACT

1. **53-5-702, Definitions**
2. **53-5-703, Board Membership and Duties**
3. **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**
4. **53-5-705, Temporary permit to carry concealed firearm**
5. **53-5-707, Permit Fees**
6. **53-5-708, Permit Name Privacy**
7. **53-5-710, Cross References to Concealed Firearm permit Restrictions**

1. 76-2-401, Justification as defense, when allowed
2. 76-2-402, Force in Defense of Persons – Forcible Felonies Defined
3. 76-2-403, Force in Arrest
4. 76-2-405, Force in Defense of Habitation
5. 76-2-406, Force in Defense of Property
6. 76-2-407, Force in Defense of Persons on Real Property

**** Video Language Warning ****

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

(1) (a) **A person is justified in threatening or using force against another when and to the extent that the person reasonably believes that force or a threat of force is necessary to defend the person** or a third person against another person's imminent use of unlawful force.

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

(2) (a) A person is not justified in using force under the circumstances specified in Subsection (1) if the person:

(i) **initially provokes** the use of force against the person with the intent to use force as an excuse to inflict bodily harm upon the assailant;

(ii) is attempting to commit, committing, or fleeing after **the commission or attempted commission of a felony**; or

(iii) **was the aggressor or was engaged in a combat by agreement**, unless the person withdraws from the encounter and effectively communicates to the other person his intent to do so and, notwithstanding, the other person continues or threatens to continue the use of unlawful force.

(b) For purposes of Subsection (2)(a)(iii) the following do not, by themselves, 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.

(3) **A person does not have a duty to retreat from the force or threatened force described in Subsection (1) in a place where that person has lawfully entered or remained,** except as provided in Subsection (2)(a)(iii).

(4) (a) For purposes of this section, a **forcible felony includes** 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 Title 76, Chapter 5, Offenses Against the Person, and arson, robbery, and burglary as defined in Title 76, Chapter 6, Offenses Against Property.

(b) 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** also constitutes a forcible felony.

(c) Burglary of a vehicle, defined in Section 76-6-204, **does not constitute a forcible felony except when the vehicle is occupied at the time unlawful entry is made or attempted.**

(5) In determining imminence or reasonableness under Subsection (1), the trier of fact may consider, but is not limited to, any of the following factors:

- (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's prior violent acts or violent propensities; and**
- (e) **any patterns of abuse or violence in the parties' relationship.**

76-2-403. Force in arrest.

Any person is justified in using any force, except deadly force, which he reasonably believes to be necessary to effect an arrest or to defend himself or another from bodily harm while making an arrest.

76-2-405. Force in defense of habitation.

(1) A person is justified in **using force** against another when and to the extent that he reasonably believes that the force is necessary to prevent or terminate the other's unlawful entry into or attack upon his habitation; however, he is justified in the use of force which is intended or likely to **cause death or serious bodily injury only if:**

(a) **the entry is made or attempted in a violent and tumultuous manner**, surreptitiously, or by stealth, and he reasonably believes that the entry is attempted or made for the purpose of assaulting or offering personal violence to any person, dwelling, or being in the habitation and he reasonably believes that the force is necessary to prevent the assault or offer of personal violence; or

(b) he reasonably believes that the entry is made or attempted for the purpose of **committing a felony** in the habitation and that the force is necessary to prevent the commission of the felony.

(2) 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 of death or serious bodily injury** if the entry or 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.

76-2-406. Force in defense of property -- Affirmative defense.

(1) A person is justified in using force, other than deadly force, against another when and to the extent that the person reasonably believes that force is necessary to prevent or terminate another person's criminal interference with real property or personal property:

- (a) lawfully in the person's possession;**
- (b) lawfully in the possession of a member of the person's immediate family; or**
- (c) belonging to a person whose property the person has a legal duty to protect.**

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

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

- (a) he is in lawful possession of the real property;
- (b) he reasonably believes that the force is necessary to prevent or terminate the other person's trespass onto the real property;
- (c) the trespass is made or attempted by use of force or in a **violent and tumultuous manner; and**
- (d) (i) the person reasonably believes that the trespass is attempted or made for the purpose of **committing violence against any person** on the real property and he reasonably believes that the force is necessary to prevent personal violence; or
(ii) the person reasonably believes that the trespass is made or attempted for the purpose of committing a **forcible felony** as defined in Section 76-2-402 that poses imminent peril of death or serious bodily injury to a person on the real property and that the force is necessary to prevent the commission of that forcible felony.



