

James A. Dunnigan proposes the following substitute bill:

Department of Public Safety Fee Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor: Don L. Ipson

LONG TITLE

General Description:

This bill addresses fees collected by the Bureau of Criminal Identification.

Highlighted Provisions:

This bill:

- increases the fee for a concealed firearm permit for out-of-state applicants assessed before July 1, 2026;

- amends fee provisions related to concealed firearm permits assessed after July 1, 2026, allowing the Bureau of Criminal Identification to set related fees in accordance with the procedures specified in Section 63J-1-504;

- amends when funds from the Concealed Weapons Account are transferred to the Suicide Prevention and Education Fund;

- increases the annual fee for offenders on the Sex, Kidnap, and Child Abuse Offender Registry assessed before July 1, 2026;

- amends fee provisions related to the Sex, Kidnap, and Child Abuse Offender Registry assessed after July 1, 2026, allowing the Department of Public Safety to set related fees in accordance with the procedures specified in Section 63J-1-504; and

- contains a coordination clause coordinating changes between this bill and S.B. 41, Sex, Kidnap, and Child Abuse Offender Registry Amendment.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

53-5-704, as last amended by Laws of Utah 2024, Chapter 195

53-5-707, as last amended by Laws of Utah 2023, Chapters 328, 387

53-5-707.5, as last amended by Laws of Utah 2018, Chapter 417

77-41-111, as last amended by Laws of Utah 2023, Chapter 128

Utah Code Sections affected by Coordination Clause:

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

Section 1. Section 53-5-704 is amended to read:

53-5-704 . Bureau duties -- Permit to carry concealed firearm -- Certification for concealed firearms instructor -- Requirements for issuance -- Violation -- Denial, suspension, or revocation -- Appeal procedure.

(1)(a) Except as provided in Subsection (1)(b), the bureau shall issue a permit to carry a concealed firearm for lawful self defense to an applicant who is 21 years old or older within 60 days after receiving an application, unless the bureau finds proof that the applicant is not qualified to hold a permit under Subsection (2) or (3).

(b)(i) Within 90 days before the day on which a provisional permit holder under Section 53-5-704.5 reaches 21 years old, the provisional permit holder may apply under this section for a permit to carry a concealed firearm for lawful self defense.

(ii) The bureau shall issue a permit for an applicant under Subsection (1)(b)(i) within 60 days after receiving an application, unless the bureau finds proof that the applicant is not qualified to hold a permit under Subsection (2) or (3).

(iii) A permit issued under this Subsection (1)(b):

(A) is not valid until an applicant is 21 years old; and

(B) requires, before July 1, 2026, a \$10 application fee and, on or after July 1, 2026, an application fee set by the bureau.

(iv) A person who applies for a permit under this Subsection (1)(b) is not required to retake the firearms training described in Subsection 53-5-704(8).

(c) The permit is valid throughout the state for five years, without restriction, except as otherwise provided by Section 53-5-710.

(d) The provisions of Subsections 76-10-504(1) and (2), and Section 76-10-505 do not apply to an individual issued a permit under Subsection (1)(a) or (b).

(e) Subsection (4)(a) does not apply to a nonresident:

(i) active duty service member, who presents to the bureau orders requiring the active duty service member to report for duty in this state; or

