

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;
- ▶ requires a federal firearm dealer to provide a cable-style gun lock supplied by the Division of Substance Abuse and Mental Health to an individual purchasing a certain firearm; 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

- 33 Health, as an ongoing appropriation:
- 34 • from General Fund - Firearm Safety Account, \$100,000.
- 35 ▶ to General Fund Restricted - Firearm Safety Account, as a one-time appropriation:
- 36 • from General Fund, One-time, \$500,000.
- 37 ▶ to Department of Human Services - Division of Substance Abuse and Mental
- 38 Health, as a one-time appropriation:
- 39 • from General Fund, One-time - Firearm Safety Account, \$500,000.

40 **Other Special Clauses:**

41 None

42 **Utah Code Sections Affected:**

43 AMENDS:

44 **62A-15-103**, as last amended by Laws of Utah 2018, Chapter 322

45 **62A-15-1101**, as last amended by Laws of Utah 2018, Chapters 38, 414, and 415

46 **76-10-526**, as last amended by Laws of Utah 2018, Chapter 417

47 ENACTS:

48 **62A-15-103.1**, Utah Code Annotated 1953

49 **62A-15-103.2**, Utah Code Annotated 1953

50 REPEALS:

51 **53-10-202.3**, as enacted by Laws of Utah 2017, Chapter 296

52

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

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

55 **62A-15-103. Division -- Creation -- Responsibilities.**

56 (1) (a) There is created the Division of Substance Abuse and Mental Health within the
57 department, under the administration and general supervision of the executive director.

58 (b) The division is the substance abuse authority and the mental health authority for
59 this state.

60 (2) The division shall:

61 (a) (i) educate the general public regarding the nature and consequences of substance
62 abuse by promoting school and community-based prevention programs;

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

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

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

66 community setting through community-based prevention programs;

67 (iv) cooperate with and assist treatment centers, recovery residences, and other

68 organizations that provide services to individuals recovering from a substance abuse disorder,

69 by identifying and disseminating information about effective practices and programs;

70 (v) make rules in accordance with Title 63G, Chapter 3, Utah Administrative

71 Rulemaking Act, to develop, in collaboration with public and private programs, minimum

72 standards for public and private providers of substance abuse and mental health programs

73 licensed by the department under Title 62A, Chapter 2, Licensure of Programs and Facilities;

74 (vi) promote integrated programs that address an individual's substance abuse, mental

75 health, physical health, and criminal risk factors;

76 (vii) establish and promote an evidence-based continuum of screening, assessment,

77 prevention, treatment, and recovery support services in the community for individuals with

78 substance use disorder and mental illness that addresses criminal risk factors;

79 (viii) evaluate the effectiveness of programs described in this Subsection (2);

80 (ix) consider the impact of the programs described in this Subsection (2) on:

81 (A) emergency department utilization;

82 (B) jail and prison populations;

83 (C) the homeless population; and

84 (D) the child welfare system; and

85 (x) promote or establish programs for education and certification of instructors to

86 educate persons convicted of driving under the influence of alcohol or drugs or driving with

87 any measurable controlled substance in the body;

88 (b) (i) collect and disseminate information pertaining to mental health;

89 (ii) provide direction over the state hospital including approval of its budget,

90 administrative policy, and coordination of services with local service plans;

91 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative

92 Rulemaking Act, to educate families concerning mental illness and promote family

93 involvement, when appropriate, and with patient consent, in the treatment program of a family

94 member; and

95 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
96 Rulemaking Act, to direct that an individual receiving services through a local mental health
97 authority or the Utah State Hospital be informed about and, if desired by the individual,
98 provided assistance in the completion of a declaration for mental health treatment in
99 accordance with Section 62A-15-1002;

100 (c) (i) consult and coordinate with local substance abuse authorities and local mental
101 health authorities regarding programs and services;

102 (ii) provide consultation and other assistance to public and private agencies and groups
103 working on substance abuse and mental health issues;

104 (iii) promote and establish cooperative relationships with courts, hospitals, clinics,
105 medical and social agencies, public health authorities, law enforcement agencies, education and
106 research organizations, and other related groups;

107 (iv) promote or conduct research on substance abuse and mental health issues, and
108 submit to the governor and the Legislature recommendations for changes in policy and
109 legislation;

110 (v) receive, distribute, and provide direction over public funds for substance abuse and
111 mental health services;

112 (vi) monitor and evaluate programs provided by local substance abuse authorities and
113 local mental health authorities;

114 (vii) examine expenditures of local, state, and federal funds;

115 (viii) monitor the expenditure of public funds by:

116 (A) local substance abuse authorities;

117 (B) local mental health authorities; and

118 (C) in counties where they exist, a private contract provider that has an annual or
119 otherwise ongoing contract to provide comprehensive substance abuse or mental health
120 programs or services for the local substance abuse authority or local mental health authority;

121 (ix) contract with local substance abuse authorities and local mental health authorities
122 to provide a comprehensive continuum of services that include community-based services for
123 individuals involved in the criminal justice system, in accordance with division policy, contract
124 provisions, and the local plan;

125 (x) contract with private and public entities for special statewide or nonclinical

126 services, or services for individuals involved in the criminal justice system, according to
127 division rules;

128 (xi) review and approve each local substance abuse authority's plan and each local
129 mental health authority's plan in order to ensure:

130 (A) a statewide comprehensive continuum of substance abuse services;

131 (B) a statewide comprehensive continuum of mental health services;

132 (C) services result in improved overall health and functioning;

133 (D) a statewide comprehensive continuum of community-based services designed to
134 reduce criminal risk factors for individuals who are determined to have substance abuse or
135 mental illness conditions or both, and who are involved in the criminal justice system;

136 (E) compliance, where appropriate, with the certification requirements in Subsection
137 (2)(j); and

138 (F) appropriate expenditure of public funds;

139 (xii) review and make recommendations regarding each local substance abuse
140 authority's contract with the local substance abuse authority's provider of substance abuse
141 programs and services and each local mental health authority's contract with the local mental
142 health authority's provider of mental health programs and services to ensure compliance with
143 state and federal law and policy;

144 (xiii) monitor and ensure compliance with division rules and contract requirements;
145 and

146 (xiv) withhold funds from local substance abuse authorities, local mental health
147 authorities, and public and private providers for contract noncompliance, failure to comply
148 with division directives regarding the use of public funds, or for misuse of public funds or
149 money;

150 (d) ensure that the requirements of this part are met and applied uniformly by local
151 substance abuse authorities and local mental health authorities across the state;

152 (e) require each local substance abuse authority and each local mental health authority,
153 in accordance with Subsections 17-43-201(5)(b) and 17-43-301~~(5)~~(6)(a)(ii), to submit a plan
154 to the division on or before May 15 of each year;

155 (f) conduct an annual program audit and review of each local substance abuse authority
156 and each local substance abuse authority's contract provider, and each local mental health

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

188 certify a peer support specialist;

189 (i) establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative
190 Rulemaking Act, minimum standards and requirements for the provision of substance use
191 disorder and mental health treatment to an individual who is required to participate in treatment
192 by the court or the Board of Pardons and Parole, or who is incarcerated, including:

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

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

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

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

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

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

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

218 (k) collaborate with the Commission on Criminal and Juvenile Justice to analyze and

219 provide recommendations to the Legislature regarding:

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

221 (ii) county jail and county behavioral health early-assessment resources needed for an
222 offender convicted of a class A or class B misdemeanor; and

223 (iii) the replacement of federal dollars associated with drug interdiction law
224 enforcement task forces that are reduced;

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

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

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

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

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

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

249 (i) produce and periodically review and update a firearm safety brochure and other

250 educational materials with information about the safe handling and use of firearms that
251 includes:

252 (A) information on safe handling, storage, and use of firearms in a home environment;
253 (B) information about at-risk individuals and individuals who are legally prohibited
254 from possessing firearms;

255 (C) information about suicide prevention awareness; and
256 (D) information about the availability of firearm safety packets;

