

FIREARM SAFETY AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

► requires the Department of Health prevention coordinator, 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; and
- 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; and

► provides appropriations for the operation of the firearm safety program.

Money Appropriated in this Bill:

This bill appropriates:

► to Department of Health Bureau of Health Promotion, Firearm Safety Program:

- from the Dedicated Credits Revenue, \$900,000, subject to the intent language

that the appropriation shall be used for the purposes described in Section [26-7-7](#).



28 **Other Special Clauses:**

29 None

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 [76-10-526](#), as last amended by Laws of Utah 2013, Chapter 278

36 ENACTS:

37 [26-7-7](#), Utah Code Annotated 1953



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

40 Section 1. Section [26-7-7](#) is enacted to read:

41 **[26-7-7](#). Firearm safety program.**

42 (1) As used in the section:

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

45 (b) "Dealer" means a federally licensed firearms dealer, as defined in Section
46 [76-10-501](#).

47 (c) "Department of Health prevention coordinator" means an individual designated by
48 the Bureau of Health Promotion to coordinate violence and injury prevention.

49 (d) "State suicide prevention coordinator" means an individual designated by the
50 division to coordinate the suicide prevention program described in Section [62A-15-1101](#).

51 (2) The Department of Health prevention coordinator, in consultation with the state
52 suicide prevention coordinator, shall implement a firearm safety program as described in
53 Subsections (3) through (7).

54 (3) The Department of Health prevention coordinator, in consultation with the state
55 suicide prevention coordinator, local mental health and substance abuse authorities, and the
56 State Office of Education suicide prevention coordinator, shall:

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

- 59 (i) rules for safe handling, storage, and use of firearms in a home environment;
60 (ii) information about at-risk individuals and individuals who are legally prohibited
61 from possessing firearms;
62 (iii) information about suicide prevention and awareness; and
63 (iv) information about the availability of firearm safety packets;
64 (b) procure cable-style gun locks for distribution pursuant to this section; and
65 (c) produce a firearm safety packet with both the firearm safety brochure described in
66 Subsection (3)(a) and the cable-style gun lock described in Subsection (3)(b).
67 (4) The Department of Health prevention coordinator, in consultation with the state
68 suicide prevention coordinator, shall distribute, free of charge, the firearm safety packet to the
69 following persons, who shall make the firearm safety packet available free of charge:
70 (a) health care providers, including emergency rooms;
71 (b) mental health practitioners;
72 (c) other public health suicide prevention organizations;
73 (d) entities that teach firearm safety courses; and
74 (e) school districts for use in the seminar, described in Section [53A-15-1302](#), for
75 parents of students in the school district.
76 (5) The Department of Health prevention coordinator, in consultation with the state
77 suicide prevention coordinator, shall create and administer a redeemable coupon program
78 described in this section and Section [76-10-526](#), that includes:
79 (a) distributing, free of charge, to any dealer participating in the redeemable coupon
80 program, a redeemable coupon that offers between \$10 and \$200 off the purchase of a gun safe
81 by a Utah resident who has filed an application for a concealed firearm permit;
82 (b) advertising the redeemable coupon program to all dealers and maintaining a list of
83 dealers who wish to participate in the program;
84 (c) producing a form containing a blank line for the bureau to insert the concealed
85 firearm permit applicant's identifying information in accordance with Section [53-10-202](#) and a
86 place for the applicant to sign and acknowledge that the applicant is committed to firearm
87 safety;
88 (d) coordinating with the bureau in accordance with Section [53-10-202](#) to mail the
89 form with the redeemable coupon and the firearm safety brochure to the bureau; and

90 (e) collecting from participating dealers the redeemable coupons described in this
91 Subsection (5) and reimbursing the dealers.

92 (6) The Department of Health prevention coordinator, in consultation with the state
93 suicide prevention coordinator, shall use fees described in Subsection 53-5-707(5)(b) only for:

94 (a) producing and distributing the firearm safety brochure and firearm safety packet;

95 (b) procuring the cable-style gun locks;

96 (c) creating and administering the redeemable coupon program; and

97 (d) paying personnel and other costs incurred in administering the firearm safety
98 program.

99 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
100 Department of Health prevention coordinator, in consultation with the state suicide prevention
101 coordinator, shall make rules that establish procedures for:

102 (a) producing and distributing the firearm safety brochures and packets;

103 (b) procuring the cable-style gun locks for distribution; and

104 (c) administering the redeemable coupon program.

105 Section 2. Section **53-5-707** is amended to read:

106 **53-5-707. Concealed firearm permit -- Fees -- Disposition.**

107 (1) (a) Each applicant for a concealed firearm permit shall pay a fee of \$29.75 at the
108 time of filing an application, except that a nonresident applicant shall pay an additional \$5 for
109 the additional cost of processing a nonresident application.

110 (b) The bureau shall waive the initial fee for an applicant who is a law enforcement
111 officer under Section **53-13-103**.

112 (c) Concealed firearm permit renewal fees for active duty service members and spouses
113 of an active duty service member shall be waived.

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

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

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

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

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

121 **(b) The bureau shall use any amount in excess of the fees necessary to cover the costs**
122 **of issuing concealed firearm permits under this part to cover the costs of administering the**
123 **firearm safety program as described in Sections [26-7-7](#) and [53-10-202](#).**

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

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

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

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

134 Section 3. Section **53-10-202** is amended to read:

135 **53-10-202. Criminal identification -- Duties of bureau.**

136 The bureau shall:

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

138 (a) are fugitives from justice;

139 (b) are wanted or missing;

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

141 and

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

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

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

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

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

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

- 152 (4) subject to the restrictions in this part, establish policy concerning the use and
153 dissemination of data obtained under this part;
- 154 (5) publish an annual report concerning the extent, fluctuation, distribution, and nature
155 of crime in Utah;
- 156 (6) establish a statewide central register for the identification and location of missing
157 persons, which may include:
 - 158 (a) identifying data including fingerprints of each missing person;
 - 159 (b) identifying data of any missing person who is reported as missing to a law
160 enforcement agency having jurisdiction;
 - 161 (c) dates and circumstances of any persons requesting or receiving information from
162 the register; and
 - 163 (d) any other information, including blood types and photographs found necessary in
164 furthering the purposes of this part;
- 165 (7) publish a quarterly directory of missing persons for distribution to persons or
166 entities likely to be instrumental in the identification and location of missing persons;
- 167 (8) list the name of every missing person with the appropriate nationally maintained
168 missing persons lists;
- 169 (9) establish and operate a 24-hour communication network for reports of missing
170 persons and reports of sightings of missing persons;
- 171 (10) coordinate with the National Center for Missing and Exploited Children and other
172 agencies to facilitate the identification and location of missing persons and the identification of
173 unidentified persons and bodies;
- 174 (11) receive information regarding missing persons, as provided in Sections [26-2-27](#)
175 and [53A-11-502](#), and stolen vehicles, vessels, and outboard motors, as provided in Section
176 [41-1a-1401](#);
- 177 (12) adopt systems of identification, including the fingerprint system, to be used by the
178 division to facilitate law enforcement;
- 179 (13) assign a distinguishing number or mark of identification to any pistol or revolver,
180 as provided in Section [76-10-520](#);
- 181 (14) check certain criminal records databases for information regarding motor vehicle
182 salesperson applicants, maintain a separate file of fingerprints for motor vehicle salespersons,

183 and inform the Motor Vehicle Enforcement Division when new entries are made for certain
 184 criminal offenses for motor vehicle salespersons in accordance with the requirements of
 185 Section [41-3-205.5](#);

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

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

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

196 (18) in accordance with Section [26-7-7](#), use fees described in Subsection
 197 [53-5-707\(5\)\(b\)](#) to:

198 (a) coordinate with the Department of Health prevention coordinator to receive a form,
 199 redeemable coupon, and firearm safety brochure from the Department of Health prevention
 200 coordinator;

201 (b) fill in the blank line on the redeemable coupon with the name of a Utah resident
 202 who has filed an application for a concealed firearm permit; and

203 (c) mail the form, redeemable coupon, and firearm safety brochure to Utah residents
 204 who have filed an application for a concealed firearm permit.

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

206 **62A-15-1101. Suicide prevention and firearm safety programs -- Reporting**
 207 **requirements.**

208 (1) As used in the section:

209 (a) "Department of Health prevention coordinator" means an individual designated by
 210 the Bureau of Health Promotion to coordinate violence and injury prevention.

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

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

213 ~~[(c)]~~ (d) "Postvention" means mental health intervention after a suicide attempt or

214 death to prevent or contain contagion.

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

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

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

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

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

224 (c) the Department of Health prevention coordinator;

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

226 (e) other public health suicide prevention efforts.

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

232 (5) The state suicide prevention coordinator shall consult with the Department of
233 Health prevention coordinator to implement the firearm safety program as described in Section
234 [26-7-7](#).

235 Section 5. Section **76-10-526** is amended to read:

236 **76-10-526. Criminal background check prior to purchase of a firearm -- Fee --**
237 **Exemption for concealed firearm permit holders and law enforcement officers.**

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

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

243 (b) A dealer may not accept a driving privilege card issued under Section [53-3-207](#) as
244 proof of identification for the purpose of establishing personal identification and residence in

245 this state as required under this Subsection (2).

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

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

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

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

253 (i) the dealer identification number;

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

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

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

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

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

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

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

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

272 (b) inform the dealer that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

320 (15) (a) A dealer may participate in the redeemable coupon program described in
321 Section 26-7-7 and this Subsection (15).

322 (b) A participating dealer shall:

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

325 (ii) collect the redeemable coupons and send them to the state suicide prevention
326 coordinator and the Department of Health prevention coordinator for redemption with the
327 receipt of sale and the form signed by the purchaser; and

328 (iii) make the firearm safety brochure described in Section 26-7-7 available to
329 customers free of charge.

330 Section 6. **Appropriation.**

331 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
332 the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following sums of money
333 are appropriated from resources not otherwise appropriated, or reduced from amounts
334 previously appropriated, out of the funds or accounts indicated.

335 To Department of Health Bureau of Health Promotion, Firearm Safety Program

336 From Dedicated Credits Revenue \$900,000

337 Schedule of Programs:

338 Firearm Safety Program \$900,000
339 The Legislature intends that appropriations provided under this section be used by the
340 office for the purposes described in Section 26-7-7. Under Section 63J-1-603, the Legislature
341 intends that appropriations provided under this section not lapse at the close of fiscal year
342 2015. The use of any nonlapsing funds is limited to the purposes described in Section 26-7-7.

Legislative Review Note
as of 2-13-14 4:07 PM

Office of Legislative Research and General Counsel