(ii) active duty service member's spouse, stationed with the active duty service

- 63 member, who presents to the bureau the active duty service member's orders
64 requiring the service member to report for duty in this state.
- 65 (2)(a) The bureau may deny, suspend, or revoke a concealed firearm permit if the
66 applicant or permit holder:
- 67 (i) has been or is convicted of a felony;
 - 68 (ii) has been or is convicted of a crime of violence;
 - 69 (iii) has been or is convicted of an offense involving the use of alcohol;
 - 70 (iv) has been or is convicted of an offense involving the unlawful use of narcotics or
71 other controlled substances;
 - 72 (v) has been or is convicted of an offense involving moral turpitude;
 - 73 (vi) has been or is convicted of an offense involving domestic violence;
 - 74 (vii) has been or is adjudicated by a state or federal court as mentally incompetent,
75 unless the adjudication has been withdrawn or reversed; and
 - 76 (viii) is not qualified to purchase and possess a firearm pursuant to Section 76-10-503
77 and federal law.
- 78 (b) In determining whether an applicant or permit holder is qualified to hold a permit
79 under Subsection (2)(a), the bureau shall consider mitigating circumstances.
- 80 (3)(a) The bureau may deny, suspend, or revoke a concealed firearm permit if it has
81 reasonable cause to believe that the applicant or permit holder has been or is a danger
82 to self or others as demonstrated by evidence, including:
- 83 (i) past pattern of behavior involving unlawful violence or threats of unlawful
84 violence;
 - 85 (ii) past participation in incidents involving unlawful violence or threats of unlawful
86 violence; or
 - 87 (iii) conviction of an offense in violation of Title 76, Chapter 10, Part 5, Weapons.
- 88 (b) The bureau may not deny, suspend, or revoke a concealed firearm permit solely for a
89 single conviction of an infraction violation of Title 76, Chapter 10, Part 5, Weapons.
- 90 (c) In determining whether the applicant or permit holder has been or is a danger to self
91 or others, the bureau may inspect:
- 92 (i) expunged records of arrests and convictions of adults as provided in Section
93 77-40a-403; and
 - 94 (ii) juvenile court records as provided in Section 78A-6-209.
- 95 (d)(i) The bureau shall suspend a concealed firearm permit if a permit holder
96 becomes a temporarily restricted person in accordance with Section 53-5c-301.

- 97 (ii) Upon removal from the temporary restricted list, the permit holder's permit shall
98 be reinstated unless:
- 99 (A) the permit has been revoked, been suspended for a reason other than the
100 restriction described in Subsection (3)(d)(i), or expired; or
101 (B) the permit holder has become a restricted person under Section 76-10-503.
- 102 (4)(a) In addition to meeting the other qualifications for the issuance of a concealed
103 firearm permit under this section, a nonresident applicant who resides in a state that
104 recognizes the validity of the Utah permit or has reciprocity with Utah's concealed
105 firearm permit law shall:
- 106 (i) hold a current concealed firearm or concealed weapon permit issued by the
107 appropriate permitting authority of the nonresident applicant's state of residency;
108 and
- 109 (ii) submit a photocopy or electronic copy of the nonresident applicant's current
110 concealed firearm or concealed weapon permit referred to in Subsection (4)(a)(i).
- 111 (b) A nonresident applicant who knowingly and willfully provides false information to
112 the bureau under Subsection (4)(a) is prohibited from holding a Utah concealed
113 firearm permit for a period of 10 years.
- 114 (c) Subsection (4)(a) applies to all applications for the issuance of a concealed firearm
115 permit that are received by the bureau after May 10, 2011.
- 116 (d) Beginning January 1, 2012, Subsection (4)(a) also applies to an application for
117 renewal of a concealed firearm permit by a nonresident.
- 118 (5) The bureau shall issue a concealed firearm permit to a former peace officer who departs
119 full-time employment as a peace officer, in an honorable manner, within five years of
120 that departure if the officer meets the requirements of this section.
- 121 (6) Except as provided in Subsection (7), the bureau shall also require the applicant to
122 provide:
- 123 (a) the address of the applicant's permanent residence;
124 (b) one recent dated photograph;
125 (c) one set of fingerprints; and
126 (d) evidence of general familiarity with the types of firearms to be concealed as defined
127 in Subsection (8).
- 128 (7) An applicant who is a law enforcement officer under Section 53-13-103 may provide a
129 letter of good standing from the officer's commanding officer in place of the evidence
130 required by Subsection (6)(d).

