

**Representative Steve Eliason** proposes the following substitute bill:

**FIREARM SAFETY AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: \_\_\_\_\_

6	Cosponsors:	Brian M. Greene	Paul Ray
7	Don L. Ipson	Stephen G. Handy	Edward H. Redd
8	Tim M. Cosgrove	Michael S. Kennedy	Ryan D. Wilcox
9	Rebecca Chavez-Houck	Ronda Rudd Menlove	
	Stewart Barlow		

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**LONG TITLE**

**General Description:**

This bill enacts provisions relating to a voluntary firearm safety program.

**Highlighted Provisions:**

This bill:

- ▶ reduces the concealed firearm permit fee for a resident's initial application;
- ▶ requires the Bureau of Criminal Identification, in consultation with the state suicide prevention coordinator, to implement a firearm safety program, including:
  - producing a firearm safety brochure and firearm safety packet;
  - procuring cable-style gun locks;
  - distributing firearm safety packets;
  - administering a redeemable coupon program in which a Utah resident who has filed an application for a concealed firearm permit receives a redeemable



24 coupon toward the purchase of a gun safe and receives a firearm safety brochure; and  
25 ▶ repeals certain provisions of this bill, subject to sunset review, on July 1, 2018.

26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 This bill takes effect on July 1, 2014.

30 **Utah Code Sections Affected:**

31 AMENDS:

- 32 **53-5-707**, as last amended by Laws of Utah 2013, Chapter 280
- 33 **53-10-202**, as last amended by Laws of Utah 2013, Chapter 396
- 34 **62A-15-1101**, as enacted by Laws of Utah 2013, Chapter 194
- 35 **63I-1-253**, as last amended by Laws of Utah 2012, Chapter 369
- 36 **63I-1-262**, as last amended by Laws of Utah 2013, Chapter 125
- 37 **76-10-526**, as last amended by Laws of Utah 2013, Chapter 278

38 ENACTS:

39 **63I-1-276**, Utah Code Annotated 1953

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41 *Be it enacted by the Legislature of the state of Utah:*

42 Section 1. Section **53-5-707** is amended to read:

43 **53-5-707. Concealed firearm permit -- Fees -- Disposition.**

44 (1) (a) [~~Each~~] A resident applicant for a concealed firearm permit shall pay a fee of  
45 [~~\$29.75~~] \$24.75 at the time of filing an application[~~, except that a~~].

46 (b) A nonresident applicant shall pay an additional [~~\$5~~] \$10 for the additional cost of  
47 processing a nonresident application.

48 [~~(b)~~] (c) The bureau shall waive the initial fee for an applicant who is a law  
49 enforcement officer under Section **53-13-103**.

50 [~~(c)~~] (d) Concealed firearm permit renewal fees for active duty service members and  
51 spouses of an active duty service member shall be waived.

52 (2) The renewal fee for the permit is \$15.

53 (3) The replacement fee for the permit is \$10.

54 (4) (a) The late fee for the renewal permit is \$7.50.

55 (b) As used in this section, "late fee" means the fee charged by the bureau for a renewal  
56 submitted on a permit that has been expired for more than 30 days but less than one year.

57 (5) The bureau shall use the fees collected under Subsections (1), (2), (3), and (4) as a  
58 dedicated credit to cover the costs of issuing concealed firearm permits under this part.

59 (6) (a) The bureau may collect any fees charged by an outside agency for additional  
60 services required by statute as a prerequisite for issuance of a permit.

61 (b) The bureau may modify the fee under Subsection (1)(a) by adjusting that fee so that  
62 the total of the fee under Subsection (1)(a) and the fee under Subsection (6)(a) is the nearest  
63 even dollar amount to that total.

64 (c) The bureau shall promptly forward any fees collected under Subsection (6)(a) to the  
65 appropriate agency.