CRIMINAL CODE

RULES OF ARREST

1. 77-7-1, Arrest defined – Restraint allowed
2. 77-7-3, Arrest by private persons
3. 76-8-512. Impersonation of officer

77-7-1. "Arrest" defined -- Restraint allowed.

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.

77-7-3. 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.

76-8-512. Impersonation of officer.

A person is guilty of a class B misdemeanor who:

(1) impersonates a public servant or a peace officer with intent to deceive another or with intent to induce another to submit to his pretended official authority or to rely upon his pretended official act;

(2) falsely states he is a public servant or a peace officer with intent to deceive another or to induce another to submit to his pretended official authority or to rely upon his pretended official act; or


(3) displays or possesses without authority any badge, identification card, other form of identification, any restraint device, or the uniform of any state or local governmental entity, or a reasonable facsimile of any of these items, with the intent to deceive another or with the intent to induce another to submit to his pretended official authority or to rely upon his pretended official act.





CRIMINAL CODE

WEAPONS IN PROHIBITED AREAS

1. 53-5-710, Cross References to Concealed Firearm Permit Restrictions
 2. 76-8-311.1, Secured Areas – Firearms Prohibited
 3. 76-8-311.3, Items prohibited in correctional and mental health facilities
 4. 76-10-523, Persons Exempt from Weapons Laws
 5. 76-10-529, Airports – Firearms Prohibited
 6. 76-10-530, Trespass with a firearm in a house of worship or private residence
- 

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

A person with a permit to carry a concealed firearm may not carry a concealed firearm in the following locations:

- (1) any secure area prescribed in Section 76-8-311-.3 in which firearms are prohibited and notice of the prohibition posted;**
- (2) in any airport secure area as provided in Section 76-10-529; or**
- (3) in any house of worship or in any private property where dangerous weapons are prohibited as provided in Section 76-10-530.**

76-8-311.1. Secure areas -- Items prohibited -- Penalty.

[Redacted (definitions)]

(e) (i) "Secure area" means any area into which **certain persons are restricted from transporting any firearm, ammunition, dangerous weapon, or explosive.**

(ii) **A "secure area" may not include any area normally accessible to the public.**

(2) (a) A person in charge of a correctional, law enforcement, or mental health facility may establish secure areas within the facility and may prohibit or control by rule any firearm, ammunition, dangerous weapon, or explosive.

(3) At least one notice shall be prominently displayed at each entrance to an area in which a firearm, ammunition, dangerous weapon, or explosive is restricted.

(4) (a) **Provisions shall be made to provide a secure weapons storage area so that persons entering the secure area may store their weapons prior to entering the secure area.**

(b) **The entity operating the facility shall be responsible for weapons while they are stored in the storage area.**

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

(1) This part and Title 53, Chapter 5, Part 7, Concealed Weapon 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;**
- (f) a common carrier while engaged in the regular and ordinary transport of firearms as merchandise; or**
- (g) a nonresident traveling in or through the state, provided that any firearm is:**
 - (i) unloaded; and**
 - (ii) securely encased as defined in Section 76-10-501.**

(2) The provisions of Subsections 76-10-504 [Carrying concealed dangerous weapon – Penalties] (1) and (2), and Section 76-10-505 [Carrying loaded firearm in vehicle or on street] 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 [Permit to carry concealed firearm]; or**
- (b) by another state or county.**

76-10-529. Possession of dangerous weapons, firearms, or explosives in airport secure areas prohibited

- (1)(a) Within a secure area of an airport established pursuant to this section, a person, including a person licensed to carry a concealed firearm under Title 53, Chapter 5, Part 7, Concealed Weapon Act, is guilty of:**
- (i) a class A misdemeanor if the person knowingly or intentionally possesses any dangerous weapon or firearm;**
 - (ii) an infraction if the person recklessly or with criminal negligence possesses any dangerous weapon or firearm; or**
 - (iii) a violation of Section 76-10-306 if the person transports, possesses, distributes, or sells any explosive, chemical, or incendiary device.**
- (b) Subsection (2)(a) does not apply to:**
- (i) persons exempted under Section 76-10-523; and**
 - (ii) members of the state or federal military forces while engaged in the performance of their official duties.**

Traveling with a firearm.

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 Weapon 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.



CRIMINAL CODE

WEAPONS LAWS

1. 76-10-500, Uniform Law
2. 76-10-506, Threatening with or using dangerous weapon in a fight or quarrel (Brandishing)
3. 76-10-507, Possession of a deadly weapon with intent to assault
4. 76-10-509.4, The sale, possession, providing weapons to a minors and penalties
5. 76-10-509.5, Prohibition of possession of certain weapons by minors.
6. 76-10-509.6, Penalties for providing certain weapons to a minor
7. 76-10-509.7, Parent or guardian knowing of minor's possession of dangerous weapon
8. 76-10-509.9, Sales of firearms to juveniles
9. 76-10-511, Possession of a loaded firearm at residence authorized
10. 76-10-526, Criminal Background check Prior to Purchasing a Firearm
11. 76-10-528, Carrying under the influence of alcohol or a controlled substance

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.

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

(1) **As used in this section, "threatening manner" does not include:**

- (a) **the possession of a dangerous weapon, whether visible or concealed, without additional behavior which is threatening; or**
- (b) **informing another of the actor's possession of a deadly weapon in order 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(2)(a).**

(2) Except as otherwise provided in Section 76-2-402 and for those persons described in Section 76-10-503, a person who, in the presence of two or more persons, 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 a person who, reasonably believing the action to be necessary in compliance with Section 76-2-402, [Force in Defense of Persons] 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.**



RESULTS

- **Felony Discharging a Weapon into an Occupied Dwelling**
- **Two misdemeanor counts of Assault by Pointing a Gun**
- **One count of Injury to Personal Property**
- **One count of Assault and Battery**
- **Fines**

76-10-509.4, The sale, possession, providing weapons to a minors and penalties

76-10-509.5, Prohibition of possession of certain weapons by minors.

76-10-509.6, Penalties for providing certain weapons to a minor

76-10-509.7, Parent or guardian knowing of minor's possession of dangerous weapon

76-10-509.9, Sales of firearms to juveniles

76-10-511. Possession of loaded firearm at residence or on real property authorized. Except for persons described in Section 76-10-503 [Restrictions on possession by certain persons.] and 18 U.S.C. Sec. 922(g) [US Law - Unlawful Acts] 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.**

76-10-526. Criminal background check prior to purchase of a firearm -- Fee -- Exemption for concealed firearm permit holders.

(1) For purposes of this section, "valid permit to carry a concealed firearm" does not include a temporary permit issued pursuant to Section 53-5-705.

(2) (a) To establish personal identification and residence in this state for purposes of this part, a dealer shall require an individual receiving a firearm to present one photo identification on a form issued by a governmental agency of the state.

[Redacted]

(3) A criminal history background check is required for the sale of a firearm by a licensed firearm dealer in the state.

[Redacted]

(13) An individual with a concealed firearm permit issued pursuant to Title 53, Chapter 5, Part 7, Concealed Weapon Act, shall be exempt from the background check and corresponding fee required in this section for the purchase of a firearm if:

(a) the individual presents the individual's concealed firearm permit to the dealer prior to purchase of the firearm; and

(b) the dealer verifies with the division that the individual's concealed firearm permit is valid.

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

(1) Any person who carries a dangerous weapon while under the influence of alcohol or a controlled substance as defined in Section 58-37-2 is guilty of a class B misdemeanor. Under the influence means the same level of influence or blood or breath alcohol concentration as provided in Subsections 41-6a-502(1)(a) through (c).

(2) It is not a defense to prosecution under this section that the person:

- (a) is licensed in the pursuit of wildlife of any kind; or**
- (b) has a valid permit to carry a concealed firearm.**

Currently .05 BAC - December 30, 2018

76-9-102. Disorderly conduct.

(1) [Redacted]

(2) An individual is guilty of disorderly conduct if:

(a) the individual refuses to comply with the lawful order of a law enforcement officer to move from a public place or an official meeting, or knowingly creates a hazardous or physically offensive condition, by any act that serves no legitimate purpose; or

(b) intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk of public inconvenience, annoyance, or alarm, the person:

(i) engages in fighting or in violent, tumultuous, or threatening behavior;

(ii) makes unreasonable noises in a public place or an official meeting;

(iii) makes unreasonable noises in a private place which can be heard in a public place or an official meeting; or

(iv) obstructs vehicular or pedestrian traffic in a public place or an official meeting.

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.



CRIMINAL CODE

UNIFORM FIREARM LAW

1. 53-5a-102, Uniform firearm laws:
2. 53-5a-103, Discharge of firearm on private property—Liability

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

(1) Except as provided under Subsection (2), 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 the 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.

(2) Subsection (1) does not apply if the property owner solicits, requests, commands, encourages, or intentionally aids the concealed firearm permit holder in discharging the firearm while on the owner's property.



TRAFFIC CODE

PRIVATE VEHICLE – TRAFFIC CODE

1. Protection of Activities in Private Vehicles 34-45-103

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; or

(b) prohibiting any individual from possessing any item in or on a motor vehicle on any property designated for motor vehicle parking, if the effect of the policy or rule constitutes a substantial burden on that individual's free exercise of religion.

(2) [Redacted]

OTHER CRIMINAL CODE

WEAPONS LAWS

NOTE: These Laws only apply to those WITHOUT a permit to carry

1. 76-10-502, When weapon is deemed loaded
2. 76-10-503, Persons not permitted to carry dangerous weapons (restricted persons)
3. 76-10-504, Carrying concealed dangerous weapon
4. 76-10-505, Loaded firearm in vehicle or on street
5. 76-10-505.5, *Possession of a dangerous weapon, firearm or sawed-off shotgun on or about school premises*

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 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 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.

Does not apply to those that posses a Utah Concealed Firearm Permit

Note: Does not apply to those that posses a Utah Concealed Firearm Permit

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.

(2) Subsection (1)(a) does not apply to a minor under 18 years of age, since a minor under 18 years of age may not carry a loaded firearm in or on a vehicle.

(3) Notwithstanding Subsection (1)(a)(i) and (ii), a person may not possess a loaded rifle, shotgun, or muzzle-loading rifle in a vehicle.

(4) A violation of this section is a class B misdemeanor.

Note: Does not apply to those that possess a Utah Concealed Firearm Permit

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

(1) A person may not possess any dangerous weapon, firearm, or sawed-off shotgun, as those terms are defined in Section 76-10-501, at a place that the person knows, or has reasonable cause to believe, is on or about school premises as defined in Subsection 76-3-203.2(1).

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

(b) Possession of a firearm or sawed-off shotgun on or about school premises is a class A misdemeanor.

(3) This section does not apply if:

(a) the person is authorized to possess a firearm as provided under Section 53-5-704 [Permit to Carry Concealed Firearms], 53-5-705 [Temporary permit], 76-10-511 [On Private Property], or 76-10-523 [Persons exempt from weapons laws], or as otherwise authorized by law;

Higher Education - Public Schools

PROHIBITION OF RESTRICTIONS ON AND CONFISCATION OF A FIREARM OR AMMUNITION DURING AN EMERGENCY. 63K-4-405

As used in this section:

- (i) "Confiscate" means for an individual in Utah to intentionally deprive another of a privately owned firearm.**
- (ii) "Confiscate" does not include the taking of a firearm from an individual:**
 - in self-defense;**
 - (B) possessing a firearm while the individual is committing a felony or misdemeanor; or**
 - (C) who may not, under state or federal law, possess the firearm.**
- (b) "Firearm" has the same meaning as defined in Subsection 76-10-501(9).**
- (2) During a declared state of emergency or local emergency under this chapter:**
 - (a) No agency of a governmental may impose restrictions, which were not in force prior to the declared state of emergency, on a firearm or ammunition; and**
 - (b) an individual, while acting on behalf of the government, may not confiscate a privately owned firearm of another individual.**

(3) A law or regulation passed during a declared state of emergency that does not relate specifically to the lawful possession or use of a firearm and that has attached criminal penalties may not be used to justify the confiscation of a firearm from an individual acting in defense of self, property, or others when on:

- (a) the individual's private property; or
- (b) the private property of another as an invitee.