- (8)(a) General familiarity with the types of firearms to be concealed includes training in:
- (i) the safe loading, unloading, storage, and carrying of the types of firearms to be concealed; and
 - (ii) current laws defining lawful use of a firearm by a private citizen, including lawful self-defense, use of force by a private citizen, including use of deadly force, transportation, and concealment.
- (b) An applicant may satisfy the general familiarity requirement of Subsection (8)(a) by one of the following:
- (i) completion of a course of instruction conducted by a national, state, or local firearms training organization approved by the bureau;
 - (ii) certification of general familiarity by an individual who has been certified by the bureau, which may include a law enforcement officer, military or civilian firearms instructor, or hunter safety instructor; or
 - (iii) equivalent experience with a firearm through participation in an organized shooting competition, law enforcement, or military service.
- (c) Instruction taken by a student under this Subsection (8) shall be in person and not through electronic means.
- (d) A person applying for a renewal permit is not required to retake the firearms training described in this Subsection 53-5-704(8) if the person:
- (i) has an unexpired permit; or
 - (ii) has a permit that expired less than one year before the date on which the renewal application was submitted.
- (9)(a) An applicant for certification as a Utah concealed firearms instructor shall:
- (i) be at least 21 years old;
 - (ii) be currently eligible to possess a firearm under Section 76-10-503;
 - (iii) have:
 - (A) completed a firearm instruction training course from the National Rifle Association or another nationally recognized firearm training organization that customarily offers firearm safety and firearm law instructor training or the Department of Public Safety, Division of Peace Officer Safety Standards and Training; or
 - (B) received training equivalent to one of the courses referred to in Subsection (9)(a)(iii)(A) as determined by the bureau;
 - (iv) have taken a course of instruction and passed a certification test as described in

- 165 Subsection (9)(c); and
- 166 (v) possess a Utah concealed firearm permit.
- 167 (b) An instructor's certification is valid for three years from the date of issuance, unless
- 168 revoked by the bureau.
- 169 (c)(i) In order to obtain initial certification or renew a certification, an instructor shall
- 170 attend an instructional course and pass a test under the direction of the bureau.
- 171 (ii)(A) The bureau shall provide or contract to provide the course referred to in
- 172 Subsection (9)(c)(i) twice every year.
- 173 (B) The course shall include instruction on current Utah law related to firearms,
- 174 including concealed carry statutes and rules, and the use of deadly force by
- 175 private citizens.
- 176 (d)(i) Each applicant for certification under this Subsection (9) shall:
- 177 (A) before July 1, 2026, pay a fee of \$50.00 at the time of application for initial
- 178 certification; and
- 179 (B) on or after July 1, 2026, pay a fee determined by the bureau.
- 180 (ii) The renewal fee for the certificate is:
- 181 (A) before July 1, 2026, \$25; and
- 182 (B) on or after July 1, 2026, a fee determined by the bureau.
- 183 (iii) The bureau may use a fee paid under Subsections (9)(d)(i) and (ii) as a dedicated
- 184 credit to cover the cost incurred in maintaining and improving the instruction
- 185 program required for concealed firearm instructors under this Subsection (9).
- 186 (10) A certified concealed firearms instructor shall provide each of the instructor's students
- 187 with the required course of instruction outline approved by the bureau.
- 188 (11)(a)(i) A concealed firearms instructor shall provide a signed certificate to an
- 189 individual successfully completing the offered course of instruction.
- 190 (ii) The instructor shall sign the certificate with the exact name indicated on the
- 191 instructor's certification issued by the bureau under Subsection (9).
- 192 (iii)(A) The certificate shall also have affixed to it the instructor's official seal,
- 193 which is the exclusive property of the instructor and may not be used by any
- 194 other individual.
- 195 (B) The instructor shall destroy the seal upon revocation or expiration of the
- 196 instructor's certification under Subsection (9).
- 197 (C) The bureau shall determine the design and content of the seal to include at
- 198 least the following:

- (I) the instructor's name as it appears on the instructor's certification;
- (II) the words "Utah Certified Concealed Firearms Instructor," "state of Utah," and "my certification expires on (the instructor's certification expiration date)"; and
- (III) the instructor's business or residence address.
- (D) The seal shall be affixed to each student certificate issued by the instructor in a manner that does not obscure or render illegible any information or signatures contained in the document.
- (b) The applicant shall provide the certificate to the bureau in compliance with Subsection (6)(d).
- (12) The bureau may deny, suspend, or revoke the certification of an applicant or a concealed firearms instructor if it has reason to believe the applicant or the instructor has:
- (a) become ineligible to possess a firearm under Section 76-10-503 or federal law; or
- (b) knowingly and willfully provided false information to the bureau.
- (13) An applicant for certification or a concealed firearms instructor has the same appeal rights as described in Subsection (16).
- (14) In providing instruction and issuing a permit under this part, the concealed firearms instructor and the bureau are not vicariously liable for damages caused by the permit holder.
- (15) An individual who knowingly and willfully provides false information on an application filed under this part is guilty of a class B misdemeanor, and the application may be denied, or the permit may be suspended or revoked.
- (16)(a) In the event of a denial, suspension, or revocation of a permit, the applicant or permit holder may file a petition for review with the board within 60 days from the date the denial, suspension, or revocation is received by the applicant or permit holder by certified mail, return receipt requested.
- (b) The bureau's denial of a permit shall be in writing and shall include the general reasons for the action.
- (c) If an applicant or permit holder appeals the denial to the review board, the applicant or permit holder may have access to the evidence upon which the denial is based in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.
- (d) On appeal to the board, the bureau has the burden of proof by a preponderance of the evidence.

- (e)(i) Upon a ruling by the board on the appeal of a denial, the board shall issue a final order within 30 days stating the board's decision.
- (ii) The final order shall be in the form prescribed by Subsection 63G-4-203(1)(i).
- (iii) The final order is final bureau action for purposes of judicial review under Section 63G-4-402.

(17) The bureau shall, beginning July 1, 2026, establish fees authorized in this part in accordance with the procedures specified in Section 63J-1-504.

[(17)] (18) The commissioner may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to administer this chapter.

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

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

- (1)(a) An applicant for a concealed firearm permit shall pay:
- (i) [-] before July 1, 2026, a fee of \$25 at the time of filing an application; and
- (ii) on or after July 1, 2026, a fee set by the bureau at the time of filing an application.
- (b) A nonresident applicant shall pay:
- (i) before July 1, 2026, an additional [\$10 for the additional cost of processing a nonresident application] \$35 fee; and
- (ii) on or after July 1, 2026, an additional fee set by the bureau.
- (c) The bureau shall waive the initial fee for an applicant who is:
- (i) a law enforcement officer under Section 53-13-103;
- (ii) an active duty service member;
- (iii) the spouse of an active duty service member; or
- (iv) a school employee.
- (2)(a) [The] A holder of a concealed firearm permit shall pay:
- (i) before July 1, 2026, \$20 for a renewal fee for the permit[- is \$20.] ; and
- (ii) on or after July 1, 2026, a renewal fee set by the bureau.
- (b) [-] A nonresident holder of a concealed firearm permit shall pay:
- (i) before July 1, 2026, an additional [\$5 for the additional cost of processing a nonresidential renewal] \$30 fee; and
- (ii) on or after July 1, 2026, an additional fee set by the bureau.
- (3) [The] If a holder of a concealed firearm permit needs a replacement concealed firearm permit, the holder shall pay:
- (a) before July 1, 2026, a \$10 replacement fee for the permit[- is \$10] ; and
- (b) on or after July 1, 2026, a replacement fee set by the bureau.

