

FIREARM VIOLENCE AND SUICIDE PREVENTION AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill reenacts and modifies previously sunsetted provisions relating to a voluntary firearm safety program and a suicide prevention education course.

Highlighted Provisions:

This bill:

- ▶ requires the Division of Substance Abuse and Mental Health, in consultation with the Bureau of Criminal Identification, to implement and manage a firearm safety program and a suicide prevention education program by:
 - producing a firearm safety brochure and firearm safety packet;
 - procuring cable-style gun locks;
 - distributing firearm safety packets;
 - administering a 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 firearm safe and receives a firearm safety brochure; and
 - creating a suicide prevention education course;
- ▶ creates a restricted account known as the Firearm Safety Account;
- ▶ modifies the administration of a grant program to provide suicide prevention education opportunities for firearm dealers; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2020:

- ▶ to General Fund Restricted - Firearm Safety Account, as an ongoing appropriation:
 - from General Fund, \$100,000.
- ▶ to Department of Human Services - Division of Substance Abuse and Mental Health, as an ongoing appropriation:
 - from General Fund - Firearm Safety Account, \$100,000.
- ▶ to General Fund Restricted - Firearm Safety Account, as a one-time appropriation:

- 33 • from General Fund, One-time, \$500,000.
- 34 ▶ to Department of Human Services - Division of Substance Abuse and Mental
- 35 Health, as a one-time appropriation:
- 36 • from General Fund, One-time - Firearm Safety Account, \$500,000.

37 **Other Special Clauses:**

38 None

39 **Utah Code Sections Affected:**

40 AMENDS:

- 41 **62A-15-103**, as last amended by Laws of Utah 2018, Chapter 322
- 42 **62A-15-1101**, as last amended by Laws of Utah 2018, Chapters 38, 414, and 415
- 43 **76-10-526**, as last amended by Laws of Utah 2018, Chapter 417

44 ENACTS:

- 45 **62A-15-103.1**, Utah Code Annotated 1953
- 46 **62A-15-103.2**, Utah Code Annotated 1953

47 REPEALS:

- 48 **53-10-202.3**, as enacted by Laws of Utah 2017, Chapter 296

49

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

51 Section 1. Section **62A-15-103** is amended to read:

52 **62A-15-103. Division -- Creation -- Responsibilities.**

53 (1) (a) There is created the Division of Substance Abuse and Mental Health within the

54 department, under the administration and general supervision of the executive director.

55 (b) The division is the substance abuse authority and the mental health authority for

56 this state.

57 (2) The division shall:

58 (a) (i) educate the general public regarding the nature and consequences of substance

59 abuse by promoting school and community-based prevention programs;

60 (ii) render support and assistance to public schools through approved school-based

61 substance abuse education programs aimed at prevention of substance abuse;

62 (iii) promote or establish programs for the prevention of substance abuse within the

63 community setting through community-based prevention programs;

- 64 (iv) cooperate with and assist treatment centers, recovery residences, and other
65 organizations that provide services to individuals recovering from a substance abuse disorder,
66 by identifying and disseminating information about effective practices and programs;
- 67 (v) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
68 Rulemaking Act, to develop, in collaboration with public and private programs, minimum
69 standards for public and private providers of substance abuse and mental health programs
70 licensed by the department under Title 62A, Chapter 2, Licensure of Programs and Facilities;
- 71 (vi) promote integrated programs that address an individual's substance abuse, mental
72 health, physical health, and criminal risk factors;
- 73 (vii) establish and promote an evidence-based continuum of screening, assessment,
74 prevention, treatment, and recovery support services in the community for individuals with
75 substance use disorder and mental illness that addresses criminal risk factors;
- 76 (viii) evaluate the effectiveness of programs described in this Subsection (2);
- 77 (ix) consider the impact of the programs described in this Subsection (2) on:
- 78 (A) emergency department utilization;
- 79 (B) jail and prison populations;
- 80 (C) the homeless population; and
- 81 (D) the child welfare system; and
- 82 (x) promote or establish programs for education and certification of instructors to
83 educate persons convicted of driving under the influence of alcohol or drugs or driving with
84 any measurable controlled substance in the body;
- 85 (b) (i) collect and disseminate information pertaining to mental health;
- 86 (ii) provide direction over the state hospital including approval of its budget,
87 administrative policy, and coordination of services with local service plans;
- 88 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
89 Rulemaking Act, to educate families concerning mental illness and promote family
90 involvement, when appropriate, and with patient consent, in the treatment program of a family
91 member; and
- 92 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
93 Rulemaking Act, to direct that an individual receiving services through a local mental health
94 authority or the Utah State Hospital be informed about and, if desired by the individual,

