

Effective 7/1/2014

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

- (1) For purposes of this section, "valid permit to carry a concealed firearm" does not include a temporary permit issued under Section 53-5-705.
- (2)
 - (a) To establish personal identification and residence in this state for purposes of this part, a dealer shall require an individual receiving a firearm to present one photo identification on a form issued by a governmental agency of the state.
 - (b) A dealer may not accept a driving privilege card issued under Section 53-3-207 as proof of identification for the purpose of establishing personal identification and residence in this state as required under this Subsection (2).
- (3)
 - (a) A criminal history background check is required for the sale of a firearm by a licensed firearm dealer in the state.
 - (b) Subsection (3)(a) does not apply to the sale of a firearm to a Federal Firearms Licensee.
- (4)
 - (a) An individual purchasing a firearm from a dealer shall consent in writing to a criminal background check, on a form provided by the bureau.
 - (b) The form shall contain the following information:
 - (i) the dealer identification number;
 - (ii) the name and address of the individual receiving the firearm;
 - (iii) the date of birth, height, weight, eye color, and hair color of the individual receiving the firearm; and
 - (iv) the Social Security number or any other identification number of the individual receiving the firearm.
- (5)
 - (a) The dealer shall send the information required by Subsection (4) to the bureau immediately upon its receipt by the dealer.
 - (b) A dealer may not sell or transfer a firearm to an individual until the dealer has provided the bureau with the information in Subsection (4) and has received approval from the bureau under Subsection (7).
- (6) The dealer shall make a request for criminal history background information by telephone or other electronic means to the bureau and shall receive approval or denial of the inquiry by telephone or other electronic means.
- (7) When the dealer calls for or requests a criminal history background check, the bureau shall:
 - (a) review the criminal history files, including juvenile court records, to determine if the individual is prohibited from purchasing, possessing, or transferring a firearm by state or federal law;
 - (b) inform the dealer that:
 - (i) the records indicate the individual is prohibited; or
 - (ii) the individual is approved for purchasing, possessing, or transferring a firearm;
 - (c) provide the dealer with a unique transaction number for that inquiry; and
 - (d) provide a response to the requesting dealer during the call for a criminal background check, or by return call, or other electronic means, without delay, except in case of electronic failure or other circumstances beyond the control of the bureau, the bureau shall advise the dealer of the reason for the delay and give the dealer an estimate of the length of the delay.
- (8)

- (a) The bureau may not maintain any records of the criminal history background check longer than 20 days from the date of the dealer's request, if the bureau determines that the individual receiving the firearm is not prohibited from purchasing, possessing, or transferring the firearm under state or federal law.
 - (b) However, the bureau shall maintain a log of requests containing the dealer's federal firearms number, the transaction number, and the transaction date for a period of 12 months.
- (9) If the criminal history background check discloses information indicating that the individual attempting to purchase the firearm is prohibited from purchasing, possessing, or transferring a firearm, the bureau shall inform the law enforcement agency in the jurisdiction where the individual resides.
- (10) If an individual is denied the right to purchase a firearm under this section, the individual may review the individual's criminal history information and may challenge or amend the information as provided in Section 53-10-108.
- (11) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of all records provided by the bureau under this part are in conformance with the requirements of the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993).
- (12)
- (a)
 - (i) A dealer shall collect a criminal history background check fee of \$7.50 for the sale of a firearm under this section.
 - (ii) This fee remains in effect until changed by the bureau through the process under Section 63J-1-504.
 - (b)
 - (i) The dealer shall forward at one time all fees collected for criminal history background checks performed during the month to the bureau by the last day of the month following the sale of a firearm.
 - (ii) The bureau shall deposit the fees in the General Fund as dedicated credits to cover the cost of administering and conducting the criminal history background check program.
- (13) An individual with a concealed firearm permit issued under Title 53, Chapter 5, Part 7, Concealed Firearm Act, is exempt from the background check and corresponding fee required in this section for the purchase of a firearm if:
- (a) the individual presents the individual's concealed firearm permit to the dealer prior to purchase of the firearm; and
 - (b) the dealer verifies with the bureau that the individual's concealed firearm permit is valid.
- (14) A law enforcement officer, as defined in Section 53-13-103, is exempt from the background check fee required in this section for the purchase of a personal firearm to be carried while off-duty if the law enforcement officer verifies current employment by providing a letter of good standing from the officer's commanding officer and current law enforcement photo identification. This section may only be used by a law enforcement officer to purchase a personal firearm once in a 24-month period.
- (15)
- (a) A dealer may participate in the redeemable coupon program described in this Subsection (15) and Subsection 53-10-202(18).
 - (b) A participating dealer shall:
 - (i) accept the redeemable coupon only from the individual whose name is on the coupon and apply it only toward the purchase of a gun safe;

- (ii) collect the receipts from the purchase of gun safes using the redeemable coupon and send them to the Bureau of Criminal Identification for redemption; and
- (iii) make the firearm safety brochure described in Subsection 53-10-202(18) available to customers free of charge.

Amended by Chapter 226, 2014 General Session