

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:

- 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



28 education opportunities for firearm dealers;

29 ▶ requires a federal firearm dealer to provide a cable-style gun lock supplied by the
30 Division of Substance Abuse and Mental Health to an individual purchasing a
31 certain firearm; and

32 ▶ makes technical changes.

33 **Money Appropriated in this Bill:**

34 This bill appropriates in fiscal year 2020:

35 ▶ to General Fund Restricted - Firearm Safety Account, as an ongoing appropriation:

36 • from General Fund, \$100,000.

37 ▶ to Department of Human Services - Division of Substance Abuse and Mental
38 Health, as an ongoing appropriation:

39 • from General Fund - Firearm Safety Account, \$100,000.

40 ▶ to General Fund Restricted - Firearm Safety Account, as a one-time appropriation:

41 • from General Fund, One-time, \$500,000.

42 ▶ to Department of Human Services - Division of Substance Abuse and Mental
43 Health, as a one-time appropriation:

44 • from General Fund, One-time - Firearm Safety Account, \$500,000.

45 **Other Special Clauses:**

46 None

47 **Utah Code Sections Affected:**

48 AMENDS:

49 62A-15-103, as last amended by Laws of Utah 2018, Chapter 322

50 62A-15-1101, as last amended by Laws of Utah 2018, Chapters 38, 414, and 415

51 76-10-526, as last amended by Laws of Utah 2018, Chapter 417

52 ENACTS:

53 62A-15-103.1, Utah Code Annotated 1953

54 62A-15-103.2, Utah Code Annotated 1953

55 REPEALS:

56 53-10-202.3, as enacted by Laws of Utah 2017, Chapter 296



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

59 Section 1. Section **62A-15-103** is amended to read:

60 **62A-15-103. Division -- Creation -- Responsibilities.**

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

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

65 (2) The division shall:

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

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

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

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

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

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

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

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

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

86 (A) emergency department utilization;

87 (B) jail and prison populations;

88 (C) the homeless population; and

89 (D) the child welfare system; and

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

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

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

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

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

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

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

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

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

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

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

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

120 (viii) monitor the expenditure of public funds by:

- 121 (A) local substance abuse authorities;
- 122 (B) local mental health authorities; and
- 123 (C) in counties where they exist, a private contract provider that has an annual or
- 124 otherwise ongoing contract to provide comprehensive substance abuse or mental health
- 125 programs or services for the local substance abuse authority or local mental health authority;
- 126 (ix) contract with local substance abuse authorities and local mental health authorities
- 127 to provide a comprehensive continuum of services that include community-based services for
- 128 individuals involved in the criminal justice system, in accordance with division policy, contract
- 129 provisions, and the local plan;
- 130 (x) contract with private and public entities for special statewide or nonclinical
- 131 services, or services for individuals involved in the criminal justice system, according to
- 132 division rules;
- 133 (xi) review and approve each local substance abuse authority's plan and each local
- 134 mental health authority's plan in order to ensure:
- 135 (A) a statewide comprehensive continuum of substance abuse services;
- 136 (B) a statewide comprehensive continuum of mental health services;
- 137 (C) services result in improved overall health and functioning;
- 138 (D) a statewide comprehensive continuum of community-based services designed to
- 139 reduce criminal risk factors for individuals who are determined to have substance abuse or
- 140 mental illness conditions or both, and who are involved in the criminal justice system;
- 141 (E) compliance, where appropriate, with the certification requirements in Subsection
- 142 (2)(j); and
- 143 (F) appropriate expenditure of public funds;
- 144 (xii) review and make recommendations regarding each local substance abuse
- 145 authority's contract with the local substance abuse authority's provider of substance abuse
- 146 programs and services and each local mental health authority's contract with the local mental
- 147 health authority's provider of mental health programs and services to ensure compliance with
- 148 state and federal law and policy;
- 149 (xiii) monitor and ensure compliance with division rules and contract requirements;
- 150 and
- 151 (xiv) withhold funds from local substance abuse authorities, local mental health

152 authorities, and public and private providers for contract noncompliance, failure to comply
153 with division directives regarding the use of public funds, or for misuse of public funds or
154 money;

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

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

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

163 (i) a review and determination regarding whether:

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

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

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

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

173 (h) (i) train and certify an adult as a peer support specialist, qualified to provide peer
174 supports services to an individual with:

175 (A) a substance use disorder;

176 (B) a mental health disorder; or

177 (C) a substance use disorder and a mental health disorder;

178 (ii) certify a person to carry out, as needed, the division's duty to train and certify an
179 adult as a peer support specialist;

180 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
181 Rulemaking Act, that:

182 (A) establish training and certification requirements for a peer support specialist;

183 (B) specify the types of services a peer support specialist is qualified to provide;

184 (C) specify the type of supervision under which a peer support specialist is required to
185 operate; and

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

188 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
189 Rulemaking Act, that:

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

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

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

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

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

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

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

213 (i) collaboration with the Department of Corrections, the Utah Substance Use and

214 Mental Health Advisory Council, and the Utah Association of Counties to develop, coordinate,
215 and implement the certification process;

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

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

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

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

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

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

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

235 (ii) collect data to track and determine whether the goals and measurements are being
236 attained and make this information available to the public;

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

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

245 Committee, and the related appropriations subcommittees.

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

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

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

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

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

260 (C) information about suicide prevention awareness; and

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

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

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

265 (iv) create a suicide prevention education course that:

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

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

269 (C) provides information regarding crisis intervention resources;

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

272 (i) health care providers, including emergency rooms;

273 (ii) mobile crisis outreach teams;

274 (iii) mental health practitioners;

275 (iv) other public health suicide prevention organizations;

276 (v) entities that teach firearm safety courses;
 277 (vi) school districts for use in the seminar, described in Section 53G-9-702, for parents
 278 of students in the school district; and

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

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

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

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

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

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

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

293 (iii) administering the redeemable coupon program; and

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

297 ~~[(3)]~~ (4) (a) The division may refuse to contract with and may pursue legal remedies
 298 against any local substance abuse authority or local mental health authority that fails, or has
 299 failed, to expend public funds in accordance with state law, division policy, contract
 300 provisions, or directives issued in accordance with state law.

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

304 ~~[(4)]~~ (5) (a) Before reissuing or renewing a contract with any local substance abuse
 305 authority or local mental health authority, the division shall review and determine whether the
 306 local substance abuse authority or local mental health authority is complying with the oversight

307 and management responsibilities described in Sections 17-43-201, 17-43-203, 17-43-303, and
308 17-43-309.

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

312 [~~(5)~~] (6) In carrying out the division's duties and responsibilities, the division may not
313 duplicate treatment or educational facilities that exist in other divisions or departments of the
314 state, but shall work in conjunction with those divisions and departments in rendering the
315 treatment or educational services that those divisions and departments are competent and able
316 to provide.

317 [~~(6)~~] (7) The division may accept in the name of and on behalf of the state donations,
318 gifts, devises, or bequests of real or personal property or services to be used as specified by the
319 donor.

320 [~~(7)~~] (8) The division shall annually review with each local substance abuse authority
321 and each local mental health authority the authority's statutory and contract responsibilities
322 regarding:

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

326 [~~(8)~~] (9) The Legislature may refuse to appropriate funds to the division upon the
327 division's failure to comply with the provisions of this part.

328 [~~(9)~~] (10) If a local substance abuse authority contacts the division under Subsection
329 17-43-201(10) for assistance in providing treatment services to a pregnant woman or pregnant
330 minor, the division shall:

- 331 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the
332 capacity to provide the treatment services; or
- 333 (b) otherwise ensure that treatment services are made available to the pregnant woman
334 or pregnant minor.

335 Section 2. Section **62A-15-103.1** is enacted to read:

336 **62A-15-103.1. Firearm Safety Account.**

337 (1) There is created a restricted account within the General Fund known as the

338 "Firearm Safety Account."

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

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

342 Section 3. Section 62A-15-103.2 is enacted to read:

343 **62A-15-103.2. Suicide Prevention Education Program -- Definitions -- Grant**
344 **requirements.**

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

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

350 (3) The division, in conjunction with the bureau, shall provide a grant to an employer
351 described in Subsection (2) in accordance with the criteria provided in Subsection
352 62A-15-1101(7)(b).

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

354 Section 4. Section 62A-15-1101 is amended to read:

355 **62A-15-1101. Suicide prevention -- Reporting requirements.**

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

359 (2) The coordinator shall:

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

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

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

365 (a) delivery of resources, tools, and training to community-based coalitions;

366 (b) evidence-based suicide risk assessment tools and training;

367 (c) town hall meetings for building community-based suicide prevention strategies;

368 (d) suicide prevention gatekeeper training;

369 (e) training to identify warning signs and to manage an at-risk individual's crisis;

370 (f) evidence-based intervention training;

371 (g) intervention skills training; and

372 (h) postvention training.