- (4)(a) The late fee for the renewal permit is:
- (i) before July 1, 2026, \$7.50; and
 - (ii) on or after July 1, 2026, a late fee set by the bureau.
- (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)(a) There is created a restricted account within the General Fund known as the "Concealed Weapons Account."
- (b) The account shall be funded from fees collected under this section and Section 53-5-707.5.
- (c) Funds in the account may only be used to cover costs relating to:
- (i) the issuance of concealed firearm permits under this part; or
 - (ii) the programs described in Subsection 26B-5-102(3) and Section 26B-5-611.
- (d) No later than 90 days after the end of the fiscal year 50% ~~[of the fund balance]~~ of the excess of revenues over expenditures for the fiscal year shall be transferred to the Suicide Prevention and Education Fund, created in Section 26B-1-326.
- (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 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 and Section 53-5-707.5.

Section 3. Section **53-5-707.5** is amended to read:

53-5-707.5 . Provisional concealed firearm permit -- Fees -- Disposition of fees.

- (1)(a) An applicant for a provisional concealed firearm permit, as described in Section 53-5-704.5, shall pay:
- (i) [-] before July 1, 2026, a fee of \$25 at the time of filing an application; and
 - (ii) on or after July 1, 2026, a fee set by the bureau at the time of filing an application.
- (b) A nonresident applicant shall pay:
- (i) before July 1, 2026, an additional \$10 [for the additional cost of processing a nonresident application] fee; and
 - (ii) on or after July 1, 2026, an additional fee set by the bureau.
- (2) The replacement fee for the permit is:

(a) before July 1, 2026, \$10; and

(b) on or after July 1, 2026, a replacement fee set by the bureau.

(3) Fees collected under this section shall be remitted to the Concealed Weapons Account, as described in Subsection 53-5-707(5).

(4)(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 shall promptly forward any fees collected under Subsection (4)(a) to the appropriate agency.

Section 4. Section **77-41-111** is amended to read:

77-41-111 . Fees.

(1) Each offender required to register under Section 77-41-105 shall, in the month of the offender's birth:

(a) pay to the department each year the offender is subject to the registration requirements of this chapter:

(i) before July 1, 2026, an annual fee of [~~\$100~~] \$125; and

(ii) [~~each year the offender is subject to the registration requirements of this chapter~~] on or after July 1, 2026, an annual fee set by the department in accordance with the process in Section 63J-1-504; and

(b) pay to the registering agency, if it is an agency other than the department[;] :

(i) before July 1, 2026, an annual fee of not more than \$25, which may be assessed by that agency for providing registration; and

(ii) on or after July 1, 2026, an annual fee set by the department in accordance with the process in Section 63J-1-504 which may be assessed by that agency for providing registration.

(2) Notwithstanding Subsection (1), an offender who is confined in a secure facility or in a state mental hospital is not required to pay the annual fee.

(3) The department shall deposit fees collected in accordance with this chapter in the General Fund as a dedicated credit, to be used by the department for maintaining the offender registry under this chapter and monitoring offender registration compliance, including the costs of:

(a) data entry;

(b) processing registration packets;

(c) updating registry information; and

(d) reporting an offender not in compliance with registration requirements to a law

335 enforcement agency.

336 Section 5. **Effective Date.**

337 This bill takes effect on May 7, 2025.

338 Section 6. **Coordinating H.B. 425 with S.B. 41.**

339 If H.B. 425, Bureau of Criminal Identification Fee Amendments, and S.B. 41, Sex,

340 Kidnap, and Child Abuse Offender Registry Amendments, both pass and become law, the

341 Legislature intends that, on May 7, 2025, Subsection 53-29-304(8)(a)(i), enacted in S.B. 41, be

342 amended to read:

343 "(i) pay to the department each year the offender is subject to the registration requirements

344 of this chapter:

345 (A) before July 1, 2026, an annual fee of \$125; and

346 (B) on or after July 1, 2026, an annual fee determined by the department in accordance

347 with the process in Section 63J-1-504; and".