

28 (d) A permit may not be issued by any licensing authority until receipt of the report from
29 the division.

30 (2) If the permit applicant has previously applied to the same licensing authority for a
31 permit to carry concealed firearms and the applicant's fingerprints [~~and fee~~] have been previously
32 forwarded within one year to the division, the licensing authority shall note the previous
33 identification numbers and other data which would provide positive identification in the files of
34 the division on the copy of any subsequent permit submitted to the division in accordance with this
35 section, and no additional application form[;] or fingerprints[; ~~or fee~~] are required.

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

37 **53-5-707. Permit -- Fees.**

38 [~~(1) Each applicant~~] The division or its designated agent may not charge a fee for a permit
39 [~~shall pay a fee of \$35 at the time of filing an application. The initial fee shall be waived for an~~
40 ~~applicant who is a law enforcement officer under Section 53-13-103~~] required under this part to
41 carry a concealed firearm.

42 [~~(2) The renewal fee for the permit is \$10.~~]

43 [~~(3) The replacement fee for the permit is \$10.~~]

44 [~~(4) The late fee for the renewal permit is \$7.50.~~]

45 [~~(5) All fees shall promptly be deposited in the state treasury and credited to the General~~
46 ~~Fund.~~]

47 [~~(6) The division may collect any fees charged by an outside agency for additional services~~
48 ~~required by statute as a prerequisite for issuance of a permit. The division shall promptly forward~~
49 ~~any fees collected to the appropriate agency.~~]

50 Section 3. Section **53-10-202.5** is amended to read:

51 **53-10-202.5. Bureau services -- Fees.**

52 The bureau shall collect fees for the following services:

53 (1) applicant fingerprint card as determined by Section 53-10-108;

54 (2) bail enforcement licensing as determined by Section 53-11-115;

55 [~~(3) concealed firearm permit as determined by Section 53-5-707;~~]

56 [~~(4)~~] (3) expungement certificate of eligibility as determined by Section 77-18-11;

57 [~~(5) firearm purchase background check as determined by Section 76-10-526;~~]

58 [~~(6)~~] (4) name check as determined by Section 53-10-108;

59 ~~[(7)]~~ (5) private investigator licensing as determined by Section 53-9-111; and
60 ~~[(8)]~~ (6) right of access as determined by Section 53-10-108.

61 Section 4. Section **76-10-526** is amended to read:

62 **76-10-526. Criminal background check prior to purchase of a firearm -- Exemption**
63 **for concealed firearm permit holders.**

64 (1) A criminal background check required by this section shall only apply to the purchase
65 of a handgun until federal law requires the background check to extend to other firearms.

66 (2) At the time that federal law extends the criminal background check requirement to
67 other firearms, the division shall make rules to extend the background checks required under this
68 section to the other firearms.

69 (3) For purposes of this section, "valid permit to carry a concealed firearm" does not
70 include a temporary permit issued ~~[pursuant to]~~ under Section 53-5-705.

71 (4) To establish personal identification and residence in this state for purposes of this part,
72 a dealer shall require any person receiving a firearm to present:

73 (a) one photo identification on a form issued by a governmental agency of the state; and

74 (b) one other documentation of residence which must show an address identical to that
75 shown on the photo identification form.

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

78 (6) (a) Any person, except a dealer, purchasing a firearm from a dealer shall consent in
79 writing to a criminal background check, on a form provided by the division.

80 (b) The form shall ~~[also]~~ contain the following information:

81 ~~[(a)]~~ (i) the dealer identification number;

82 ~~[(b)]~~ (ii) the name and address of the person receiving the firearm;

83 ~~[(c)]~~ (iii) the date of birth, height, weight, eye color, and hair color of the person receiving
84 the firearm; and

85 ~~[(d)]~~ (iv) the Social Security number or any other identification number of the person
86 receiving the firearm.

87 (7) (a) The dealer shall send the form required by Subsection (6) to the division
88 immediately upon its completion.

89 (b) ~~[No]~~ A dealer ~~[shall]~~ may not sell or transfer any firearm to any person until the dealer

90 has provided the division with the information in Subsection (6) and has received approval from
91 the division under Subsection (9).

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

95 (9) When the dealer calls for or requests a criminal history background check, the division
96 shall:

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

99 (b) inform the dealer that:

100 (i) the records indicate the person is so prohibited; or

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

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

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

107 (10) (a) The division [~~shall~~] may not maintain any records of the criminal history
108 background check longer than 20 days from the date of the dealer's request if the division
109 determines that the person receiving the gun is not prohibited from purchasing, possessing, or
110 transferring the firearm under state or federal law.

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

113 (11) If the criminal history background check discloses information indicating that the
114 person attempting to purchase the firearm is prohibited from purchasing, possessing, or
115 transferring a firearm, the division shall inform the law enforcement agency in the jurisdiction
116 where the person resides.

117 (12) If a person is denied the right to purchase a firearm under this section, the person may
118 review his criminal history information and may challenge or amend the information as provided
119 in Section 53-10-108.

120 (13) The division shall make rules as provided in Title 63, Chapter 46a, Utah

121 Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of all records
122 provided by the division [~~pursuant to~~] under this part are in conformance with the requirements
123 of the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993).

124 (14) [~~(a) All dealers shall collect~~] Neither the division nor a dealer may charge a fee for
125 a criminal history background check [~~fee which is \$7.50. This fee remains in effect until changed~~
126 by the division through the process under Section 63-38-3.2] required under this section.

127 [~~(b) The dealer shall forward at one time all fees collected for criminal history background~~
128 ~~checks performed during the month to the division by the last day of the month following the sale~~
129 ~~of a firearm. The division shall deposit the fees in the General Fund as dedicated credits to cover~~
130 ~~the cost of administering and conducting the criminal history background check program.~~]

131 (15) A person with a concealed firearm permit issued pursuant to Title 53, Chapter 5, Part
132 7, Concealed Weapon Act, shall be exempt from the background check [~~and corresponding fee~~]
133 required in this section for the purchase of a firearm if:

134 (a) the person presents his concealed firearm permit to the dealer prior to purchase of the
135 firearm; and

136 (b) the dealer verifies with the division that the person's concealed firearm permit is valid.

137 Section 5. **Effective date.**

138 This act takes effect on July 1, 2002.

Legislative Review Note
as of 12-21-01 11:59 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel