

HB0134S03 compared with HB0134S02

~~text~~ shows text that was in HB0134S02 but was deleted in HB0134S03.

text shows text that was not in HB0134S02 but was inserted into HB0134S03.

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Representative Steve Eliason proposes the following substitute bill:

FIREARM SAFETY AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: _____

Cosponsors:	Brian M. Greene	Paul Ray
Don L. Ipson	Stephen G. Handy	Edward H. Redd
Tim M. Cosgrove	Michael S. Kennedy	Ryan D. Wilcox
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~~ resident's initial application;
- ▶ requires the Bureau of Criminal Identification, in consultation with the state suicide

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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 coupon toward the purchase of a gun safe and receives a firearm safety brochure;

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

Money Appropriated in this Bill:

~~{None}~~ This bill appropriates in fiscal year 2015:

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

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

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

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

Other Special Clauses:

This bill takes effect on July 1, 2014.

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

ENACTS:

53-10-202.1, Utah Code Annotated 1953

63I-1-276, Utah Code Annotated 1953

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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The bureau shall:

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

(a) are fugitives from justice;

(b) are wanted or missing;

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

and

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

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

(a) statistics concerning general categories of criminal activities;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(18) within funds appropriated by the Legislature for the purpose, implement and manage the operation of a firearm safety program, in conjunction with the state suicide

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prevention coordinator, as described in this section and ~~in~~ Section 62A-15-1101, including:

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

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

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

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

(C) information about suicide prevention and awareness; and

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

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

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

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

(i) health care providers, including emergency rooms;

(ii) mental health practitioners;

(iii) other public health suicide prevention organizations;

(iv) entities that teach firearm safety courses; and

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

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

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

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

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

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

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

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

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

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

(iii) administering the redeemable coupon program; and

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

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

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

Section 3. Section ~~{62A-15-1101 is amended to read:~~

~~}{53-10-202.1 is enacted to read:~~

53-10-202.1. Firearm Safety Restricted Account.

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

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

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

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

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

(1) As used in the section:

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

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

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

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

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

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

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

(a) local mental health and substance abuse authorities;

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

(c) the Department of Health;

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

(e) other public health suicide prevention efforts.

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

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

Section ~~(4)~~5. Section **63I-1-253** is amended to read:

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

The following provisions are repealed on the following dates:

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

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

(3) Section 53-10-202.1 is repealed July 1, 2018.

~~(2)~~ ~~(3)~~4 Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program is repealed July 1, 2020.

~~(3)~~ ~~(4)~~5 The State Instructional Materials Commission, created in Section

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53A-14-101, is repealed July 1, 2016.

~~[(4)]~~ ~~(~~5~~)~~6 Subsections 53A-16-113(3) and (4) are repealed December 31, 2016.

~~[(5)]~~ ~~(~~6~~)~~7 Section 53A-16-114 is repealed December 31, 2016.

~~[(6)]~~ ~~(~~7~~)~~8 Section 53A-17a-163, Performance-based Compensation Pilot Program is repealed July 1, 2016.

~~[(7)]~~ ~~(~~8~~)~~9 Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money from the Land Exchange Distribution Account to the Geological Survey for test wells, other hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1, 2020.

Section ~~(5)~~6. Section **63I-1-262** is amended to read:

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

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

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

Section ~~(6)~~7. Section **63I-1-276** is enacted to read:

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

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

Section ~~(7)~~8. Section **76-10-526** is amended to read:

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

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

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

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

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

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

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Licensee.

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

(b) The form shall contain the following information:

(i) the dealer identification number;

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

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

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

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

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

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

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

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

(b) inform the dealer that:

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

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

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

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

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delay.

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

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

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

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

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

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

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

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

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

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

(a) the individual presents the individual's concealed firearm permit to the dealer prior

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to purchase of the firearm; and

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

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

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

(b) A participating dealer shall:

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

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

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

Section 9. Appropriation.

Under the terms and conditions of Utah Code Title 63J Chapter 1, Budgetary Procedures Act, for the fiscal year beginning July 1, 2012 and ending June 30, 2013, the following sums of money are appropriated from resources not otherwise appropriated, or reduced from amounts previously appropriated, out of the funds or fund accounts indicated. These are additions to amounts previously appropriated for fiscal year 2015.

To Department of Public Safety - Programs and Operations

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

Schedule of Programs:

Bureau of Criminal Identification \$70,000

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

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

To General Fund Restricted - Firearm Safety Account

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

Schedule of Programs:

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

Section ~~{8}~~10. **Effective date.**

This bill takes effect on July 1, 2014.