- 95 provided assistance in the completion of a declaration for mental health treatment in
96 accordance with Section 62A-15-1002;
- 97 (c) (i) consult and coordinate with local substance abuse authorities and local mental
98 health authorities regarding programs and services;
- 99 (ii) provide consultation and other assistance to public and private agencies and groups
100 working on substance abuse and mental health issues;
- 101 (iii) promote and establish cooperative relationships with courts, hospitals, clinics,
102 medical and social agencies, public health authorities, law enforcement agencies, education and
103 research organizations, and other related groups;
- 104 (iv) promote or conduct research on substance abuse and mental health issues, and
105 submit to the governor and the Legislature recommendations for changes in policy and
106 legislation;
- 107 (v) receive, distribute, and provide direction over public funds for substance abuse and
108 mental health services;
- 109 (vi) monitor and evaluate programs provided by local substance abuse authorities and
110 local mental health authorities;
- 111 (vii) examine expenditures of local, state, and federal funds;
- 112 (viii) monitor the expenditure of public funds by:
- 113 (A) local substance abuse authorities;
- 114 (B) local mental health authorities; and
- 115 (C) in counties where they exist, a private contract provider that has an annual or
116 otherwise ongoing contract to provide comprehensive substance abuse or mental health
117 programs or services for the local substance abuse authority or local mental health authority;
- 118 (ix) contract with local substance abuse authorities and local mental health authorities
119 to provide a comprehensive continuum of services that include community-based services for
120 individuals involved in the criminal justice system, in accordance with division policy, contract
121 provisions, and the local plan;
- 122 (x) contract with private and public entities for special statewide or nonclinical
123 services, or services for individuals involved in the criminal justice system, according to
124 division rules;
- 125 (xi) review and approve each local substance abuse authority's plan and each local

- 126 mental health authority's plan in order to ensure:
- 127 (A) a statewide comprehensive continuum of substance abuse services;
- 128 (B) a statewide comprehensive continuum of mental health services;
- 129 (C) services result in improved overall health and functioning;
- 130 (D) a statewide comprehensive continuum of community-based services designed to
- 131 reduce criminal risk factors for individuals who are determined to have substance abuse or
- 132 mental illness conditions or both, and who are involved in the criminal justice system;
- 133 (E) compliance, where appropriate, with the certification requirements in Subsection
- 134 (2)(j); and
- 135 (F) appropriate expenditure of public funds;
- 136 (xii) review and make recommendations regarding each local substance abuse
- 137 authority's contract with the local substance abuse authority's provider of substance abuse
- 138 programs and services and each local mental health authority's contract with the local mental
- 139 health authority's provider of mental health programs and services to ensure compliance with
- 140 state and federal law and policy;
- 141 (xiii) monitor and ensure compliance with division rules and contract requirements;
- 142 and
- 143 (xiv) withhold funds from local substance abuse authorities, local mental health
- 144 authorities, and public and private providers for contract noncompliance, failure to comply
- 145 with division directives regarding the use of public funds, or for misuse of public funds or
- 146 money;
- 147 (d) ensure that the requirements of this part are met and applied uniformly by local
- 148 substance abuse authorities and local mental health authorities across the state;
- 149 (e) require each local substance abuse authority and each local mental health authority,
- 150 in accordance with Subsections 17-43-201(5)(b) and 17-43-301~~(5)~~(6)(a)(ii), to submit a plan
- 151 to the division on or before May 15 of each year;
- 152 (f) conduct an annual program audit and review of each local substance abuse authority
- 153 and each local substance abuse authority's contract provider, and each local mental health
- 154 authority and each local mental health authority's contract provider, including:
- 155 (i) a review and determination regarding whether:
- 156 (A) public funds allocated to the local substance abuse authority or the local mental

