

**FIREARM SAFETY AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: Stuart C. Reid

Cosponsors:	Brian M. Greene	Paul Ray
Don L. Ipson	Stephen G. Handy	Edward H. Redd
Tim M. Cosgrove	Michael S. Kennedy	Ryan D. Wilcox
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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 filed an application for a concealed firearm permit receives a redeemable coupon toward the purchase of a gun safe and receives a firearm safety brochure;
- ▶ creates a restricted account known as the Concealed Weapons Account;

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

**30 Money Appropriated in this Bill:**

31           This bill appropriates in fiscal year 2015:

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

- 34           • from General Fund Restricted - Firearm Safety Account, \$70,000
- 35           ▶ to Department of Public Safety - Programs and Operations
- 36           • from General Fund Restricted - Concealed Weapons Account, \$3,100,000
- 37           ▶ to General Fund Restricted - Firearm Safety Account as a one-time 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)(a)(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       (iv) 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       (v) 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 -- Reporting requirements.**

206 (1) As used in the section:

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

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

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

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

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

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

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

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

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

222 (c) the Department of Health;

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



224 (e) other public health suicide prevention efforts.

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

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

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

234 **63I-1-253. Repeal dates, Titles 53, 53A, and 53B.**

235 The following provisions are repealed on the following dates:

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

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

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

239 [~~2~~] (4) Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program is  
240 repealed July 1, 2020.

241 [~~3~~] (5) The State Instructional Materials Commission, created in Section [53A-14-101](#),  
242 is repealed July 1, 2016.

243 [~~4~~] (6) Subsections [53A-16-113\(3\)](#) and (4) are repealed December 31, 2016.

244 [~~5~~] (7) Section [53A-16-114](#) is repealed December 31, 2016.

245 [~~6~~] (8) Section [53A-17a-163](#), Performance-based Compensation Pilot Program is  
246 repealed July 1, 2016.

247 [~~7~~] (9) Subsection [53C-3-203\(4\)\(b\)\(vii\)](#), which provides for the distribution of money  
248 from the Land Exchange Distribution Account to the Geological Survey for test wells, other  
249 hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1, 2020.

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

251 **63I-1-262. Repeal dates, Title 62A.**

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

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

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

256 **63I-1-276. Repeal dates, Title 76.**

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

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

259 **76-10-526. Criminal background check prior to purchase of a firearm -- Fee --**  
260 **Exemption for concealed firearm permit holders and law enforcement officers.**

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

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

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

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

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

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

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

276 (i) the dealer identification number;

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

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

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

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

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

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

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

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

295 (b) inform the dealer that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

335 (b) the dealer verifies with the bureau that the individual's concealed firearm permit is

336 valid.

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

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

345 (b) A participating dealer shall:

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

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

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

352 Section 9. **Appropriation.**

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

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

364           Schedule of Programs:

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

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

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

372           To General Fund Restricted - Firearm Safety Account  
373           From Nonlapsing Balances - Department of Public Safety -  
374 Programs and Operations   \$250,000

375           Schedule of Programs:  
376                   General Fund Restricted - Firearm Safety Account                                 \$250,000

377           Section 10. **Effective date.**

378           This bill takes effect on July 1, 2014.