(4) (a) **An individual who has a firearm confiscated in violation of Subsection (2) may bring a civil action in a court having the appropriate jurisdiction:**

- (i) **for damages, in the maximum amount of \$10,000, against a person who violates Subsection (2);**
- (ii) **for a civil penalty, in the amount of \$5,000 per violation, against a person who violates Subsection (2); and**
- (iii) for return of the confiscated firearm.

(b) As used in this Subsection (4), "person" means an individual, the governmental entity on whose behalf the individual is acting or purporting to act, or both the individual and the governmental entity.

MERE POSSESSION IS NOT A CRIME OR REASONABLE ARTICULABLE SUSPICION

**LUND vs. SALT LAKE CITY CORPORATION, et al, Civil No. 2:07-CV-0226BSJ
Federal 1983 – “Violations of Civil Rights”**

The Courts determined that **“By itself, mere possession of a firearm in public is not unlawful and may well represent the exercise of a fundamental constitutional right guaranteed by the Second Amendment to the United States Constitution and Article I, § 6 of the Utah Constitution** (recognizing the "individual right of the people to keep and bear arms for security and defense of self, family, others, property, or the state, as well as for other lawful purposes," subject to the power of the Legislature to define the "lawful use of arms.").... As articulated by the Utah Legislature, public policy in this State may fairly be read to condone and even encourage gun ownership and the lawful possession and carrying of firearms in public places. Salt Lake City's asserted governmental interest in its police officers' response to a report of a "man with a gun" in a public park cannot be weighed in isolation from this oft-emphasized public policy. In that context, there may well be more individual constitutional rights at stake than the Fourth Amendment freedom from unreasonable searches and seizures.”

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**.

Reasonable suspicion is the legal standard by which a police officer has the right to briefly detain a suspect for investigatory purposes and frisk the outside of their clothing for weapons, but not drugs. (See Terry v. Ohio — Terry Stop). This requires facts or circumstances that would lead a reasonable person to believe that a suspect has, is, or will commit a crime.

Warren v. District of Columbia: *(Court of Appeals)*

Two women were upstairs in a townhouse when they heard their roommate, a third woman, being attacked downstairs by intruders. They phoned the police several times and were *assured that officers were on the way. After about 30 minutes, when their roommate's screams had stopped, they assumed the police had finally arrived. When the two women went downstairs they saw that in fact the police never came, but the intruders were still there. As the Warren court graphically states in the opinion: ``For the next fourteen hours the women were held captive....''* The three women sued the District of Columbia for failing to protect them, but D.C.'s highest court exonerated the District and its police, saying that it is a **“fundamental principle of American law that a government and its agents are under no general duty to provide public services, such as police protection, to any individual citizen.”** *Warren v. District of Columbia*, 444 A.2d 1 (D.C. Ct. of Ap., 1981).



FEDERAL CRIMINAL CODE

Section Two - Part Two



FEDERAL CRIMINAL CODE

FEDERAL WEAPONS LAWS

UNLAWFUL ACTS

PENALTIES (UNLAWFUL ACTS)

INTERSTATE TRANSPORTATION OF FIREARMS

USE OF RESTRICTED AMMUNITION

POSSESSION OF FIREARMS IN FEDERAL FACILITIES

II. U.S. FEDERAL FIREARMS REGULATIONS REFERENCE GUIDE, TITLE 18, CHAPTER 44 – FIREARMS: Title 18 Chapter 44

A. Section 922 Unlawful acts

- (a) (6) Straw Purchase, Knowingly purchasing a firearm on behalf of a restricted person
- (a) (3) Unlawful transport of firearm by non-licensed dealer, importer, manufacturer, or collector
- (d) (1) – (9) Unlawful transfer of a firearm to restricted person
- (g) (1) – (9) Unlawful Possession of a firearm by restricted person
- (q) (2) (A) Unlawful possession of a firearm in a school zone

School Zone concealed firearm permit exception, (922 (q) (2) (B) (ii)

- If the individual possessing the firearm is licensed to do so by the state in which the school zone is located and
- The law of the state requires that before an individual obtains such a license, the state verify that the individual is qualified to receive the license.

C. Section 926A Interstate transportation of firearms

- 1. Not prohibited from transporting, shipping or receiving a firearm.**
- 2. For any lawful purpose, shall be entitled to carry from one place to another.**
- 3. Firearm must be unloaded.**
- 4. Firearm and ammunition not to be readily accessible or directly accessible from the passenger compartment.**
- 5. Firearm and ammunition contained in a locked container other than glove compartment or console.**

D. Section 929 Use of restricted ammunition

- 1. Possession of armor piercing ammunition and firearm capable of firing the ammunition during the commission of a crime of violence or drug trafficking crime shall be in addition to the crime of violence or drug trafficking crime, carries a term of imprisonment for not less than 5 years.**

E. Section 930 Possession of firearms and dangerous weapons in federal facilities

- 1. Knowingly possess or cause to be present a firearm or other dangerous weapons in a federal facility other than a federal court facility or attempt to do so shall be fined under this title or imprisoned not more than 1 year or both.**
- 2. With intent to use a firearm or dangerous weapon in the commission of a crime, knowingly possess or causes to be present such firearm or dangerous weapons in a Federal facility, or attempts to do so shall be fined under this title or imprisoned not more than 5 years, or both.**
- 3. Knowingly possess or cause to be present a firearm in a Federal court facility, or attempts to do so, shall be fined under this title, imprisoned not more than 2 years or both.**
- 4. Federal facility defined: 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.**

[Redacted]

Exceptions: Military Base; Post Office Property



BCI ADMINISTRATIVE POLICY

Section Two - Part Three

REGULATORY DUTIES

- 1. The Utah Bureau of Criminal Identification, a division within the Utah Department of Public Safety, has charge to issue, regulate, and enforce the Utah concealed firearm permit under U.C.A. § 53-5-704.**
- 2. Also contained under U.C.A. § 53-5-704, The Utah Bureau of Criminal Identification has charge to instruct, certify, supervise and enforce all Utah certified concealed firearm instructors.**



OTHER CONSIDERATIONS

Section Two - Part Four

A. SUMMARY OF SECURED / PROHIBITED AREAS:

- 1. Airports secure areas**
- 2. Court secure areas**
- 3. Jail & Prison secure areas**
- 4. Post Offices**
- 6. Federal Buildings - Does not include private banks.**
- 7. Government mental health facilities**
- 8. A house of worship (after all posting and notification requirements have been met)**
- 9. Private residence if notice is given (verbal/posted sign).**
- 10. Private property (business) if verbal request is given by the property representative.**

Although there is no legal requirement to identify yourself to a law enforcement officer, it is recommended to do so.

- 1. Keep your hands visible at all times.**
- 2. Comply fully with all instructions given by the officer.**
- 3. If you are asked if you have a firearm in your presence, it is recommended that you be completely truthful and cooperative.**
- 4. If asked, please advise the officer of the location of the firearm.**
- 5. Do not reach for your firearm/weapons or anything else unless instructed to do so.**

C. RECIPROCITY AND RECOGNITION:

1. **Reciprocity:** A formalized and usually conditional agreement between states that allows the acceptance of concealed firearm permits and firearms possession within these states respectively. States with formal reciprocity are as follows:

Alabama, Alaska, Colorado, Florida, Georgia, Louisiana, Mississippi, New Hampshire, North Carolina, North Dakota, Ohio, Pennsylvania, South Dakota, Texas, Virginia, Washington State, West Virginia

Recognition: An informal policy of recognizing another states concealed firearm permit by virtue of its validity in the state of issue. States that recognize Utah's concealed firearm permit are as follows:

Arizona, Arkansas, Delaware, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Michigan, Missouri, Montana, Nebraska, Nevada, Oklahoma, Tennessee, Vermont, Wisconsin, Wyoming

3. **States that do not recognize Utah permits:**

California, Connecticut, Hawaii, Illinois, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, New York, Oregon, Rhode Island, South Carolina

Recommendation of what to do after a shooting (My opinion and what a defense attorney will tell you)

1. ***If possible, have someone else call 911.***
If you must, be very careful of what you say on the recorded line.
2. **Will give statement after consulting with with an attorney. You must verbalize your demand to speak with an attorney and have them present. Must tell, not ask.**
4. **Exercise your right to remain silent! Very Important!**



THANK YOU!