157 health authorities are consistent with services rendered by the authority or the authority's
158 contract provider, and with outcomes reported by the authority's contract provider; and
159 (B) each local substance abuse authority and each local mental health authority is
160 exercising sufficient oversight and control over public funds allocated for substance use
161 disorder and mental health programs and services; and
162 (ii) items determined by the division to be necessary and appropriate; and
163 (g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4,
164 Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act;
165 (h) (i) train and certify an adult as a peer support specialist, qualified to provide peer
166 supports services to an individual with:
167 (A) a substance use disorder;
168 (B) a mental health disorder; or
169 (C) a substance use disorder and a mental health disorder;
170 (ii) certify a person to carry out, as needed, the division's duty to train and certify an
171 adult as a peer support specialist;
172 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
173 Rulemaking Act, that:
174 (A) establish training and certification requirements for a peer support specialist;
175 (B) specify the types of services a peer support specialist is qualified to provide;
176 (C) specify the type of supervision under which a peer support specialist is required to
177 operate; and
178 (D) specify continuing education and other requirements for maintaining or renewing
179 certification as a peer support specialist; and
180 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
181 Rulemaking Act, that:
182 (A) establish the requirements for a person to be certified to carry out, as needed, the
183 division's duty to train and certify an adult as a peer support specialist; and
184 (B) specify how the division shall provide oversight of a person certified to train and
185 certify a peer support specialist;
186 (i) establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative
187 Rulemaking Act, minimum standards and requirements for the provision of substance use

188 disorder and mental health treatment to an individual who is required to participate in treatment
189 by the court or the Board of Pardons and Parole, or who is incarcerated, including:

190 (i) collaboration with the Department of Corrections and the Utah Substance Use and
191 Mental Health Advisory Council to develop and coordinate the standards, including standards
192 for county and state programs serving individuals convicted of class A and class B
193 misdemeanors;

194 (ii) determining that the standards ensure available treatment, including the most
195 current practices and procedures demonstrated by recognized scientific research to reduce
196 recidivism, including focus on the individual's criminal risk factors; and

197 (iii) requiring that all public and private treatment programs meet the standards
198 established under this Subsection (2)(i) in order to receive public funds allocated to the
199 division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice
200 for the costs of providing screening, assessment, prevention, treatment, and recovery support;

201 (j) establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative
202 Rulemaking Act, the requirements and procedures for the certification of licensed public and
203 private providers who provide, as part of their practice, substance use disorder and mental
204 health treatment to an individual involved in the criminal justice system, including:

205 (i) collaboration with the Department of Corrections, the Utah Substance Use and
206 Mental Health Advisory Council, and the Utah Association of Counties to develop, coordinate,
207 and implement the certification process;

208 (ii) basing the certification process on the standards developed under Subsection (2)(i)
209 for the treatment of an individual involved in the criminal justice system; and

210 (iii) the requirement that a public or private provider of treatment to an individual
211 involved in the criminal justice system shall obtain certification on or before July 1, 2016, and
212 shall renew the certification every two years, in order to qualify for funds allocated to the
213 division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice
214 on or after July 1, 2016;

215 (k) collaborate with the Commission on Criminal and Juvenile Justice to analyze and
216 provide recommendations to the Legislature regarding:

217 (i) pretrial services and the resources needed to reduce recidivism;

218 (ii) county jail and county behavioral health early-assessment resources needed for an

219 offender convicted of a class A or class B misdemeanor; and

220 (iii) the replacement of federal dollars associated with drug interdiction law

221 enforcement task forces that are reduced;

222 (l) (i) establish performance goals and outcome measurements for all treatment
223 programs for which minimum standards are established under Subsection (2)(i), including
224 recidivism data and data regarding cost savings associated with recidivism reduction and the
225 reduction in the number of inmates, that are obtained in collaboration with the Administrative
226 Office of the Courts and the Department of Corrections; and

227 (ii) collect data to track and determine whether the goals and measurements are being
228 attained and make this information available to the public;

229 (m) in the division's discretion, use the data to make decisions regarding the use of
230 funds allocated to the division, the Administrative Office of the Courts, and the Department of
231 Corrections to provide treatment for which standards are established under Subsection (2)(i);
232 and

233 (n) annually, on or before August 31, submit the data collected under Subsection (2)(k)
234 to the Commission on Criminal and Juvenile Justice, which shall compile a report of findings
235 based on the data and provide the report to the Judiciary Interim Committee, the Health and
236 Human Services Interim Committee, the Law Enforcement and Criminal Justice Interim
237 Committee, and the related appropriations subcommittees.