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

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

376 (b) the State Board of Education, including the public education suicide prevention
377 coordinator described in Section [53G-9-702](#);

378 (c) the Department of Health;

379 (d) health care providers, including emergency rooms;

380 (e) federal agencies, including the Federal Bureau of Investigation;

381 (f) other unbiased sources; and

382 (g) other public health suicide prevention efforts.

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

385 (a) implementation of the state suicide prevention program, as described in Subsections
386 (1) and (3);

387 (b) data measuring the effectiveness of each component of the state suicide prevention
388 program;

389 (c) funds appropriated for each component of the state suicide prevention program; and

390 (d) five-year trends of suicides in Utah, including subgroups of youths and adults and
391 other subgroups identified by the state suicide prevention coordinator.

392 (6) The coordinator shall, in consultation with the bureau, implement and manage the
393 operation of the firearm safety program described in Subsection [62A-15-103\(3\)](#) and Section
394 [62A-15-103.1](#).

395 [~~6~~] (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
396 Act, the division shall make rules:

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

399 (b) in conjunction with the bureau, defining the criteria for employers to apply for

400 grants under the Suicide Prevention Education Program described in Section [~~53-10-202.3~~
401 [62A-15-103.2](#), which shall include:

402 (i) attendance at [~~a~~] the suicide prevention education course described in Subsection
403 [62A-15-103\(3\)](#); and

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

408 [~~(7)~~] (8) As funding by the Legislature allows, the coordinator shall award grants, not
409 to exceed a total of \$100,000 per fiscal year, to suicide prevention programs that focus on the
410 needs of children who have been served by the Division of Juvenile Justice Services.

411 [~~(8)~~] (9) The coordinator and the coalition shall submit to the advisory council, no later
412 than October 1 each year, a written report detailing the previous fiscal year's activities to fund,
413 implement, and evaluate suicide prevention activities described in this section.

414 Section 5. Section **76-10-526** is amended to read:

415 **76-10-526. Criminal background check prior to purchase of a firearm -- Fee --**
416 **Exemption for concealed firearm permit holders and law enforcement officers.**

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

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

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

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

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

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

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

432 (i) the dealer identification number;

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

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

435 receiving the firearm; and

436 (iv) the social security number or any other identification number of the individual

437 receiving the firearm.

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

439 immediately upon its receipt by the dealer.

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

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

442 bureau under Subsection (7).

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

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

445 inquiry by telephone or other electronic means.

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

447 bureau shall:

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

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

450 federal law;

451 (b) inform the dealer that:

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

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

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

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

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

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

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

459 delay.

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

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

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

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

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

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

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

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

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

481 [~~(b)~~] (c) (i) The dealer shall forward at one time all fees collected for criminal history
482 background checks performed during the month to the bureau by the last day of the month
483 following the sale of a firearm.

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

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

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

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

493 (14) (a) A law enforcement officer, as defined in Section [53-13-103](#), is exempt from
494 the background check fee required in this section for the purchase of a personal firearm to be
495 carried while off-duty if the law enforcement officer verifies current employment by providing
496 a letter of good standing from the officer's commanding officer and current law enforcement
497 photo identification.

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

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

503 (b) A participating dealer or person shall:

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

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

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

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

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

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

518 Section 6. **Repealer.**

519 This bill repeals:

520 Section [53-10-202.3](#), **Suicide Prevention Education Program -- Definitions -- Grant**
521 **requirements.**

522 Section 7. **Appropriation.**

523 The following sums of money are appropriated for the fiscal year beginning July 1,

524 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for
525 fiscal year 2020.

526 Subsection (7)(a). **Restricted Fund and Account Transfers.** The Legislature
527 authorizes the State Division of Finance to transfer the following amounts between the
528 following funds or accounts as indicated. Expenditures and outlays from the funds to which the
529 money is transferred must be authorized by an appropriation.

530 ITEM 1

531 To General Fund Restricted - Firearm Safety Account

532 From General Fund \$100,000

533 From General Fund, One-time \$500,000

534 Schedule of Programs:

535 General Fund Restricted - Firearm Safety Account \$600,000

536 Subsection (7)(b). **Operating and Capital Budgets.** Under the terms and conditions of
537 Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following
538 sums of money from the funds or accounts indicated for the use and support of the government
539 of the state of Utah.

540 ITEM 2

541 To Department of Human Services - Division of Substance Abuse and

542 Mental Health

543 From General Fund Restricted - Firearm Safety Account \$100,000

544 From General Fund Restricted - Firearm Safety Account,
545 One-time \$500,000

546 Schedule of Programs:

547 Community Mental Health Services \$600,000