

HB0017S01 compared with HB0017

~~{deleted text}~~ shows text that was in HB0017 but was deleted in HB0017S01.

Inserted text shows text that was not in HB0017 but was inserted into HB0017S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Steve Eliason proposes the following substitute bill:

FIREARM VIOLENCE AND SUICIDE PREVENTION

AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: _____

LONG TITLE

~~{Committee Note:~~

~~—The Health and Human Services Interim Committee recommended this bill.~~

~~{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 course by:

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- 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;
- ▶ requires the Bureau of Criminal Identification, in conjunction with the Division of Substance Abuse and Mental Health, to:
 - create a firearm safety and suicide prevention web-accessible video; and
 - require an applicant seeking renewal of a concealed firearm permit to view the video before renewal; 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:
 - from General Fund, One-time, \$500,000.
- ▶ to Department of Human Services - Division of Substance Abuse and Mental Health, as a one-time appropriation:
 - from General Fund, One-time - Firearm Safety Account, \$500,000.

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Other Special Clauses:

~~{None}~~ This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

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

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

63I-1-262, as last amended by Laws of Utah 2018, Chapters 74, 220, 281, and 347

63I-1-276, as enacted by Laws of Utah 2014, Chapter 226

63I-2-262, as last amended by Laws of Utah 2018, Chapter 38

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

ENACTS:

53-5-707.6, Utah Code Annotated 1953

62A-15-103.1, Utah Code Annotated 1953

62A-15-103.2, Utah Code Annotated 1953

REPEALS:

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

Utah Code Sections Affected by Coordination Clause:

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

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

Section 1. Section ~~{62A-15-103 is amended to read:~~

~~}~~**53-5-707.6** is enacted to read:

53-5-707.6. Concealed firearm permit renewal -- Firearm safety and suicide prevention video.

(1) The bureau, in conjunction with the Division of Substance Abuse and Mental Health created in Section 62A-15-103, shall create a firearm safety and suicide prevention video that:

(a) is web-accessible;

(b) is no longer than 10 minutes in length; and

(c) includes information about:

(i) safe handling, storage, and use of firearms in a home environment;

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(ii) at-risk individuals and individuals who are legally prohibited from possessing firearms; and

(iii) suicide prevention awareness.

(2) Before renewing a firearm permit, an individual shall view the firearm safety and suicide prevention video and submit proof in the form required by the bureau.

(3) In accordance with Title 63G, Chapter 3, Administrative Rulemaking Act, the bureau shall make rules that establish procedures for:

(a) producing and distributing the firearm safety and suicide prevention video; and

(b) providing access to the video to an applicant seeking renewal of a firearm permit.

Section 2. Section 62A-15-103 is amended to read:

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

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

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

(2) The division shall:

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

(ii) render support and assistance to public schools through approved school-based substance abuse education programs aimed at prevention of substance abuse;

(iii) promote or establish programs for the prevention of substance abuse within the community setting through community-based prevention programs;

(iv) cooperate with and assist treatment centers, recovery residences, and other organizations that provide services to individuals recovering from a substance abuse disorder, by identifying and disseminating information about effective practices and programs;

(v) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to develop, in collaboration with public and private programs, minimum standards for public and private providers of substance abuse and mental health programs licensed by the department under Title 62A, Chapter 2, Licensure of Programs and Facilities;

(vi) promote integrated programs that address an individual's substance abuse, mental health, physical health, and criminal risk factors;

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(vii) establish and promote an evidence-based continuum of screening, assessment, prevention, treatment, and recovery support services in the community for individuals with substance use disorder and mental illness that addresses criminal risk factors;

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

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

(A) emergency department utilization;

(B) jail and prison populations;

(C) the homeless population; and

(D) the child welfare system; and

(x) promote or establish programs for education and certification of instructors to educate persons convicted of driving under the influence of alcohol or drugs or driving with any measurable controlled substance in the body;