238 (3) In addition to the responsibilities described in Subsection (2), the division shall,
239 within funds appropriated by the Legislature for this purpose, implement and manage the
240 operation of a firearm safety and suicide prevention program, in consultation with the Bureau
241 of Criminal Identification created in Section 53-10-201, including:

242 (a) coordinating with the Department of Health, local mental health and substance
243 abuse authorities, a nonprofit behavioral health advocacy group, and a representative from a
244 Utah-based nonprofit organization with expertise in the field of firearm use and safety that
245 represents firearm owners, to:

246 (i) produce and periodically review and update a firearm safety brochure and other
247 educational materials with information about the safe handling and use of firearms that
248 includes:

249 (A) information on safe handling, storage, and use of firearms in a home environment;

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

252 (C) information about suicide prevention awareness; and

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

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

255 (iii) produce a firearm safety packet that includes the firearm safety brochure and the
256 cable-style gun lock described in this Subsection (3); and

257 (iv) create a suicide prevention education course that:

258 (A) provides information for distribution regarding firearm safety education;

259 (B) incorporates current information on how to recognize suicidal behaviors and
260 identify individuals who may be suicidal; and

261 (C) provides information regarding crisis intervention resources;

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

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

265 (ii) mobile crisis outreach teams;

266 (iii) mental health practitioners;

267 (iv) other public health suicide prevention organizations;

268 (v) entities that teach firearm safety courses; and

269 (vi) school districts for use in the seminar, described in Section 53G-9-702, for parents
270 of students in the school district;

271 (c) creating and administering a redeemable coupon program described in this
272 Subsection (3) and Section 76-10-526 that includes:

273 (i) producing a redeemable coupon that offers between \$10 and \$200 off the purchase
274 price of a firearm safe from a participating federally licensed firearms dealer, as defined in
275 Section 76-10-501, or a person engaged in the business of selling firearm safes in Utah, by a
276 Utah resident who has filed an application for a concealed firearm permit; and

277 (ii) collecting the receipts described in Section 76-10-526 from the participating
278 dealers and persons and reimbursing the dealers and persons;

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

281 (i) producing and distributing the suicide prevention education course and the firearm
282 safety brochures and packets;

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

284 (iii) administering the redeemable coupon program; and

285 (e) reporting to the Health and Human Services Interim Committee regarding
286 implementation and success of the firearm safety program and suicide prevention education
287 course at or before the November meeting each year.

288 ~~[(3)]~~ (4) (a) The division may refuse to contract with and may pursue legal remedies
289 against any local substance abuse authority or local mental health authority that fails, or has
290 failed, to expend public funds in accordance with state law, division policy, contract
291 provisions, or directives issued in accordance with state law.

292 (b) The division may withhold funds from a local substance abuse authority or local
293 mental health authority if the authority's contract provider of substance abuse or mental health
294 programs or services fails to comply with state and federal law or policy.

295 ~~[(4)]~~ (5) (a) Before reissuing or renewing a contract with any local substance abuse
296 authority or local mental health authority, the division shall review and determine whether the
297 local substance abuse authority or local mental health authority is complying with the oversight
298 and management responsibilities described in Sections 17-43-201, 17-43-203, 17-43-303, and
299 17-43-309.

300 (b) Nothing in this Subsection ~~[(4)]~~ (5) may be used as a defense to the responsibility
301 and liability described in Section 17-43-303 and to the responsibility and liability described in
302 Section 17-43-203.

303 ~~[(5)]~~ (6) In carrying out the division's duties and responsibilities, the division may not
304 duplicate treatment or educational facilities that exist in other divisions or departments of the
305 state, but shall work in conjunction with those divisions and departments in rendering the
306 treatment or educational services that those divisions and departments are competent and able
307 to provide.

308 ~~[(6)]~~ (7) The division may accept in the name of and on behalf of the state donations,
309 gifts, devises, or bequests of real or personal property or services to be used as specified by the
310 donor.

