



# STATE OF UTAH

OFFICE OF THE GOVERNOR  
SALT LAKE CITY, UTAH  
84114-2220

GARY R. HERBERT  
GOVERNOR

GREG BELL  
LIEUTENANT GOVERNOR

March 22, 2013

The Honorable Rebecca Lockhart  
Speaker of the House

and

The Honorable Wayne Niederhauser  
President of the Senate

Dear Speaker Lockhart and President Niederhauser:

I am returning House Bill 76S1, Concealed Weapon Carry Amendments, to the House of Representatives and, as required by Utah Constitution Article VII, Section 8, providing you with my reasons for disapproving the bill.

The right to bear arms, found in both the Second Amendment of the United States Constitution and Article I, Section 6 of the Utah Constitution, is a fundamental right which must be jealously protected. As Justice Scalia stated in *District of Columbia v. Heller*, “[L]ike most rights, the right secured by the Second Amendment is not unlimited.” The Utah Constitution underscores this point by specifically providing that “nothing herein shall prevent the Legislature from defining the lawful use of arms.” Nevertheless, I believe that even narrow restrictions on the rights secured by the Second Amendment and the Utah Constitution need to be examined carefully to ensure they do not impermissibly interfere with or burden our rights. HB 76S1 does not, however, impose a restriction on the right to bear arms. Rather, it removes an existing provision of Utah law that those who carry a concealed weapon obtain a permit. Utah’s permitting system has been in place for decades, and in its current form for more than 15 years. In that time, it has become a national model.

As a gun owner and concealed firearm permit holder, I understand the value of the permit, both to firearm owners and to the public at large. I remember the class I was required to take prior to receiving my permit. In that class, we reviewed Utah’s firearm laws. The training explained under what circumstances a weapon may be drawn in self-defense under Utah law. The instructor also discussed where a concealed firearm can and cannot be carried and we reviewed best practices for loading, transporting and storing firearms. Both gun owners and the people of Utah benefit by

having concealed firearm carriers receive and understand this information prior to receiving a permit. As a State, we must exercise extreme care that we not impose undue burdens on the right to bear arms, but I have yet to receive any credible evidence that Utah's current permit process constitutes a hardship. Indeed, there are currently more than 430,000 holders of a Utah concealed firearm permit both inside and outside the State.

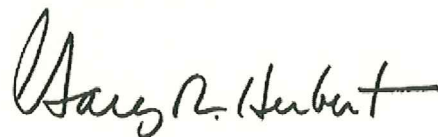
In addition to ensuring that concealed firearm permit holders receive a basic understanding of Utah firearm law, Utah's permit system prevents people who have been convicted of certain crimes from lawfully carrying a concealed weapon, including those who have been convicted of a violent crime. A permit may also be denied or revoked if a person has demonstrated they are a danger to themselves or others through a pattern of behavior involving unlawful violence or threats of violence. Utah has been, and will continue to be, well served by the screening function of its concealed firearm permit system.

Since HB76S1's passage, I have received dozens of letters from law enforcement agencies opposing the bill. From Logan to St. George, and from Price to Clearfield City, Chiefs of Police have asked for a veto of HB76S1. They see it as "a dramatic change in Utah's concealed carry permitting process that has been fair for the public, public safety, and concealed carry permit holders." I agree with that assessment.

As I followed the debate on this bill, I heard that this legislation is needed because some fear they will be in violation of the law if, because of a sudden gust of wind, their coat temporarily covers their otherwise openly and legally carried firearm. I understand that concern, but am unwilling to discard an entire system that benefits the people of Utah and is supported by law enforcement when there could be a solution more narrowly tailored to address that issue.

For these reasons, I veto House Bill 76S1 and return it to the House of Representatives.

Sincerely,

A handwritten signature in black ink, reading "Gary R. Herbert". The signature is written in a cursive style with a long horizontal stroke at the end.

Gary R. Herbert  
Governor