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

(ii) provide direction over the state hospital including approval of its budget, administrative policy, and coordination of services with local service plans;

(iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to educate families concerning mental illness and promote family involvement, when appropriate, and with patient consent, in the treatment program of a family member; and

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

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

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

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

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

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

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

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

(viii) monitor the expenditure of public funds by:

(A) local substance abuse authorities;

(B) local mental health authorities; and

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

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

(x) contract with private and public entities for special statewide or nonclinical services, or services for individuals involved in the criminal justice system, according to division rules;

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

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

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

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

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

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

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(F) appropriate expenditure of public funds;

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

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

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

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

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

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

(i) a review and determination regarding whether:

(A) public funds allocated to the local substance abuse authority or the local mental health authorities are consistent with services rendered by the authority or the authority's contract provider, and with outcomes reported by the authority's contract provider; and

(B) each local substance abuse authority and each local mental health authority is exercising sufficient oversight and control over public funds allocated for substance use disorder and mental health programs and services; and

(ii) items determined by the division to be necessary and appropriate; and

(g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4, Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act;

(h) (i) train and certify an adult as a peer support specialist, qualified to provide peer

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supports services to an individual with:

- (A) a substance use disorder;
- (B) a mental health disorder; or
- (C) a substance use disorder and a mental health disorder;
- (ii) certify a person to carry out, as needed, the division's duty to train and certify an

adult as a peer support specialist;

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

Rulemaking Act, that:

- (A) establish training and certification requirements for a peer support specialist;
- (B) specify the types of services a peer support specialist is qualified to provide;
- (C) specify the type of supervision under which a peer support specialist is required to

operate; and

(D) specify continuing education and other requirements for maintaining or renewing certification as a peer support specialist; and

- (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative

Rulemaking Act, that:

(A) establish the requirements for a person to be certified to carry out, as needed, the division's duty to train and certify an adult as a peer support specialist; and

(B) specify how the division shall provide oversight of a person certified to train and certify a peer support specialist;

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) collect data to track and determine whether the goals and measurements are being

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attained and make this information available to the public;

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

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

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

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

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

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

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

(C) information about suicide prevention awareness; and

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

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

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

(iv) create a suicide prevention education course that:

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

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

(C) provides information regarding crisis intervention resources;

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

(i) health care providers, including emergency rooms;

(ii) mobile crisis outreach teams;

(iii) mental health practitioners;

(iv) other public health suicide prevention organizations;

(v) entities that teach firearm safety courses;

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

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

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

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

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

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

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

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

(iii) administering the redeemable coupon program; and

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

[~~(3)~~] (4) (a) The division may refuse to contract with and may pursue legal remedies

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against any local substance abuse authority or local mental health authority that fails, or has failed, to expend public funds in accordance with state law, division policy, contract provisions, or directives issued in accordance with state law.

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

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

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

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

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

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

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

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

~~[(9)]~~ (10) If a local substance abuse authority contacts the division under Subsection

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17-43-201(10) for assistance in providing treatment services to a pregnant woman or pregnant minor, the division shall:

(a) refer the pregnant woman or pregnant minor to a treatment facility that has the capacity to provide the treatment services; or

(b) otherwise ensure that treatment services are made available to the pregnant woman or pregnant minor.

Section ~~{2}~~3. Section **62A-15-103.1** is enacted to read:

62A-15-103.1. Firearm Safety Account.

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

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

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

Section ~~{3}~~4. Section **62A-15-103.2** is enacted to read:

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

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

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

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

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

Section ~~{4}~~5. Section **62A-15-1101** is amended to read:

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

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

(2) The coordinator shall:

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

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

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

- (a) delivery of resources, tools, and training to community-based coalitions;
- (b) evidence-based suicide risk assessment tools and training;
- (c) town hall meetings for building community-based suicide prevention strategies;
- (d) suicide prevention gatekeeper training;
- (e) training to identify warning signs and to manage an at-risk individual's crisis;
- (f) evidence-based intervention training;
- (g) intervention skills training; and
- (h) postvention training.