257 (ii) procure cable-style gun locks for distribution pursuant to this section;
258 (iii) produce a firearm safety packet that includes the firearm safety brochure and the
259 cable-style gun lock described in this Subsection (3); and

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

261 (A) provides information for distribution regarding firearm safety education;
262 (B) incorporates current information on how to recognize suicidal behaviors and
263 identify individuals who may be suicidal; and

264 (C) provides information regarding crisis intervention resources;

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

267 (i) health care providers, including emergency rooms;
268 (ii) mobile crisis outreach teams;
269 (iii) mental health practitioners;
270 (iv) other public health suicide prevention organizations;
271 (v) entities that teach firearm safety courses;
272 (vi) school districts for use in the seminar, described in Section 53G-9-702, for parents
273 of students in the school district; and

274 (vii) firearm dealers to be distributed in accordance with Section 76-10-526;

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

277 (i) producing a redeemable coupon that offers between \$10 and \$200 off the purchase
278 price of a firearm safe from a participating firearms dealer or a person engaged in the business
279 of selling firearm safes in Utah, by a Utah resident who has filed an application for a concealed
280 firearm permit; and

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

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

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

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

288 (iii) administering the redeemable coupon program; and

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

292 ~~[(3)]~~ (4) (a) The division may refuse to contract with and may pursue legal remedies
293 against any local substance abuse authority or local mental health authority that fails, or has
294 failed, to expend public funds in accordance with state law, division policy, contract
295 provisions, or directives issued in accordance with state law.

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

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

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

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

312 ~~[(6)]~~ (7) The division may accept in the name of and on behalf of the state donations,
313 gifts, devises, or bequests of real or personal property or services to be used as specified by the
314 donor.

315 ~~[(7)]~~ (8) The division shall annually review with each local substance abuse authority
316 and each local mental health authority the authority's statutory and contract responsibilities
317 regarding:

- 318 (a) use of public funds;
- 319 (b) oversight of public funds; and
- 320 (c) governance of substance use disorder and mental health programs and services.

321 ~~[(8)]~~ (9) The Legislature may refuse to appropriate funds to the division upon the
322 division's failure to comply with the provisions of this part.

323 ~~[(9)]~~ (10) If a local substance abuse authority contacts the division under Subsection
324 17-43-201(10) for assistance in providing treatment services to a pregnant woman or pregnant
325 minor, the division shall:

- 326 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the
327 capacity to provide the treatment services; or
- 328 (b) otherwise ensure that treatment services are made available to the pregnant woman
329 or pregnant minor.

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

331 **62A-15-103.1. Firearm Safety Account.**

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

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

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

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

338 **62A-15-103.2. Suicide Prevention Education Program -- Definitions -- Grant**
339 **requirements.**

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

342 (2) There is created a Suicide Prevention Education Program to fund suicide

343 prevention education opportunities for federally licensed firearms dealers who operate a retail
344 establishment open to the public and the dealers' employees.

345 (3) The division, in conjunction with the bureau, shall provide a grant to an employer
346 described in Subsection (2) in accordance with the criteria provided in Subsection
347 62A-15-1101(7)(b).

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

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

350 **62A-15-1101. Suicide prevention -- Reporting requirements.**

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

354 (2) The coordinator shall:

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

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

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

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

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

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

363 (d) suicide prevention gatekeeper training;

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

365 (f) evidence-based intervention training;

366 (g) intervention skills training; and

367 (h) postvention training.

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

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

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

373 (c) the Department of Health;