311 ~~[(7)]~~ (8) The division shall annually review with each local substance abuse authority

312 and each local mental health authority the authority's statutory and contract responsibilities
313 regarding:

- 314 (a) use of public funds;
- 315 (b) oversight of public funds; and
- 316 (c) governance of substance use disorder and mental health programs and services.

317 ~~[(8)]~~ (9) The Legislature may refuse to appropriate funds to the division upon the
318 division's failure to comply with the provisions of this part.

319 ~~[(9)]~~ (10) If a local substance abuse authority contacts the division under Subsection
320 17-43-201(10) for assistance in providing treatment services to a pregnant woman or pregnant
321 minor, the division shall:

- 322 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the
323 capacity to provide the treatment services; or
- 324 (b) otherwise ensure that treatment services are made available to the pregnant woman
325 or pregnant minor.

326 Section 2. Section **62A-15-103.1** is enacted to read:

327 **62A-15-103.1. Firearm Safety Account.**

328 (1) There is created a restricted account within the General Fund known as the
329 "Firearm Safety Account."

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

331 (3) Upon appropriation, funds in the account may only be used for the programs
332 described in Subsection 62A-15-103(3) or Section 62A-15-1101.

333 Section 3. Section **62A-15-103.2** is enacted to read:

334 **62A-15-103.2. Suicide Prevention Education Program -- Definitions -- Grant**
335 **requirements.**

336 (1) As used in this section, "bureau" means the Bureau of Criminal Identification
337 created in Section 53-10-201 within the Department of Public Safety.

338 (2) There is created a Suicide Prevention Education Program to fund suicide
339 prevention education opportunities for federally licensed firearms dealers who operate a retail
340 establishment open to the public and the dealers' employees.

341 (3) The division, in conjunction with the bureau, shall provide a grant to an employer
342 described in Subsection (2) in accordance with the criteria provided in Subsection

343 62A-15-1101(7)(b).

344 (4) An employer may apply for a grant of up to \$2,500 under the program.

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

346 **62A-15-1101. Suicide prevention -- Reporting requirements.**

347 (1) The division shall appoint a state suicide prevention coordinator to administer a
348 state suicide prevention program composed of suicide prevention, intervention, and postvention
349 programs, services, and efforts.

350 (2) The coordinator shall:

351 (a) establish a Statewide Suicide Prevention Coalition with membership from public
352 and private organizations and Utah citizens; and

353 (b) appoint a chair and co-chair from among the membership of the coalition to lead
354 the coalition.

355 (3) The state suicide prevention program may include the following components:

356 (a) delivery of resources, tools, and training to community-based coalitions;

357 (b) evidence-based suicide risk assessment tools and training;

358 (c) town hall meetings for building community-based suicide prevention strategies;

359 (d) suicide prevention gatekeeper training;

360 (e) training to identify warning signs and to manage an at-risk individual's crisis;

361 (f) evidence-based intervention training;

362 (g) intervention skills training; and

363 (h) postvention training.

364 (4) The coordinator shall coordinate with the following to gather statistics, among
365 other duties:

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

367 (b) the State Board of Education, including the public education suicide prevention
368 coordinator described in Section 53G-9-702;

369 (c) the Department of Health;

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

371 (e) federal agencies, including the Federal Bureau of Investigation;

372 (f) other unbiased sources; and

373 (g) other public health suicide prevention efforts.

374 (5) The coordinator shall provide a written report to the Health and Human Services
375 Interim Committee, at or before the October meeting every year, on:

376 (a) implementation of the state suicide prevention program, as described in Subsections
377 (1) and (3);

378 (b) data measuring the effectiveness of each component of the state suicide prevention
379 program;

380 (c) funds appropriated for each component of the state suicide prevention program; and

381 (d) five-year trends of suicides in Utah, including subgroups of youths and adults and
382 other subgroups identified by the state suicide prevention coordinator.

383 (6) The coordinator shall, in consultation with the bureau, implement and manage the
384 operation of the firearm safety program described in Subsection 62A-15-103(3) and Section
385 62A-15-103.1.