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

- (a) local mental health and substance abuse authorities;
- (b) the State Board of Education, including the public education suicide prevention coordinator described in Section 53G-9-702;

- (c) the Department of Health;
- (d) health care providers, including emergency rooms;
- (e) federal agencies, including the Federal Bureau of Investigation;
- (f) other unbiased sources; and
- (g) other public health suicide prevention efforts.

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

- (a) implementation of the state suicide prevention program, as described in Subsections (1) and (3);
- (b) data measuring the effectiveness of each component of the state suicide prevention program;
- (c) funds appropriated for each component of the state suicide prevention program; and
- (d) five-year trends of suicides in Utah, including subgroups of youths and adults and

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other subgroups identified by the state suicide prevention coordinator.

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

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

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

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

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

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

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

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

Section 6. Section 63I-1-262 is amended to read:

63I-1-262. Repeal dates, Title 62A.

(1) Subsections 62A-1-120(8)(g), (h), and (i) are repealed July 1, 2023.

(2) Section 62A-3-209 is repealed July 1, 2023.

(3) Section 62A-4a-202.9 is repealed December 31, 2019.

(4) Section 62A-4a-213 is repealed July 1, 2019.

(5) Section 62A-15-114 is repealed December 31, 2021.

~~[(6) Subsection 62A-15-1101(7) is repealed July 1, 2018.]~~

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Section 7. Section **63I-1-276** is amended to read:

63I-1-276. Repeal dates, Title 76.

~~Subsection 76-10-526(15) is repealed July 1, 2018.~~

Section 8. Section **63I-2-262** is amended to read:

63I-2-262. Repeal dates -- Title 62A.

~~(1) Section 62A-1-111.5 is repealed July 1, 2018.~~

~~(2)~~ Subsection 62A-5-103.1(6) is repealed January 1, 2023.

~~(3) Subsection 62A-15-1101(6) is repealed January 1, 2019.~~

~~(4) Section 62A-15-1102 is repealed January 1, 2019.~~

Section ~~{5}~~9. Section **76-10-526** is amended to read:

**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

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(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

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

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

~~(b)~~ (c) (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) 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.

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

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

(b) A participating dealer or person shall:

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

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

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

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

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

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

Section ~~6~~10. **Repealer.**

This bill repeals:

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

Section ~~7~~11. **Appropriation.**

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

Subsection (7)(a). **Restricted Fund and Account Transfers.** The Legislature authorizes the State Division of Finance to transfer the following amounts between the following funds or accounts as indicated. Expenditures and outlays from the funds to which the

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money is transferred must be authorized by an appropriation.

ITEM 1

To General Fund Restricted - Firearm Safety Account

<u>From General Fund</u>	<u>\$100,000</u>
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<u>From General Fund, One-time</u>	<u>\$500,000</u>
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Schedule of Programs:

<u>General Fund Restricted - Firearm Safety Account</u>	<u>\$600,000</u>
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Subsection (7)(b). **Operating and Capital Budgets.** Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 2

To Department of Human Services - Division of Substance Abuse and

Mental Health

<u>From General Fund Restricted - Firearm Safety Account</u>	<u>\$100,000</u>
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<u>From General Fund Restricted - Firearm Safety Account,</u>	
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<u>One-time</u>	<u>\$500,000</u>
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Schedule of Programs:

<u>Community Mental Health Services</u>	<u>\$600,000</u>
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Section 12. Coordinating H.B. 17 with H.B. 249 -- Technical amendments.

If this H.B. 17 and H.B. 249, Revisor's Technical Corrections to Utah Code, both pass and become law, it is the intent of the Legislature that the amendments to Section 62A-15-1101 in this bill supersede the amendments to Section 62A-15-1101 in H.B. 249 when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication.