

**Representative Steve Eliason** proposes the following substitute bill:

**FIREARM SAFETY AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill enacts provisions relating to a voluntary firearm safety program.

**Highlighted Provisions:**

This bill:

► requires the state suicide prevention coordinator, in consultation with the violence and injury prevention coordinator, to implement a firearm safety program, including:

- producing a firearm safety brochure and firearm safety packet;
- procuring cable-style gun locks;
- distributing firearm safety packets;
- administering a redeemable coupon 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 gun safe and receives a firearm safety brochure; and

► repeals the provisions of this bill, subject to sunset review, on July 1, 2018.

**Money Appropriated in this Bill:**

This bill appropriates as a one-time appropriation, \$900,000, to the Department of Human Services, Firearm Safety Program.



26 **Other Special Clauses:**

27 This bill takes effect on July 1, 2014.

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **53-10-202**, as last amended by Laws of Utah 2013, Chapter 396

31 **62A-15-1101**, as enacted by Laws of Utah 2013, Chapter 194

32 **63I-1-253**, as last amended by Laws of Utah 2012, Chapter 369

33 **63I-1-262**, as last amended by Laws of Utah 2013, Chapter 125

34 **76-10-526**, as last amended by Laws of Utah 2013, Chapter 278

35 ENACTS:

36 **62A-15-1102**, Utah Code Annotated 1953

37 **63I-1-276**, Utah Code Annotated 1953



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

40 Section 1. Section **53-10-202** is amended to read:

41 **53-10-202. Criminal identification -- Duties of bureau.**

42 The bureau shall:

43 (1) procure and file information relating to identification and activities of persons who:

44 (a) are fugitives from justice;

45 (b) are wanted or missing;

46 (c) have been arrested for or convicted of a crime under the laws of any state or nation;

47 and

48 (d) are believed to be involved in racketeering, organized crime, or a dangerous

49 offense;

50 (2) establish a statewide uniform crime reporting system that shall include:

51 (a) statistics concerning general categories of criminal activities;

52 (b) statistics concerning crimes that exhibit evidence of prejudice based on race,

53 religion, ancestry, national origin, ethnicity, or other categories that the division finds

54 appropriate; and

55 (c) other statistics as required by the Federal Bureau of Investigation;

56 (3) make a complete and systematic record and index of the information obtained

57 under this part;

58 (4) subject to the restrictions in this part, establish policy concerning the use and  
59 dissemination of data obtained under this part;

60 (5) publish an annual report concerning the extent, fluctuation, distribution, and nature  
61 of crime in Utah;

62 (6) establish a statewide central register for the identification and location of missing  
63 persons, which may include:

64 (a) identifying data including fingerprints of each missing person;

65 (b) identifying data of any missing person who is reported as missing to a law  
66 enforcement agency having jurisdiction;

67 (c) dates and circumstances of any persons requesting or receiving information from  
68 the register; and

69 (d) any other information, including blood types and photographs found necessary in  
70 furthering the purposes of this part;

71 (7) publish a quarterly directory of missing persons for distribution to persons or  
72 entities likely to be instrumental in the identification and location of missing persons;

73 (8) list the name of every missing person with the appropriate nationally maintained  
74 missing persons lists;

75 (9) establish and operate a 24-hour communication network for reports of missing  
76 persons and reports of sightings of missing persons;

77 (10) coordinate with the National Center for Missing and Exploited Children and other  
78 agencies to facilitate the identification and location of missing persons and the identification of  
79 unidentified persons and bodies;

80 (11) receive information regarding missing persons, as provided in Sections [26-2-27](#)  
81 and [53A-11-502](#), and stolen vehicles, vessels, and outboard motors, as provided in Section  
82 [41-1a-1401](#);

83 (12) adopt systems of identification, including the fingerprint system, to be used by the  
84 division to facilitate law enforcement;

85 (13) assign a distinguishing number or mark of identification to any pistol or revolver,  
86 as provided in Section [76-10-520](#);

87 (14) check certain criminal records databases for information regarding motor vehicle

88 salesperson applicants, maintain a separate file of fingerprints for motor vehicle salespersons,  
89 and inform the Motor Vehicle Enforcement Division when new entries are made for certain  
90 criminal offenses for motor vehicle salespersons in accordance with the requirements of  
91 Section [41-3-205.5](#);

92 (15) check certain criminal records databases for information regarding driving  
93 privilege card applicants or cardholders and maintain a separate file of fingerprints for driving  
94 privilege applicants and cardholders and inform the federal Immigration and Customs  
95 Enforcement Agency of the United States Department of Homeland Security or law  
96 enforcement agencies when new entries are made in accordance with the requirements of  
97 Section [53-3-205.5](#).

98 (16) review and approve or disapprove applications for license renewal that meet the  
99 requirements for renewal; [~~and~~]

100 (17) forward to the board those applications for renewal under Subsection (16) that do  
101 not meet the requirements for renewal[~~;~~]; and

102 (18) in accordance with the Firearm Safety Program described in Section  
103 [62A-15-1102](#);

104 (a) obtain from the state suicide prevention coordinator redeemable coupons and  
105 firearm safety brochures;

106 (b) print or write the name of a Utah resident who has filed an application for a  
107 concealed firearm permit on the redeemable coupon; and

108 (c) mail the redeemable coupon and firearm safety brochure to Utah residents who  
109 have filed an application for a concealed firearm permit.

110 Section 2. Section **62A-15-1101** is amended to read:

111 **62A-15-1101. Suicide prevention and firearm safety programs -- Reporting**  
112 **requirements.**

113 (1) As used in the section:

114 (a) "Violence and injury prevention coordinator" means an individual designated by the  
115 Bureau of Health Promotion to coordinate violence and injury prevention.

116 [~~(a)~~] (b) "Division" means the State Division of Substance Abuse and Mental Health.

117 [~~(b)~~] (c) "Intervention" means an effort to prevent a person from attempting suicide.

118 [~~(c)~~] (d) "Postvention" means mental health intervention after a suicide attempt or

119 death to prevent or contain contagion.

120 ~~[(d)]~~ (e) "State suicide prevention coordinator" means ~~[a person]~~ an individual  
121 designated by the division as described in ~~[Subsection (2)]~~ Subsections (2) and (3).

122 (2) The division shall appoint a state suicide prevention coordinator.

123 (3) The state suicide prevention coordinator shall coordinate the suicide prevention  
124 program, including suicide prevention, intervention, and postvention programs, services, and  
125 efforts statewide, with at least the following:

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

127 (b) the State Board of Education, including the State Office of Education suicide  
128 prevention coordinator described in Section [53A-15-1301](#);

129 (c) the ~~[Department of Health]~~ violence and injury prevention coordinator;

130 (d) health care providers, including emergency rooms; and

131 (e) other public health suicide prevention efforts.

132 (4) The state suicide prevention coordinator shall report to the Legislature's Education  
133 Interim Committee, by the November 2014 meeting, jointly with the State Board of Education,  
134 on the coordination of suicide prevention programs and efforts with the State Board of  
135 Education and the State Office of Education suicide prevention coordinator as described in  
136 Section [53A-15-1301](#).

137 (5) The state suicide prevention coordinator shall consult with the violence and injury  
138 prevention coordinator to implement the firearm safety program as described in Section  
139 [62A-15-1102](#).

140 Section 3. Section **62A-15-1102** is enacted to read:

141 **62A-15-1102. Firearm safety program.**

142 (1) As used in the section:

143 (a) "Bureau" means the Bureau of Criminal Identification created in Section [53-10-201](#)  
144 within the Department of Public Safety.

145 (b) "Dealer" means a federally licensed firearms dealer, as defined in Section  
146 [76-10-501](#).

147 (c) "Violence and injury prevention coordinator" means an individual designated by the  
148 Department of Health, Bureau of Health Promotion to coordinate violence and injury  
149 prevention.

150 (d) "State suicide prevention coordinator" means an individual designated by the  
151 division to coordinate the suicide prevention program described in Section [62A-15-1101](#).

152 (2) The state suicide prevention coordinator, in consultation with the violence and  
153 injury prevention coordinator, shall implement a firearm safety program as described in  
154 Subsections (3) through (6).

155 (3) The state suicide prevention coordinator, in consultation with the violence and  
156 injury prevention coordinator, local mental health and substance abuse authorities, the State  
157 Office of Education suicide prevention coordinator, and a representative from a nonprofit  
158 organization with expertise in the field of firearm safety that represents firearm owners shall:

159 (a) produce a firearm safety brochure with information about the safe handling and use  
160 of firearms that includes:

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

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

164 (iii) information about suicide prevention and awareness; and

165 (iv) information about the availability of firearm safety packets;

166 (b) procure cable-style gun locks for distribution pursuant to this section; and

167 (c) produce a firearm safety packet with both the firearm safety brochure described in  
168 Subsection (3)(a) and the cable-style gun lock described in Subsection (3)(b).

169 (4) The state suicide prevention coordinator, in consultation with the violence and  
170 injury prevention coordinator, shall distribute, free of charge, the firearm safety packet to the  
171 following persons, who shall make the firearm safety packet available free of charge:

172 (a) health care providers, including emergency rooms;

173 (b) mental health practitioners;

174 (c) other public health suicide prevention organizations;

175 (d) entities that teach firearm safety courses; and

176 (e) school districts for use in the seminar, described in Section [53A-15-1302](#), for  
177 parents of students in the school district.

178 (5) The state suicide prevention coordinator, in consultation with the violence and  
179 injury prevention coordinator, shall create and administer a redeemable coupon program  
180 described in this section and Section [76-10-526](#), that may include:

181 (a) producing a redeemable coupon that offers between \$10 and \$200 off the purchase  
 182 of a gun safe from a participating dealer by a Utah resident who has filed an application for a  
 183 concealed firearm permit;

184 (b) advertising the redeemable coupon program to all dealers and maintaining a list of  
 185 dealers who wish to participate in the program;

186 (c) coordinating with the bureau in accordance with Subsection 53-10-202(18) to mail  
 187 the redeemable coupon and the firearm safety brochure to the bureau; and

188 (d) collecting from participating dealers receipts described in Section 76-10-526 and  
 189 reimbursing the dealers.

190 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 191 state suicide prevention coordinator, in consultation with the violence and injury prevention  
 192 coordinator, shall make rules that establish procedures for:

193 (a) producing and distributing the firearm safety brochures and packets;

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

195 (c) administering the redeemable coupon program.

196 (7) The state suicide prevention coordinator, in consultation with the violence and  
 197 injury prevention coordinator, shall report to the Health and Human Services Interim  
 198 Committee regarding implementation and success of the firearm safety program:

199 (a) during the 2016 interim, before November 1; and

200 (b) during the 2018 interim, before June 1.

201 Section 4. Section **63I-1-253** is amended to read:

202 **63I-1-253. Repeal dates, Titles 53, 53A, and 53B.**

203 The following provisions are repealed on the following dates:

204 (1) Section 53-3-232, Conditional licenses, is repealed July 1, 2015.

205 (2) Subsection 53-10-202(18) is repealed July 1, 2018.

206 [~~2~~] (3) Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program is  
 207 repealed July 1, 2020.

208 [~~3~~] (4) The State Instructional Materials Commission, created in Section 53A-14-101,  
 209 is repealed July 1, 2016.

210 [~~4~~] (5) Subsections 53A-16-113(3) and (4) are repealed December 31, 2016.

211 [~~5~~] (6) Section 53A-16-114 is repealed December 31, 2016.

212            [(6)] (7) Section [53A-17a-163](#), Performance-based Compensation Pilot Program is  
213 repealed July 1, 2016.

214            [(7)] (8) Subsection [53C-3-203](#)(4)(b)(vii), which provides for the distribution of money  
215 from the Land Exchange Distribution Account to the Geological Survey for test wells, other  
216 hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1, 2020.

217            Section 5. Section **63I-1-262** is amended to read:

218            **63I-1-262. Repeal dates, Title 62A.**

219            (1) Section [62A-2-120.5](#), Pilot program for expedited background check of a qualified  
220 human services applicant, is repealed July 1, 2017.

221            (2) Subsection [62A-15-1101](#)(5) is repealed July 1, 2018.

222            (3) Section [62A-15-1102](#) is repealed July 1, 2018.

223            Section 6. Section **63I-1-276** is enacted to read:

224            **63I-1-276. Repeal Dates, Title 76.**

225            Subsection [76-10-526](#)(15) is repealed July 1, 2018.

226            Section 7. Section **76-10-526** is amended to read:

227            **76-10-526. Criminal background check prior to purchase of a firearm -- Fee --**  
228 **Exemption for concealed firearm permit holders and law enforcement officers.**

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

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

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

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

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

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



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

244 (i) the dealer identification number;

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

246 (iii) the date of birth, height, weight, eye color, and hair color of the individual

247 receiving the firearm; and

248 (iv) the Social Security number or any other identification number of the individual

249 receiving the firearm.

250 (5) (a) The dealer shall send the information required by Subsection (4) to the bureau

251 immediately upon its receipt by the dealer.

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

253 provided the bureau with the information in Subsection (4) and has received approval from the

254 bureau under Subsection (7).

255 (6) The dealer shall make a request for criminal history background information by

256 telephone or other electronic means to the bureau and shall receive approval or denial of the

257 inquiry by telephone or other electronic means.

258 (7) When the dealer calls for or requests a criminal history background check, the

259 bureau shall:

260 (a) review the criminal history files, including juvenile court records, to determine if

261 the individual is prohibited from purchasing, possessing, or transferring a firearm by state or

262 federal law;

263 (b) inform the dealer that:

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

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

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

267 (d) provide a response to the requesting dealer during the call for a criminal

268 background check, or by return call, or other electronic means, without delay, except in case of

269 electronic failure or other circumstances beyond the control of the bureau, the bureau shall

270 advise the dealer of the reason for the delay and give the dealer an estimate of the length of the

271 delay.

272 (8) (a) The bureau may not maintain any records of the criminal history background

273 check longer than 20 days from the date of the dealer's request, if the bureau determines that

274 the individual receiving the firearm is not prohibited from purchasing, possessing, or  
275 transferring the firearm under state or federal law.

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

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

282 (10) If an individual is denied the right to purchase a firearm under this section, the  
283 individual may review the individual's criminal history information and may challenge or  
284 amend the information as provided in Section 53-10-108.

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

289 (12) (a) (i) A dealer shall collect a criminal history background check fee of \$7.50 for  
290 the sale of a firearm under this section.

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

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

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

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

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

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

305 (14) A law enforcement officer, as defined in Section [53-13-103](#), is exempt from the  
 306 background check fee required in this section for the purchase of a personal firearm to be  
 307 carried while off-duty if the law enforcement officer verifies current employment by providing  
 308 a letter of good standing from the officer's commanding officer and current law enforcement  
 309 photo identification. This section may only be used by a law enforcement officer to purchase a  
 310 personal firearm once in a 24-month period.

311 (15) (a) A dealer may participate in the redeemable coupon program described in  
 312 Section [62A-15-1102](#) and this Subsection (15).

313 (b) A participating dealer shall:

314 (i) accept the redeemable coupon only from the individual whose name is on the  
 315 coupon and apply it only toward the purchase of a gun safe;

316 (ii) collect the receipts from the purchase of gun safes using the redeemable coupon  
 317 and send them to the state suicide prevention coordinator for redemption; and

318 (iii) make the firearm safety brochure described in Section [62A-15-1102](#) available to  
 319 customers free of charge.

320 **Section 8. Appropriation.**

321 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for  
 322 the fiscal year beginning July 1, 2014 and ending June 30, 2015, the following sums of money  
 323 are appropriated from resources not otherwise appropriated, or reduced from amounts  
 324 previously appropriated, out of the funds or accounts indicated. These are additions to amounts  
 325 previously appropriated for fiscal year 2015.

326	<u>To Department of Public Safety -- Programs and Operations</u>	
327	<u>From Beginning Nonlapsing Appropriation</u>	
328	<u>Balances</u>	<u>\$900,000</u>
329	<u>From Closing Nonlapsing Appropriation Balances</u>	<u>\$900,000</u>
330	<u>To General Fund</u>	
331	<u>From Nonlapsing Balances -- Department of Public Safety</u>	<u>\$900,000</u>
332	<u>Schedule of Programs:</u>	
333	<u>General Fund, One-time</u>	<u>\$900,000</u>
334	<u>To Department of Human Services -- Firearm Safety Program</u>	
335	<u>From General Fund, One-time</u>	<u>\$900,000</u>

336 Schedule of Programs:

337 Firearm Safety Program \$900,000

338 The Legislature intends that appropriations provided under this section be used for  
339 purposes described in Section [62A-15-1102](#). Under Section [63J-1-603](#), the Legislature intends  
340 that appropriations provided under this section not lapse at the close of fiscal year 2015. The  
341 use of any nonlapsing funds is limited to the purposes described in Section [62A-15-1102](#).

342 Section 9. **Effective date.**

343 This bill takes effect on July 1, 2014.