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FIREARMS AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian M. Greene

Senate Sponsor: _____

LONG TITLE

General Description:

This bill makes changes to statutes regarding concealed firearm permits, background checks, and fees.

Highlighted Provisions:

This bill:

- ▶ changes certain fees for a concealed firearm permit and renewal;
- ▶ authorizes a fee for a non-criminal justice related fingerprint card;
- ▶ requires the bureau to refund certain fees;
- ▶ eliminates the state background check requirement;
- ▶ requires the bureau to provide a report to the National Instant Criminal Background

Check System of persons restricted from purchasing or possessing firearms under state or federal law; and

- ▶ makes technical and conforming corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-5-706, as last amended by Laws of Utah 2017, Chapter 286



- 28 [53-5-707](#), as last amended by Laws of Utah 2017, Chapter 286
- 29 [53-5-707.5](#), as enacted by Laws of Utah 2017, Chapter 286
- 30 [53-10-108](#), as last amended by Laws of Utah 2015, Chapters 255 and 389
- 31 [53-10-202](#), as last amended by Laws of Utah 2017, Chapter 296
- 32 [53-10-202.5](#), as last amended by Laws of Utah 2017, Chapter 286
- 33 [76-10-526](#), as last amended by Laws of Utah 2014, Chapter 226

34

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

36 Section 1. Section **53-5-706** is amended to read:

37 **53-5-706. Permit -- Fingerprints transmitted to bureau -- Report from bureau.**

38 (1) (a) Except as provided in Subsection (2), the fingerprints of each applicant shall be
39 taken on a form prescribed by the bureau.

40 (b) Upon receipt of the fingerprints, the fee prescribed in Subsection
41 53-10-108(15)(a)(i), and the fee prescribed in Section [53-5-707](#) or [53-5-707.5](#), the bureau shall
42 conduct a search of its files for criminal history information pertaining to the applicant, and
43 shall request the Federal Bureau of Investigation to conduct a similar search through its files.

44 (c) If the fingerprints are insufficient for the Federal Bureau of Investigation to conduct
45 a search of its files for criminal history information, the application or concealed firearm permit
46 may be denied, suspended, or revoked until sufficient fingerprints are submitted by the
47 applicant.

48 (2) (a) If the permit applicant has previously applied to the bureau for a permit to carry
49 concealed firearms, the bureau shall note the previous identification numbers and other data
50 which would provide positive identification in the files of the bureau on the copy of any
51 subsequent permit submitted to the bureau in accordance with this section.

52 (b) No additional application form, fingerprints, or fee are required under this
53 Subsection (2).

54 (3) On or before July 1, 2018, the bureau shall refund all fees that were collected under
55 Subsection [53-10-108\(15\)\(a\)\(i\)](#) from August 1, 2017, through May 8, 2018.

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

57 **53-5-707. Concealed firearm permit -- Fees -- Concealed Weapons Account.**

58 (1) (a) An applicant for a concealed firearm permit shall pay a fee of [~~\$24.75~~] \$20 at

59 the time of filing an application.

60 (b) A nonresident applicant shall pay an additional \$10 for the additional cost of
61 processing a nonresident application.

62 (c) The bureau shall waive the initial fee for an applicant who is a law enforcement
63 officer under Section 53-13-103.

64 (d) Concealed firearm permit renewal fees for active duty service members and the
65 spouse of an active duty service member shall be waived.

66 (2) The renewal fee for the permit is [~~\$15~~] \$20.

67 (3) The replacement fee for the permit is \$10.

68 (4) (a) The late fee for the renewal permit is \$7.50.

69 (b) As used in this section, "late fee" means the fee charged by the bureau for a renewal
70 submitted on a permit that has been expired for more than 30 days but less than one year.

71 (5) (a) There is created a restricted account within the General Fund known as the
72 "Concealed Weapons Account."

73 (b) The account shall be funded from fees collected under this section and Section
74 53-5-707.5.

75 (c) Funds in the account shall be used to cover costs relating to the issuance of
76 concealed firearm permits under this part and may not be used for any other purpose.

77 (6) (a) The bureau may collect any fees charged by an outside agency for additional
78 services required by statute as a prerequisite for issuance of a permit.

79 [~~(b) The bureau may modify the fee under Subsection (1)(a) by adjusting that fee so
80 that the total of the fee under Subsection (1)(a) and the fee under Subsection (6)(a) is the
81 nearest even dollar amount to that total.]~~

82 [~~(c)~~] (b) The bureau shall promptly forward any fees collected under Subsection (6)(a)
83 to the appropriate agency.

84 (7) The bureau shall make an annual report in writing to the Legislature's Law
85 Enforcement and Criminal Justice Interim Committee on the amount and use of the fees
86 collected under this section and Section 53-5-707.5.

87 Section 3. Section 53-5-707.5 is amended to read:

88 **53-5-707.5. Provisional concealed firearm permit -- Fees -- Disposition of fees.**

89 (1) (a) An applicant for a provisional concealed firearm permit, as described in Section

90 53-5-704.5, shall pay a fee of [~~\$24.75~~] \$20 at the time of filing an application.

91 (b) A nonresident applicant shall pay an additional \$10 for the additional cost of
92 processing a nonresident application.

93 (2) The replacement fee for the permit is \$10.

94 (3) Fees collected under this section shall be remitted to the Concealed Weapons
95 Account, as described in Subsection 53-5-707(5).

96 (4) (a) The bureau may collect any fees charged by an outside agency for additional
97 services required by statute as a prerequisite for issuance of a permit.

98 ~~[(b) The bureau may modify the fee under Subsection (1)(a) by adjusting that fee so
99 that the total of the fee under Subsection (1)(a) and the fee under Subsection (4)(a) is the
100 nearest even dollar amount to that total.]~~

101 ~~[(c)]~~ (b) The bureau shall promptly forward any fees collected under Subsection (4)(a)
102 to the appropriate agency.

103 Section 4. Section 53-10-108 is amended to read:

104 **53-10-108. Restrictions on access, use, and contents of division records -- Limited**
105 **use of records for employment purposes -- Challenging accuracy of records -- Usage fees**
106 **-- Missing children records -- Penalty for misuse of records.**

107 (1) As used in this section:

108 (a) "FBI Rap Back System" means the rap back system maintained by the Federal
109 Bureau of Investigation.

110 (b) "Rap back system" means a system that enables authorized entities to receive
111 ongoing status notifications of any criminal history reported on individuals whose fingerprints
112 are registered in the system.

113 (c) "WIN Database" means the Western Identification Network Database that consists
114 of eight western states sharing one electronic fingerprint database.

115 (2) Dissemination of information from a criminal history record or warrant of arrest
116 information from division files is limited to:

117 (a) criminal justice agencies for purposes of administration of criminal justice and for
118 employment screening by criminal justice agencies;

119 (b) noncriminal justice agencies or individuals for any purpose authorized by statute,
120 executive order, court rule, court order, or local ordinance;

121 (c) agencies or individuals for the purpose of obtaining required clearances connected
122 with foreign travel or obtaining citizenship;

123 (d) (i) agencies or individuals pursuant to a specific agreement with a criminal justice
124 agency to provide services required for the administration of criminal justice; and

125 (ii) the agreement shall specifically authorize access to data, limit the use of the data to
126 purposes for which given, and ensure the security and confidentiality of the data;

127 (e) agencies or individuals for the purpose of a preplacement adoptive study, in
128 accordance with the requirements of Sections [78B-6-128](#) and [78B-6-130](#);

129 (f) (i) agencies and individuals as the commissioner authorizes for the express purpose
130 of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice
131 agency; and

132 (ii) private security agencies through guidelines established by the commissioner for
133 employment background checks for their own employees and prospective employees;

134 (g) a qualifying entity for employment background checks for their own employees and
135 persons who have applied for employment with the qualifying entity; and

136 (h) other agencies and individuals as the commissioner authorizes and finds necessary
137 for protection of life and property and for offender identification, apprehension, and
138 prosecution pursuant to an agreement.

139 (3) An agreement under Subsection (2)(f) or (2)(h) shall specifically authorize access
140 to data, limit the use of data to research, evaluative, or statistical purposes, preserve the
141 anonymity of individuals to whom the information relates, and ensure the confidentiality and
142 security of the data.

143 (4) (a) Before requesting information under Subsection (2)(g), a qualifying entity must
144 obtain a signed waiver from the person whose information is requested.

