

**Senator Stuart C. Reid** 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		

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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 and manage 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



24 filed an application for a concealed firearm permit receives a redeemable coupon toward the  
25 purchase of a gun safe and receives a firearm safety brochure;

- 26 ▶ creates a restricted account known as the Concealed Weapons Account;
- 27 ▶ creates a restricted account known as the Firearm Safety Account; and
- 28 ▶ repeals certain provisions of this bill, subject to sunset review, on July 1, 2018.

29 **Money Appropriated in this Bill:**

30 This bill appropriates in fiscal year 2015:

- 31 ▶ To the Department of Public Safety - Programs and Operations - Bureau of
- 32 Criminal Identification:
  - 33 • From General Fund Restricted - Firearm Safety Account, \$70,000
  - 34 ▶ To Department of Public Safety - Programs and Operations
    - 35 • From General Fund Restricted - Concealed Weapons Account, \$3,100,000
    - 36 ▶ To the General Fund Restricted - Firearm Safety Account as a one-time
    - 37 appropriation:
      - 38 • From Nonlapsing Balances - Department of Public Safety - Programs and
      - 39 Operations, \$250,000

40 **Other Special Clauses:**

41 This bill takes effect on July 1, 2014.

42 **Utah Code Sections Affected:**

43 AMENDS:

- 44 [53-5-707](#), as last amended by Laws of Utah 2013, Chapter 280
- 45 [53-10-202](#), as last amended by Laws of Utah 2013, Chapter 396
- 46 [62A-15-1101](#), as enacted by Laws of Utah 2013, Chapter 194
- 47 [63I-1-253](#), as last amended by Laws of Utah 2012, Chapter 369
- 48 [63I-1-262](#), as last amended by Laws of Utah 2013, Chapter 125
- 49 [76-10-526](#), as last amended by Laws of Utah 2013, Chapter 278

50 ENACTS:

- 51 [53-10-202.1](#), Utah Code Annotated 1953
- 52 [63I-1-276](#), Utah Code Annotated 1953

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

55 Section 1. Section ~~53-5-707~~ is amended to read:

56 **53-5-707. Concealed firearm permit -- Fees -- Concealed Weapons Account.**

57 (1) (a) ~~[Each]~~ An applicant for a concealed firearm permit shall pay a fee of [~~\$29.75~~  
58 \$24.75 at the time of filing an application~~[, except that a]~~.

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

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

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

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

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

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

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

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

72 (5) (a) There is created a restricted account within the General Fund known as the  
73 "Concealed Weapons Account."

74 (b) The account shall be funded from fees collected under this section.

75 (c) Funds in the account shall be used to cover costs relating to the issuance of  
76 concealed firearm permits under this part and may not be used for any other purpose.

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

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

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

84 (7) The bureau shall make an annual report in writing to the Legislature's Law  
85 Enforcement and Criminal Justice Interim Committee on the amount and use of the fees

86 collected under this section.

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

88 **53-10-202. Criminal identification -- Duties of bureau.**

89 The bureau shall:

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

91 (a) are fugitives from justice;

92 (b) are wanted or missing;

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

94 and

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

96 offense;

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

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

99 (b) statistics concerning crimes that exhibit evidence of prejudice based on race,

100 religion, ancestry, national origin, ethnicity, or other categories that the division finds

101 appropriate; and

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

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

104 under this part;

105 (4) subject to the restrictions in this part, establish policy concerning the use and

106 dissemination of data obtained under this part;

107 (5) publish an annual report concerning the extent, fluctuation, distribution, and nature

108 of crime in Utah;

109 (6) establish a statewide central register for the identification and location of missing

110 persons, which may include:

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

112 (b) identifying data of any missing person who is reported as missing to a law

113 enforcement agency having jurisdiction;

114 (c) dates and circumstances of any persons requesting or receiving information from

115 the register; and

116 (d) any other information, including blood types and photographs found necessary in

117 furthering the purposes of this part;

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

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

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

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

127 (11) receive information regarding missing persons, as provided in Sections 26-2-27  
128 and 53A-11-502, and stolen vehicles, vessels, and outboard motors, as provided in Section  
129 41-1a-1401;

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

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

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

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

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

147 (17) forward to the board those applications for renewal under Subsection (16) that do

148 not meet the requirements for renewal[-]; and

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

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

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

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

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

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

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

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

164 (iii) produce a firearm safety packet that includes both the firearm safety brochure  
165 described in Subsection (18)(a)(i) and the cable-style gun lock described in Subsection  
166 (18)(b)(ii);

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

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

170 (ii) mental health practitioners;

171 (iii) other public health suicide prevention organizations;

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

173 (v) school districts for use in the seminar, described in Section 53A-15-1302, for  
174 parents of students in the school district;

175 (c) creating and administering a redeemable coupon program described in this section  
176 and Section 76-10-526, that may include:

177 (i) producing a redeemable coupon that offers between \$10 and \$200 off the purchase  
178 of a gun safe from a participating federally licensed firearms dealer, as defined in Section

179 76-10-501, by a Utah resident who has filed an application for a concealed firearm permit;

180 (ii) advertising the redeemable coupon program to all federally licensed firearms

181 dealers and maintaining a list of dealers who wish to participate in the program;

182 (iii) printing or writing the name of a Utah resident who has filed an application for a

183 concealed firearm permit on the redeemable coupon;

184 (iii) mailing the redeemable coupon and the firearm safety brochure to Utah residents

185 who have filed an application for a concealed firearm permit; and

186 (iv) collecting from the participating dealers receipts described in Section 76-10-526

187 and reimbursing the dealers;

188 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

189 making rules that establish procedures for:

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

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

192 (iii) administering the redeemable coupon program; and

193 (e) reporting to the Law Enforcement and Criminal Justice Interim Committee

194 regarding implementation and success of the firearm safety program:

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

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

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

198 **53-10-202.1. Firearm Safety Account.**

199 (1) There is created a restricted account within the General Fund known as the

200 "Firearm Safety Account."

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

202 (3) Funds in the account may only be used for the Firearm Safety Program established

203 in Subsection 53-10-202(18).

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

205 **62A-15-1101. Suicide prevention and firearm safety programs -- Reporting**

206 **requirements.**

207 (1) As used in the section:

208 (a) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201

209 within the Department of Public Safety.

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

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

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

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

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

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

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

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

223           (c) the Department of Health;

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

225           (e) other public health suicide prevention efforts.

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

231           (5) The state suicide prevention coordinator shall consult with the bureau to implement  
232 and manage the operation of a firearm safety program, as described in Subsection  
233 [53-10-202\(18\)](#) and Section [53-10-202.1](#).

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

235           **63I-1-253. Repeal dates, Titles 53, 53A, and 53B.**

236           The following provisions are repealed on the following dates:

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

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

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

240           ~~[(2)]~~ (4) Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program is

241 repealed July 1, 2020.

242 [~~(3)~~] (5) The State Instructional Materials Commission, created in Section 53A-14-101,  
243 is repealed July 1, 2016.

244 [~~(4)~~] (6) Subsections 53A-16-113(3) and (4) are repealed December 31, 2016.

245 [~~(5)~~] (7) Section 53A-16-114 is repealed December 31, 2016.

246 [~~(6)~~] (8) Section 53A-17a-163, Performance-based Compensation Pilot Program is  
247 repealed July 1, 2016.

248 [~~(7)~~] (9) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money  
249 from the Land Exchange Distribution Account to the Geological Survey for test wells, other  
250 hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1, 2020.

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

252 **63I-1-262. Repeal dates, Title 62A.**

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

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

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

257 **63I-1-276. Repeal Dates, Title 76.**

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

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

260 **76-10-526. Criminal background check prior to purchase of a firearm -- Fee --**  
261 **Exemption for concealed firearm permit holders and law enforcement officers.**

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

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

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

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

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

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

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

277 (i) the dealer identification number;

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

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

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

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

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

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

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

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

296 (b) inform the dealer that:

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

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

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

300 (d) provide a response to the requesting dealer during the call for a criminal  
301 background check, or by return call, or other electronic means, without delay, except in case of  
302 electronic failure or other circumstances beyond the control of the bureau, the bureau shall

303 advise the dealer of the reason for the delay and give the dealer an estimate of the length of the  
304 delay.

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

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

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

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

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

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

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

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

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

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

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

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

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

344 (15) (a) A dealer may participate in the redeemable coupon program described in this  
 345 Subsection (15) and Subsection 53-10-202(18).

346 (b) A participating dealer shall:

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

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

351 (iii) make the firearm safety brochure described in Subsection 53-10-202(18) available  
 352 to customers free of charge.

353 **Section 9. Appropriation.**

354 Under the terms and conditions of Utah Code Title 63J Chapter 1, Budgetary  
 355 Procedures Act, for the fiscal year beginning July 1, 2014 and ending June 30, 2015, the  
 356 following sums of money are appropriated from resources not otherwise appropriated, or  
 357 reduced from amounts previously appropriated, out of the funds or fund accounts indicated.

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

359	<u>To Department of Public Safety - Programs and Operations</u>	
360	<u>From General Fund Restricted - Firearm Safety Account</u>	<u>\$70,000</u>
361	<u>Schedule of Programs:</u>	
362	<u>Bureau of Criminal Identification</u>	<u>\$70,000</u>
363	<u>To Department of Public Safety - Programs and Operations</u>	
364	<u>From General Fund Restricted - Concealed Weapons Account</u>	<u>\$3,100,000</u>

365 Schedule of Programs:

366 CITS Bureau of Criminal Identification \$3,100,000

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

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

373 To General Fund Restricted - Firearm Safety Account

374 From Nonlapsing Balances - Department of Public Safety -

375 Programs and Operations \$250,000

376 Schedule of Programs:

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

378 **Section 10. Effective date.**

379 This bill takes effect on July 1, 2014.