386 [~~(6)~~] (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
387 Act, the division shall make rules:

388 (a) governing the implementation of the state suicide prevention program, consistent
389 with this section; and

390 (b) in conjunction with the bureau, defining the criteria for employers to apply for
391 grants under the Suicide Prevention Education Program described in Section [~~53-10-202.3~~]
392 62A-15-103.2, which shall include:

393 (i) attendance at [~~a~~] the suicide prevention education course described in Subsection
394 62A-15-103(3); and

395 (ii) [~~display of posters and~~] distribution of the firearm safety brochures or packets
396 created in Subsection [~~53-10-202(18)(a)(iii)~~] 62A-15-103(3), but does not require the
397 distribution of a cable-style gun lock with a firearm if the firearm already has a trigger lock or
398 comparable safety mechanism.

399 [~~(7)~~] (8) As funding by the Legislature allows, the coordinator shall award grants, not
400 to exceed a total of \$100,000 per fiscal year, to suicide prevention programs that focus on the
401 needs of children who have been served by the Division of Juvenile Justice Services.

402 [~~(8)~~] (9) The coordinator and the coalition shall submit to the advisory council, no later
403 than October 1 each year, a written report detailing the previous fiscal year's activities to fund,
404 implement, and evaluate suicide prevention activities described in this section.

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

406 **76-10-526. Criminal background check prior to purchase of a firearm -- Fee --**
407 **Exemption for concealed firearm permit holders and law enforcement officers.**

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

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

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

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

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

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

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

423 (i) the dealer identification number;

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

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

427 (iv) the social security number or any other identification number of the individual
428 receiving the firearm.

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

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

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

436 inquiry by telephone or other electronic means.

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

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

442 (b) inform the dealer that:

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

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

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

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

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

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

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

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

464 (11) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah
465 Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of all
466 records provided by the bureau under this part are in conformance with the requirements of the

467 Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993).

468 (12) (a) A dealer shall collect a criminal history background check fee for the sale of a
469 firearm under this section. [~~This~~]

470 (b) The fee described under Subsection (12)(a) remains in effect until changed by the
471 bureau through the process [~~in accordance with~~] described in Section 63J-1-504.

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

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

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

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

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

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

489 (b) [~~This section~~] Subsection (14)(a) may only be used by a law enforcement officer to
490 purchase a personal firearm once in a 24-month period.

491 (15) (a) A dealer or a person engaged in the business of selling firearm safes in Utah
492 may participate in the redeemable coupon program described in this Subsection (15) and
493 Subsection 62A-15-103(3).

494 (b) A participating dealer or person shall:

495 (i) apply the coupon only toward the purchase of a gun safe;

496 (ii) collect the receipts from the purchase of a firearm safe using the redeemable
497 coupons and send the receipts to the Division of Substance Abuse and Mental Health for

498 redemption; and
 499 (iii) make the firearm safety brochure described in Subsection 62A-15-103(3) available
 500 to a customer free of charge.

501 Section 6. **Repealer.**

502 This bill repeals:

503 Section **53-10-202.3, Suicide Prevention Education Program -- Definitions -- Grant**
 504 **requirements.**

505 Section 7. **Appropriation.**

506 The following sums of money are appropriated for the fiscal year beginning July 1,
 507 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for
 508 fiscal year 2020.

509 Subsection (7)(a). **Restricted Fund and Account Transfers.** The Legislature
 510 authorizes the State Division of Finance to transfer the following amounts between the
 511 following funds or accounts as indicated. Expenditures and outlays from the funds to which the
 512 money is transferred must be authorized by an appropriation.

513 ITEM 1

514 To General Fund Restricted - Firearm Safety Account

515 From General Fund \$100,000

516 From General Fund, One-time \$500,000

517 Schedule of Programs:

518 General Fund Restricted - Firearm Safety Account \$600,000

519 Subsection (7)(b). **Operating and Capital Budgets.** Under the terms and conditions of
 520 Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following
 521 sums of money from the funds or accounts indicated for use and support of the government of
 522 the state of Utah.

523 ITEM 2

524 To Department of Human Services - Division of Substance Abuse and

525 Mental Health

526 From General Fund Restricted - Firearm Safety Account \$100,000

527 From General Fund Restricted - Firearm Safety Account,

528 One-time \$500,000

529

Schedule of Programs:

530

Community Mental Health Services

\$600,000