

Representative Steve Eliason proposes the following substitute bill:

FIREARM SAFETY AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Stuart C. Reid

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		

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;
- 25 ▶ creates a restricted account know as the Firearm Safety Restricted Account; and
- 26 ▶ repeals certain provisions of this bill, subject to sunset review, on July 1, 2018.

27 **Money Appropriated in this Bill:**

28 This bill appropriates in fiscal year 2015:

29 ▶ To the General Fund Restricted - Firearm Safety Restricted Account as a one-time
30 appropriation:

- 31 • From Nonlapsing Balances - DPS Bureau of Criminal Identification, \$250,000

32 ▶ To the Department of Public Safety - Programs and Operations - Bureau of
33 Criminal Identification:

- 34 • From General Fund Restricted - Firearm Safety Restricted Account, \$70,000

35 **Other Special Clauses:**

36 This bill takes effect on July 1, 2014.

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **53-5-707**, as last amended by Laws of Utah 2013, Chapter 280

40 **53-10-202**, as last amended by Laws of Utah 2013, Chapter 396

41 **62A-15-1101**, as enacted by Laws of Utah 2013, Chapter 194

42 **63I-1-253**, as last amended by Laws of Utah 2012, Chapter 369

43 **63I-1-262**, as last amended by Laws of Utah 2013, Chapter 125

44 **76-10-526**, as last amended by Laws of Utah 2013, Chapter 278

45 ENACTS:

46 **53-10-202.1**, Utah Code Annotated 1953

47 **63I-1-276**, Utah Code Annotated 1953



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

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

51 **53-5-707. Concealed firearm permit -- Fees -- Disposition.**

52 (1) (a) [~~Each~~] A resident applicant for a concealed firearm permit shall pay a fee of
53 [~~\$29.75~~] \$24.75 at the time of filing an application[~~, except that a~~].

54 (b) A nonresident applicant shall pay an additional [~~\$5~~] \$10 for the additional cost of

55 processing a nonresident application.

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

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

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

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

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

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

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

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

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

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

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

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

78 **53-10-202. Criminal identification -- Duties of bureau.**

79 The bureau shall:

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

81 (a) are fugitives from justice;

82 (b) are wanted or missing;

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

84 and

85 (d) are believed to be involved in racketeering, organized crime, or a dangerous

86 offense;

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

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

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

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

93 (3) make a complete and systematic record and index of the information obtained
94 under this part;

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

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

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

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

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

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

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

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

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

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

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

117 (11) receive information regarding missing persons, as provided in Sections 26-2-27
118 and 53A-11-502, and stolen vehicles, vessels, and outboard motors, as provided in Section
119 41-1a-1401;

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

122 (13) assign a distinguishing number or mark of identification to any pistol or revolver,
123 as provided in Section 76-10-520;

124 (14) check certain criminal records databases for information regarding motor vehicle
125 salesperson applicants, maintain a separate file of fingerprints for motor vehicle salespersons,
126 and inform the Motor Vehicle Enforcement Division when new entries are made for certain
127 criminal offenses for motor vehicle salespersons in accordance with the requirements of
128 Section 41-3-205.5;

129 (15) check certain criminal records databases for information regarding driving
130 privilege card applicants or cardholders and maintain a separate file of fingerprints for driving
131 privilege applicants and cardholders and inform the federal Immigration and Customs
132 Enforcement Agency of the United States Department of Homeland Security or law
133 enforcement agencies when new entries are made in accordance with the requirements of
134 Section 53-3-205.5.

135 (16) review and approve or disapprove applications for license renewal that meet the
136 requirements for renewal; ~~and~~

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

139 (18) within funds appropriated by the Legislature for the purpose, implement and
140 manage the operation of a firearm safety program, in conjunction with the state suicide
141 prevention coordinator, as described in this section and Section 62A-15-1101, including:

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

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

- 148 (A) rules for safe handling, storage, and use of firearms in a home environment;
149 (B) information about at-risk individuals and individuals who are legally prohibited
150 from possessing firearms;
151 (C) information about suicide prevention and awareness; and
152 (D) information about the availability of firearm safety packets;
153 (ii) procure cable-style gun locks for distribution pursuant to this section; and
154 (iii) produce a firearm safety packet that includes both the firearm safety brochure
155 described in Subsection (18)(a)(i) and the cable-style gun lock described in Subsection
156 (18)(b)(ii);
157 (b) distributing, free of charge, the firearm safety packet to the following persons, who
158 shall make the firearm safety packet available free of charge:
159 (i) health care providers, including emergency rooms;
160 (ii) mental health practitioners;
161 (iii) other public health suicide prevention organizations;
162 (iv) entities that teach firearm safety courses; and
163 (v) school districts for use in the seminar, described in Section [53A-15-1302](#), for
164 parents of students in the school district;
165 (c) creating and administering a redeemable coupon program described in this section
166 and Section [76-10-526](#), that may include:
167 (i) producing a redeemable coupon that offers between \$10 and \$200 off the purchase
168 of a gun safe from a participating federally licensed firearms dealer, as defined in Section
169 [76-10-501](#), by a Utah resident who has filed an application for a concealed firearm permit;
170 (ii) advertising the redeemable coupon program to all federally licensed firearms
171 dealers and maintaining a list of dealers who wish to participate in the program;
172 (iii) printing or writing the name of a Utah resident who has filed an application for a
173 concealed firearm permit on the redeemable coupon;
174 (iii) mailing the redeemable coupon and the firearm safety brochure to Utah residents
175 who have filed an application for a concealed firearm permit; and
176 (iv) collecting from the participating dealers receipts described in Section [76-10-526](#)
177 and reimbursing the dealers;
178 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

179 making rules that establish procedures for:

- 180 (i) producing and distributing the firearm safety brochures and packets;
 - 181 (ii) procuring the cable-style gun locks for distribution; and
 - 182 (iii) administering the redeemable coupon program; and
 - 183 (e) reporting to the Law Enforcement and Criminal Justice Interim Committee
- 184 regarding implementation and success of the firearm safety program:

- 185 (i) during the 2016 interim, before November 1; and
- 186 (ii) during the 2018 interim, before June 1.

187 Section 3. Section **53-10-202.1** is enacted to read:

188 **53-10-202.1. Firearm Safety Restricted Account.**

189 (1) There is created in the General Fund a restricted account known as the "Firearm
190 Safety Restricted Account."

191 (2) The account shall be funded by appropriations from the Legislature.

192 (3) Funds in the account may only be used for the Firearm Safety Program established
193 in Subsection [53-10-202](#)(18).

194 Section 4. Section **62A-15-1101** is amended to read:

195 **62A-15-1101. Suicide prevention and firearm safety programs -- Reporting**
196 **requirements.**

197 (1) As used in the section:

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

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

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

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

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

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

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

- 210 (a) local mental health and substance abuse authorities;
- 211 (b) the State Board of Education, including the State Office of Education suicide
- 212 prevention coordinator described in Section [53A-15-1301](#);
- 213 (c) the Department of Health;
- 214 (d) health care providers, including emergency rooms; and
- 215 (e) other public health suicide prevention efforts.

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

221 (5) The state suicide prevention coordinator shall consult with the bureau to implement
222 and manage the operation of a firearm safety program, as described in Subsection
223 [53-10-202\(18\)](#) and Section [53-10-202.1](#).

224 Section 5. Section **63I-1-253** is amended to read:

225 **63I-1-253. Repeal dates, Titles 53, 53A, and 53B.**

226 The following provisions are repealed on the following dates:

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

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

229 (3) Section [53-10-202.1](#) is repealed July 1, 2018.

230 [~~2~~] (4) Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program is
231 repealed July 1, 2020.

232 [~~3~~] (5) The State Instructional Materials Commission, created in Section [53A-14-101](#),
233 is repealed July 1, 2016.

234 [~~4~~] (6) Subsections [53A-16-113\(3\)](#) and (4) are repealed December 31, 2016.

235 [~~5~~] (7) Section [53A-16-114](#) is repealed December 31, 2016.

236 [~~6~~] (8) Section [53A-17a-163](#), Performance-based Compensation Pilot Program is
237 repealed July 1, 2016.

238 [~~7~~] (9) Subsection [53C-3-203\(4\)\(b\)\(vii\)](#), which provides for the distribution of money
239 from the Land Exchange Distribution Account to the Geological Survey for test wells, other
240 hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1, 2020.

241 Section 6. Section **63I-1-262** is amended to read:

242 **63I-1-262. Repeal dates, Title 62A.**

243 (1) Section 62A-2-120.5, Pilot program for expedited background check of a qualified
244 human services applicant, is repealed July 1, 2017.

245 (2) Subsection 62A-15-1101(5) is repealed July 1, 2018.

246 Section 7. Section **63I-1-276** is enacted to read:

247 **63I-1-276. Repeal Dates, Title 76.**

248 Subsection 76-10-526(15) is repealed July 1, 2018.

249 Section 8. Section **76-10-526** is amended to read:

250 **76-10-526. Criminal background check prior to purchase of a firearm -- Fee --**
251 **Exemption for concealed firearm permit holders and law enforcement officers.**

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

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

257 (b) A dealer may not accept a driving privilege card issued under Section 53-3-207 as
258 proof of identification for the purpose of establishing personal identification and residence in
259 this state as required under this Subsection (2).

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

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

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

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

267 (i) the dealer identification number;

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

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

271 (iv) the Social Security number or any other identification number of the individual

272 receiving the firearm.

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

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

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

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

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

286 (b) inform the dealer that:

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

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

289 (c) provide the dealer with a unique transaction number for that inquiry; and

290 (d) provide a response to the requesting dealer during the call for a criminal
291 background check, or by return call, or other electronic means, without delay, except in case of
292 electronic failure or other circumstances beyond the control of the bureau, the bureau shall
293 advise the dealer of the reason for the delay and give the dealer an estimate of the length of the
294 delay.

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

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

301 (9) If the criminal history background check discloses information indicating that the
302 individual attempting to purchase the firearm is prohibited from purchasing, possessing, or

303 transferring a firearm, the bureau shall inform the law enforcement agency in the jurisdiction
304 where the individual resides.

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

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

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

314 (ii) This fee remains in effect until changed by the bureau through the process under
315 Section [63J-1-504](#).

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

319 (ii) The bureau shall deposit the fees in the General Fund as dedicated credits to cover
320 the cost of administering and conducting the criminal history background check program.

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

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

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

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

334 (15) (a) A dealer may participate in the redeemable coupon program described in
335 Section 53-10-202 and this Subsection (15).

336 (b) A participating dealer shall:

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

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

341 (iii) make the firearm safety brochure described in Section 53-10-202 available to
342 customers free of charge.

343 **Section 9. Appropriation.**

344 Under the terms and conditions of Utah Code Title 63J Chapter 1, Budgetary
345 Procedures Act, for the fiscal year beginning July 1, 2012 and ending June 30, 2013, the
346 following sums of money are appropriated from resources not otherwise appropriated, or
347 reduced from amounts previously appropriated, out of the funds or fund accounts indicated.

348 These are additions to amounts previously appropriated for fiscal year 2015.

349 To Department of Public Safety - Programs and Operations

350 From General Fund Restricted - Firearm Safety Account \$70,000

351 Schedule of Programs:

352 Bureau of Criminal Identification \$70,000

353 Under Section 63J-1-603 the Legislature intends that appropriations provided under this
354 section not lapse at the close of fiscal year 2015. The use of any nonlapsing funds is limited to
355 purposes described in Subsection 53-10-202(18).

356 Restricted Fund and Account Transfers. The Legislature authorizes the State Division
357 of Finance to transfer the following amounts among the following funds or accounts as
358 indicated.

359 To General Fund Restricted - Firearm Safety Account

360 From Nonlapsing Balances - DPS Bureau of Criminal Identification \$250,000

361 Schedule of Programs:

362 General Fund Restricted - Firearm Safety Account \$250,000

363 **Section 10. Effective date.**

364 This bill takes effect on July 1, 2014.