

BACKGROUND CHECK FEE EXEMPTION FOR FIREARM PURCHASE

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad J. Galvez

Senate Sponsor: Stuart C. Reid

LONG TITLE

General Description:

This bill provides an exemption to the background check fee requirement for law enforcement officers.

Highlighted Provisions:

This bill:

allows a law enforcement officer currently employed and in good standing to purchase a firearm without paying the requisite background check fee as long as the dealer verifies the officer's employment and standing with the employing agency ~~and~~

requires a dealer who provides a firearm to a law enforcement officer to use the NCIS system to run the background check .

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-10-526, as last amended by Laws of Utah 2011, Chapter 160

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

Section 1. Section **76-10-526** is amended to read:

76-10-526. Criminal background check prior to purchase of a firearm -- Fee --

H.B. 99



90 the sale of a firearm under this section.

91 (ii) This fee remains in effect until changed by the bureau through the process under
92 Section 63J-1-504.

93 (b) (i) The dealer shall forward at one time all fees collected for criminal history
94 background checks performed during the month to the bureau by the last day of the month
95 following the sale of a firearm.

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

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

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

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

105 ~~(14) A law enforcement officer, as defined in Section 53-13-103, is~~
105a ~~exempt~~
105a ~~from the~~
106 ~~background check fee required in this section for the purchase of a personal firearm to~~
106a ~~be carried while off-duty if the dealer verifies~~
107 ~~with the employing agency that the law enforcement officer verifies current~~
107a ~~employment by providing a letter of good standing from the officer's commanding officer and~~
107b ~~current law enforcement photo identification. [is currently employed and in good~~
108 ~~standing as of the date of purchase.] This Section may only be used by a law~~
108a ~~enforcement officer to purchase a personal firearm once in a 24-month period.~~
108b ~~A dealer who provides a firearm to a law enforcement officer under this Subsection~~
108c ~~shall use the National Instant Criminal Background Check System to run the background~~
108d ~~check required by the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat.~~
108e ~~1536 (1993).~~

Legislative Review Note

as of 1-24-12 7:55 AM

Office of Legislative Research and General Counsel

Senate 2nd Reading Amendments 3-6-2012 kh/ecm

Senate Committee Amendments 3-1-2012 kh/ecm

- 4 - House Committee Amendments 2-6-2012 je/ecm