UTAH STATE-MADE FIREARMS PROTECTION

ACT

2010 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Margaret Dayton
House Sponsor: Stephen E. Sandstrom

LONG TITLE
General Description:
This bill addresses the manufacture of firearms within the state for in-state use.

Highlighted Provisions:
This bill:
• addresses the legal status of a firearm manufactured in the state for use within the state;
• defines terms;
• provides that a firearm or one of various firearm-related items manufactured in the state for in-state use is not subject to federal firearms laws and regulations;
• exempts from in-state manufacturing some firearms and ammunition; and
• requires certain markings on a firearm manufactured in the state for use within the state.

Monies Appropriated in this Bill:
None

Other Special Clauses:
This bill provides an immediate effective date.

Utah Code Sections Affected:
ENACTS:
53-5b-101, Utah Code Annotated 1953
53-5b-102, Utah Code Annotated 1953
53-5b-103, Utah Code Annotated 1953
Be it enacted by the Legislature of the state of Utah:

Section 1. Section 53-5b-101 is enacted to read:

CHAPTER 5b. UTAH STATE-MADE FIREARMS PROTECTION ACT


53-5b-101. Title.
This chapter is known as the "Utah State-Made Firearms Protection Act."

Section 2. Section 53-5b-102 is enacted to read:

53-5b-102. Legal considerations.
In reviewing any matter covered by this chapter, a court shall consider the following:

(1) The Tenth Amendment to the United States Constitution guarantees to the state and its people all powers not granted to the federal government elsewhere in the Constitution and reserves to the state and people of Utah certain powers as they were understood at the time that Utah was admitted to statehood.

(2) The guarantee of powers to the state and its people under the Tenth Amendment is a matter of contract between the state and people of Utah and the United States as of the time of statehood.

(3) The Ninth Amendment to the United States Constitution guarantees to the people rights not granted in the Constitution and reserves to the people of Utah certain rights as they were understood at the time that Utah was admitted to statehood.

(4) The guarantee of rights to the people under the Ninth Amendment is a matter of contract between the state and people of Utah and the United States as of the time of statehood.

(5) The regulation of intrastate commerce is vested in the state under the Ninth and Tenth Amendments to the United States Constitution.

(6) The Second Amendment to the United States Constitution reserves to the people
the right to keep and bear arms as that right was understood at the time that Utah was admitted
to statehood, and the guarantee of the right is a matter of contract between the state and people
of Utah and the United States as of the time of statehood.

(7) The Utah Constitution clearly secures to Utah citizens, and prohibits government
interference with, the right of individual Utah citizens to keep and bear arms.

(8) A personal firearm, a firearm action or receiver, a firearm accessory, or
ammunition that is manufactured commercially or privately in the state to be used or sold
within the state is not subject to federal law or federal regulation, including registration, under
the authority of congress to regulate interstate commerce.

(9) The Legislature declares that a firearm, a firearm action or receiver, a firearm
accessory, and ammunition described in Subsection (8) does not travel in interstate commerce.

(10) The importation into the state of generic and insignificant parts and those parts'
incorporation into a firearm, a firearm action or receiver, a firearm accessory, or ammunition
manufactured in the state does not subject the firearm, firearm accessory, firearm action or
receiver, or ammunition to federal law or regulation.

(11) Basic materials, including unmachined steel and unshaped wood, are not
firearms, firearm actions or receivers, firearms accessories, or ammunition.

(12) Trade in basic materials is not subject to congressional authority to regulate
firearms, firearm actions or receivers, firearms accessories, and ammunition as if the basic
materials were actually firearms, firearm actions or receivers, firearms accessories, or
ammunition.

(13) Congress's authority to regulate interstate commerce in basic materials does not
include authority to regulate firearms, firearm actions or receivers, firearms accessories, and
ammunition made in the state from basic materials.

(14) The attachment or use of firearms accessories in conjunction with a firearm
manufactured in the state does not subject the firearm to federal regulation under Congress's
power to regulate interstate commerce, without regard to whether the firearms accessories are
themselves subject to federal regulation.
Section 3. Section **53-5b-103** is enacted to read:

**53-5b-103. Definitions.**

As used in this chapter:

(1) "Firearm" means a device from which is expelled a projectile by action of an explosive.

(2) "Firearm accessory" means an item that is used in conjunction with or mounted upon a firearm, firearm action, or firearm receiver but is not essential to the basic function of a firearm, including:

(a) a telescopic or laser sight;
(b) a magazine;
(c) a flash or sound suppressor;
(d) a folding or aftermarket stock or grip;
(e) a speed-loader;
(f) an ammunition carrier; and
(g) a light for target illumination.

(3) "Generic and insignificant parts:"

(a) means parts that have other manufacturing or consumer product applications; and
(b) includes:

(i) springs;
(ii) screws;
(iii) nuts; and
(iv) pins.

(4) "Manufactured" means creating a firearm, a firearm action or receiver, a firearm accessory, or ammunition from basic materials for functional usefulness, including:

(a) forging;
(b) casting;
(c) machining; and
(d) another process for working materials.
Section 4. Section 53-5b-201 is enacted to read:

Part 2. Manufacturing Firearms

53-5b-201. Intrastate firearm manufacturing.

(1) This chapter applies to a firearm, a firearm action or receiver, a firearm accessory, or ammunition that is manufactured in the state to remain in the state from basic materials that can be manufactured without the inclusion of any significant parts imported into the state.

(2) This chapter does not apply to:

(a) a firearm that cannot be carried and used by one person;

(b) a firearm that has a bore diameter greater than 1-1/2 inches and that uses smokeless powder, not black powder, as a propellant;

(c) a firearm that discharges two or more projectiles with one activation of the trigger or other firing device, other than a shotgun; or

(d) ammunition with a projectile that explodes using an explosion of chemical energy after the projectile leaves the firearm.

Section 5. Section 53-5b-202 is enacted to read:


A firearm, firearm action, or firearm receiver manufactured or sold in Utah under this chapter must have the words "Made in Utah" or "Made in UT" clearly stamped on a central metallic part, such as the receiver or frame.

Section 6. Effective date.

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.