- 374 (d) health care providers, including emergency rooms;
- 375 (e) federal agencies, including the Federal Bureau of Investigation;
- 376 (f) other unbiased sources; and
- 377 (g) other public health suicide prevention efforts.
- 378 (5) The coordinator shall provide a written report to the Health and Human Services
- 379 Interim Committee, at or before the October meeting every year, on:
- 380 (a) implementation of the state suicide prevention program, as described in Subsections
- 381 (1) and (3);
- 382 (b) data measuring the effectiveness of each component of the state suicide prevention
- 383 program;
- 384 (c) funds appropriated for each component of the state suicide prevention program; and
- 385 (d) five-year trends of suicides in Utah, including subgroups of youths and adults and
- 386 other subgroups identified by the state suicide prevention coordinator.
- 387 (6) The coordinator shall, in consultation with the bureau, implement and manage the
- 388 operation of the firearm safety program described in Subsection 62A-15-103(3) and Section
- 389 62A-15-103.1.
- 390 ~~[(6)]~~ (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
- 391 Act, the division shall make rules:
- 392 (a) governing the implementation of the state suicide prevention program, consistent
- 393 with this section; and
- 394 (b) in conjunction with the bureau, defining the criteria for employers to apply for
- 395 grants under the Suicide Prevention Education Program described in Section ~~[53-10-202.3]~~
- 396 62A-15-103.2, which shall include:
- 397 (i) attendance at ~~[a]~~ the suicide prevention education course described in Subsection
- 398 62A-15-103(3); and
- 399 (ii) ~~[display of posters and]~~ distribution of the firearm safety brochures or packets
- 400 created in Subsection ~~[53-10-202(18)(a)(iii)]~~ 62A-15-103(3), but does not require the
- 401 distribution of a cable-style gun lock with a firearm if the firearm already has a trigger lock or
- 402 comparable safety mechanism.
- 403 ~~[(7)]~~ (8) As funding by the Legislature allows, the coordinator shall award grants, not
- 404 to exceed a total of \$100,000 per fiscal year, to suicide prevention programs that focus on the

405 needs of children who have been served by the Division of Juvenile Justice Services.

406 ~~(8)~~ (9) The coordinator and the coalition shall submit to the advisory council, no later
407 than October 1 each year, a written report detailing the previous fiscal year's activities to fund,
408 implement, and evaluate suicide prevention activities described in this section.

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

410 **76-10-526. Criminal background check prior to purchase of a firearm -- Fee --**
411 **Exemption for concealed firearm permit holders and law enforcement officers.**

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

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

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

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

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

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

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

427 (i) the dealer identification number;

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

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

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

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

435 (b) A dealer may not sell or transfer a firearm to an individual until the dealer has

436 provided the bureau with the information in Subsection (4) and has received approval from the
437 bureau under Subsection (7).

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

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

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

446 (b) inform the dealer that:

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

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

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

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

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

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

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

465 (10) If an individual is denied the right to purchase a firearm under this section, the
466 individual may review the individual's criminal history information and may challenge or

467 amend the information as provided in Section 53-10-108.

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

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

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

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

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

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

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

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

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

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

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

498 (b) A participating dealer or person shall:
 499 (i) apply the coupon only toward the purchase of a gun safe;
 500 (ii) collect the receipts from the purchase of a firearm safe using the redeemable
 501 coupons and send the receipts to the Division of Substance Abuse and Mental Health for
 502 redemption; and
 503 (iii) make the firearm safety brochure described in Subsection 62A-15-103(3) available
 504 to a customer free of charge.

505 (16) A dealer engaged in the business of selling, leasing, or otherwise transferring any
 506 firearm shall:

507 (a) make the firearm safety brochure described in Subsection 62A-15-103(3) available
 508 to a customer free of charge; and

509 (b) at the time of purchase, distribute a cable-style gun lock provided to the dealer
 510 under Subsection 62A-15-103(3) to a customer purchasing a shotgun, short barreled shotgun,
 511 short barreled rifle, rifle, or another firearm that federal law does not require be accompanied
 512 by a gun lock at the time of purchase.

513 Section 6. **Repealer.**

514 This bill repeals:

515 Section **53-10-202.3, Suicide Prevention Education Program -- Definitions -- Grant**
 516 **requirements.**

517 Section 7. **Appropriation.**

518 The following sums of money are appropriated for the fiscal year beginning July 1,
 519 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for
 520 fiscal year 2020.

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

525 ITEM 1

526 To General Fund Restricted - Firearm Safety Account

527	<u>From General Fund</u>	<u>\$100,000</u>
528	<u>From General Fund, One-time</u>	<u>\$500,000</u>