66 (7) The bureau shall make an annual report in writing to the Legislature's Law  
67 Enforcement and Criminal Justice Interim Committee on the amount and use of the fees  
68 collected under this section.

69 Section 2. Section **53-10-202** is amended to read:

70 **53-10-202. Criminal identification -- Duties of bureau.**

71 The bureau shall:

72 (1) procure and file information relating to identification and activities of persons who:

73 (a) are fugitives from justice;

74 (b) are wanted or missing;

75 (c) have been arrested for or convicted of a crime under the laws of any state or nation;

76 and

77 (d) are believed to be involved in racketeering, organized crime, or a dangerous  
78 offense;

79 (2) establish a statewide uniform crime reporting system that shall include:

80 (a) statistics concerning general categories of criminal activities;

81 (b) statistics concerning crimes that exhibit evidence of prejudice based on race,  
82 religion, ancestry, national origin, ethnicity, or other categories that the division finds  
83 appropriate; and

84 (c) other statistics as required by the Federal Bureau of Investigation;

85 (3) make a complete and systematic record and index of the information obtained

86 under this part;

87 (4) subject to the restrictions in this part, establish policy concerning the use and  
88 dissemination of data obtained under this part;

89 (5) publish an annual report concerning the extent, fluctuation, distribution, and nature  
90 of crime in Utah;

91 (6) establish a statewide central register for the identification and location of missing  
92 persons, which may include:

93 (a) identifying data including fingerprints of each missing person;

94 (b) identifying data of any missing person who is reported as missing to a law  
95 enforcement agency having jurisdiction;

96 (c) dates and circumstances of any persons requesting or receiving information from  
97 the register; and

98 (d) any other information, including blood types and photographs found necessary in  
99 furthering the purposes of this part;

100 (7) publish a quarterly directory of missing persons for distribution to persons or  
101 entities likely to be instrumental in the identification and location of missing persons;

102 (8) list the name of every missing person with the appropriate nationally maintained  
103 missing persons lists;

104 (9) establish and operate a 24-hour communication network for reports of missing  
105 persons and reports of sightings of missing persons;

106 (10) coordinate with the National Center for Missing and Exploited Children and other  
107 agencies to facilitate the identification and location of missing persons and the identification of  
108 unidentified persons and bodies;

109 (11) receive information regarding missing persons, as provided in Sections [26-2-27](#)  
110 and [53A-11-502](#), and stolen vehicles, vessels, and outboard motors, as provided in Section  
111 [41-1a-1401](#);

112 (12) adopt systems of identification, including the fingerprint system, to be used by the  
113 division to facilitate law enforcement;

114 (13) assign a distinguishing number or mark of identification to any pistol or revolver,  
115 as provided in Section [76-10-520](#);

116 (14) check certain criminal records databases for information regarding motor vehicle

117 salesperson applicants, maintain a separate file of fingerprints for motor vehicle salespersons,  
118 and inform the Motor Vehicle Enforcement Division when new entries are made for certain  
119 criminal offenses for motor vehicle salespersons in accordance with the requirements of  
120 Section [41-3-205.5](#);

121 (15) check certain criminal records databases for information regarding driving  
122 privilege card applicants or cardholders and maintain a separate file of fingerprints for driving  
123 privilege applicants and cardholders and inform the federal Immigration and Customs  
124 Enforcement Agency of the United States Department of Homeland Security or law  
125 enforcement agencies when new entries are made in accordance with the requirements of  
126 Section [53-3-205.5](#).

127 (16) review and approve or disapprove applications for license renewal that meet the  
128 requirements for renewal; [~~and~~]

129 (17) forward to the board those applications for renewal under Subsection (16) that do  
130 not meet the requirements for renewal[-]; and

131 (18) implement and manage the operation of a firearm safety program, in conjunction  
132 with the state suicide prevention coordinator, as described in this section and in Section  
133 [62A-15-1101](#), including:

134 (a) coordinating with the Department of Health, local mental health and substance  
135 abuse authorities, the State Office of Education suicide prevention coordinator, and a  
136 representative from a Utah-based nonprofit organization with expertise in the field of firearm  
137 use and safety that represents firearm owners, to:

138 (i) produce a firearm safety brochure with information about the safe handling and use  
139 of firearms that includes:

140 (A) rules for safe handling, storage, and use of firearms in a home environment;

141 (B) information about at-risk individuals and individuals who are legally prohibited  
142 from possessing firearms;

143 (C) information about suicide prevention and awareness; and

144 (D) information about the availability of firearm safety packets;

145 (ii) procure cable-style gun locks for distribution pursuant to this section; and

146 (iii) produce a firearm safety packet with both the firearm safety brochure described in  
147 Subsection (18)(a)(i) and the cable-style gun lock described in Subsection (18)(b)(ii);

148 (b) distributing, free of charge, the firearm safety packet to the following persons, who  
149 shall make the firearm safety packet available free of charge:

150 (i) health care providers, including emergency rooms;

151 (ii) mental health practitioners;

152 (iii) other public health suicide prevention organizations;

153 (iv) entities that teach firearm safety courses; and

154 (v) school districts for use in the seminar, described in Section [53A-15-1302](#), for  
155 parents of students in the school district;

156 (c) creating and administering a redeemable coupon program described in this section  
157 and Section [76-10-526](#), that may include:

158 (i) producing a redeemable coupon that offers between \$10 and \$200 off the purchase  
159 of a gun safe from a participating federally licensed firearms dealer, as defined in Section  
160 [76-10-501](#), by a Utah resident who has filed an application for a concealed firearm permit;

161 (ii) advertising the redeemable coupon program to all federally licensed firearms  
162 dealers and maintaining a list of dealers who wish to participate in the program;

163 (iii) printing or writing the name of a Utah resident who has filed an application for a  
164 concealed firearm permit on the redeemable coupon;

165 (iii) mailing the redeemable coupon and the firearm safety brochure to Utah residents  
166 who have filed an application for a concealed firearm permit; and

167 (iv) collecting from the participating dealers receipts described in Section [76-10-526](#)  
168 and reimbursing the dealers;

169 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
170 making rules that establish procedures for:

171 (i) producing and distributing the firearm safety brochures and packets;

172 (ii) procuring the cable-style gun locks for distribution; and

173 (iii) administering the redeemable coupon program; and

174 (e) reporting to the Law Enforcement and Criminal Justice Interim Committee  
175 regarding implementation and success of the firearm safety program:

176 (i) during the 2016 interim, before November 1; and

177 (ii) during the 2018 interim, before June 1.

178 Section 3. Section **62A-15-1101** is amended to read:

179           **62A-15-1101. Suicide prevention and firearm safety programs -- Reporting**  
180 **requirements.**

181           (1) As used in the section:

182           (a) "Bureau" means the Bureau of Criminal Identification created in Section [53-10-201](#)  
183 within the Department of Public Safety.

184           ~~[(a)]~~ (b) "Division" means the State Division of Substance Abuse and Mental Health.

185           ~~[(b)]~~ (c) "Intervention" means an effort to prevent a person from attempting suicide.

186           ~~[(c)]~~ (d) "Postvention" means mental health intervention after a suicide attempt or  
187 death to prevent or contain contagion.

188           ~~[(d)]~~ (e) "State suicide prevention coordinator" means ~~[a person]~~ an individual  
189 designated by the division as described in ~~[Subsection (2)] Subsections (2) and (3).~~

190           (2) The division shall appoint a state suicide prevention coordinator.

191           (3) The state suicide prevention coordinator shall coordinate the suicide prevention  
192 program, including suicide prevention, intervention, and postvention programs, services, and  
193 efforts statewide, with at least the following:

194           (a) local mental health and substance abuse authorities;

195           (b) the State Board of Education, including the State Office of Education suicide  
196 prevention coordinator described in Section [53A-15-1301](#);

197           (c) the Department of Health;

198           (d) health care providers, including emergency rooms; and

199           (e) other public health suicide prevention efforts.

200           (4) The state suicide prevention coordinator shall report to the Legislature's Education  
201 Interim Committee, by the November 2014 meeting, jointly with the State Board of Education,  
202 on the coordination of suicide prevention programs and efforts with the State Board of  
203 Education and the State Office of Education suicide prevention coordinator as described in  
204 Section [53A-15-1301](#).

205           (5) The state suicide prevention coordinator shall consult with the bureau to implement  
206 and manage the operation of a firearm safety program, as described in Subsection  
207 [53-10-202](#)(18).

208           Section 4. Section **63I-1-253** is amended to read:

209           **63I-1-253. Repeal dates, Titles 53, 53A, and 53B.**

210 The following provisions are repealed on the following dates:

211 (1) Section [53-3-232](#), Conditional licenses, is repealed July 1, 2015.

212 (2) Subsection [53-10-202](#)(18) is repealed July 1, 2018.

213 [~~(2)~~] (3) Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program is  
214 repealed July 1, 2020.

215 [~~(3)~~] (4) The State Instructional Materials Commission, created in Section [53A-14-101](#),  
216 is repealed July 1, 2016.

217 [~~(4)~~] (5) Subsections [53A-16-113](#)(3) and (4) are repealed December 31, 2016.

218 [~~(5)~~] (6) Section [53A-16-114](#) is repealed December 31, 2016.

219 [~~(6)~~] (7) Section [53A-17a-163](#), Performance-based Compensation Pilot Program is  
220 repealed July 1, 2016.

221 [~~(7)~~] (8) Subsection [53C-3-203](#)(4)(b)(vii), which provides for the distribution of money  
222 from the Land Exchange Distribution Account to the Geological Survey for test wells, other  
223 hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1, 2020.

224 Section 5. Section [63I-1-262](#) is amended to read:

225 **[63I-1-262](#). Repeal dates, Title 62A.**

226 (1) Section [62A-2-120.5](#), Pilot program for expedited background check of a qualified  
227 human services applicant, is repealed July 1, 2017.

228 (2) Subsection [62A-15-1101](#)(5) is repealed July 1, 2018.

229 Section 6. Section [63I-1-276](#) is enacted to read:

230 **[63I-1-276](#). Repeal Dates, Title 76.**

231 Subsection [76-10-526](#)(15) is repealed July 1, 2018.

232 Section 7. Section [76-10-526](#) is amended to read:

233 **[76-10-526](#). Criminal background check prior to purchase of a firearm -- Fee --**  
234 **Exemption for concealed firearm permit holders and law enforcement officers.**

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

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

240 (b) A dealer may not accept a driving privilege card issued under Section [53-3-207](#) as

241 proof of identification for the purpose of establishing personal identification and residence in  
242 this state as required under this Subsection (2).

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

245 (b) Subsection (3)(a) does not apply to the sale of a firearm to a Federal Firearms  
246 Licensee.

247 (4) (a) An individual purchasing a firearm from a dealer shall consent in writing to a  
248 criminal background check, on a form provided by the bureau.

249 (b) The form shall contain the following information:

250 (i) the dealer identification number;

251 (ii) the name and address of the individual receiving the firearm;

252 (iii) the date of birth, height, weight, eye color, and hair color of the individual  
253 receiving the firearm; and

254 (iv) the Social Security number or any other identification number of the individual  
255 receiving the firearm.

256 (5) (a) The dealer shall send the information required by Subsection (4) to the bureau  
257 immediately upon its receipt by the dealer.

258 (b) A dealer may not sell or transfer a firearm to an individual until the dealer has  
259 provided the bureau with the information in Subsection (4) and has received approval from the  
260 bureau under Subsection (7).

261 (6) The dealer shall make a request for criminal history background information by  
262 telephone or other electronic means to the bureau and shall receive approval or denial of the  
263 inquiry by telephone or other electronic means.

264 (7) When the dealer calls for or requests a criminal history background check, the  
265 bureau shall:

266 (a) review the criminal history files, including juvenile court records, to determine if  
267 the individual is prohibited from purchasing, possessing, or transferring a firearm by state or  
268 federal law;

269 (b) inform the dealer that:

270 (i) the records indicate the individual is prohibited; or

271 (ii) the individual is approved for purchasing, possessing, or transferring a firearm;

272 (c) provide the dealer with a unique transaction number for that inquiry; and  
273 (d) provide a response to the requesting dealer during the call for a criminal  
274 background check, or by return call, or other electronic means, without delay, except in case of  
275 electronic failure or other circumstances beyond the control of the bureau, the bureau shall  
276 advise the dealer of the reason for the delay and give the dealer an estimate of the length of the  
277 delay.

278 (8) (a) The bureau may not maintain any records of the criminal history background  
279 check longer than 20 days from the date of the dealer's request, if the bureau determines that  
280 the individual receiving the firearm is not prohibited from purchasing, possessing, or  
281 transferring the firearm under state or federal law.

282 (b) However, the bureau shall maintain a log of requests containing the dealer's federal  
283 firearms number, the transaction number, and the transaction date for a period of 12 months.

284 (9) If the criminal history background check discloses information indicating that the  
285 individual attempting to purchase the firearm is prohibited from purchasing, possessing, or  
286 transferring a firearm, the bureau shall inform the law enforcement agency in the jurisdiction  
287 where the individual resides.

288 (10) If an individual is denied the right to purchase a firearm under this section, the  
289 individual may review the individual's criminal history information and may challenge or  
290 amend the information as provided in Section 53-10-108.

291 (11) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah  
292 Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of all  
293 records provided by the bureau under this part are in conformance with the requirements of the  
294 Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993).

295 (12) (a) (i) A dealer shall collect a criminal history background check fee of \$7.50 for  
296 the sale of a firearm under this section.

297 (ii) This fee remains in effect until changed by the bureau through the process under  
298 Section 63J-1-504.

299 (b) (i) The dealer shall forward at one time all fees collected for criminal history  
300 background checks performed during the month to the bureau by the last day of the month  
301 following the sale of a firearm.

302 (ii) The bureau shall deposit the fees in the General Fund as dedicated credits to cover

303 the cost of administering and conducting the criminal history background check program.

304 (13) An individual with a concealed firearm permit issued under Title 53, Chapter 5,  
305 Part 7, Concealed Firearm Act, is exempt from the background check and corresponding fee  
306 required in this section for the purchase of a firearm if:

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

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

311 (14) A law enforcement officer, as defined in Section [53-13-103](#), is exempt from the  
312 background check fee required in this section for the purchase of a personal firearm to be  
313 carried while off-duty if the law enforcement officer verifies current employment by providing  
314 a letter of good standing from the officer's commanding officer and current law enforcement  
315 photo identification. This section may only be used by a law enforcement officer to purchase a  
316 personal firearm once in a 24-month period.

317 (15) (a) A dealer may participate in the redeemable coupon program described in  
318 Section [53-10-202](#) and this Subsection (15).

319 (b) A participating dealer shall:

320 (i) accept the redeemable coupon only from the individual whose name is on the  
321 coupon and apply it only toward the purchase of a gun safe;

322 (ii) collect the receipts from the purchase of gun safes using the redeemable coupon  
323 and send them to the Bureau of Criminal Identification for redemption; and

324 (iii) make the firearm safety brochure described in Section [53-10-202](#) available to  
325 customers free of charge.

326 Section 8. **Effective date.**

327 This bill takes effect on July 1, 2014.