145 (b) The waiver must notify the signee:

146 (i) that a criminal history background check will be conducted;

147 (ii) who will see the information; and

148 (iii) how the information will be used.

149 (c) Information received by a qualifying entity under Subsection (2)(g) may only be:

150 (i) available to persons involved in the hiring or background investigation of the
151 employee; and

152 (ii) used for the purpose of assisting in making an employment or promotion decision.

153 (d) A person who disseminates or uses information obtained from the division under
154 Subsection (2)(g) for purposes other than those specified under Subsection (4)(c), in addition to
155 any penalties provided under this section, is subject to civil liability.

156 (e) A qualifying entity that obtains information under Subsection (2)(g) shall provide
157 the employee or employment applicant an opportunity to:

158 (i) review the information received as provided under Subsection (9); and

159 (ii) respond to any information received.

160 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
161 division may make rules to implement this Subsection (4).

162 (g) The division or its employees are not liable for defamation, invasion of privacy,
163 negligence, or any other claim in connection with the contents of information disseminated
164 under Subsection (2)(g).

165 (5) (a) Any criminal history record information obtained from division files may be
166 used only for the purposes for which it was provided and may not be further disseminated,
167 except under Subsection (5)(b), (c), or (d).

168 (b) A criminal history provided to an agency pursuant to Subsection (2)(e) may be
169 provided by the agency to the person who is the subject of the history, another licensed
170 child-placing agency, or the attorney for the adoptive parents for the purpose of facilitating an
171 adoption.

172 (c) A criminal history of a defendant provided to a criminal justice agency under
173 Subsection (2)(a) may also be provided by the prosecutor to a defendant's defense counsel,
174 upon request during the discovery process, for the purpose of establishing a defense in a
175 criminal case.

176 (d) A public transit district, as described in Title 17B, Chapter 2a, Part 8, Public
177 Transit District Act, that is under contract with a state agency to provide services may, for the
178 purposes of complying with Subsection [62A-5-103.5\(5\)](#), provide a criminal history record to
179 the state agency or the agency's designee.

180 (6) The division may not disseminate criminal history record information to qualifying
181 entities under Subsection (2)(g) regarding employment background checks if the information is
182 related to charges:

183 (a) that have been declined for prosecution;

184 (b) that have been dismissed; or

185 (c) regarding which a person has been acquitted.

186 (7) (a) This section does not preclude the use of the division's central computing
187 facilities for the storage and retrieval of criminal history record information.

188 (b) This information shall be stored so it cannot be modified, destroyed, or accessed by
189 unauthorized agencies or individuals.

190 (8) Direct access through remote computer terminals to criminal history record
191 information in the division's files is limited to those agencies authorized by the commissioner
192 under procedures designed to prevent unauthorized access to this information.

193 (9) (a) The commissioner shall establish procedures to allow an individual right of
194 access to review and receive a copy of the individual's criminal history report.

195 (b) A processing fee for the right of access service, including obtaining a copy of the
196 individual's criminal history report under Subsection (9)(a) is \$15. This fee remains in effect
197 until changed by the commissioner through the process under Section [63J-1-504](#).

198 (c) (i) The commissioner shall establish procedures for an individual to challenge the
199 completeness and accuracy of criminal history record information contained in the division's
200 computerized criminal history files regarding that individual.

201 (ii) These procedures shall include provisions for amending any information found to
202 be inaccurate or incomplete.

203 (10) The private security agencies as provided in Subsection (2)(f)(ii):

204 (a) shall be charged for access; and

205 (b) shall be registered with the division according to rules made by the division under
206 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

207 (11) Before providing information requested under this section, the division shall give
208 priority to criminal justice agencies needs.

209 (12) (a) It is a class B misdemeanor for a person to knowingly or intentionally access,
210 use, disclose, or disseminate a record created, maintained, or to which access is granted by the
211 division or any information contained in a record created, maintained, or to which access is
212 granted by the division for a purpose prohibited or not permitted by statute, rule, regulation, or
213 policy of a governmental entity.

214 (b) A person who discovers or becomes aware of any unauthorized use of records
215 created or maintained, or to which access is granted by the division shall inform the
216 commissioner and the director of the Utah Bureau of Criminal Identification of the
217 unauthorized use.

218 (13) (a) Subject to Subsection (13)(b), a qualifying entity or an entity described in
219 Subsection (2)(b) may request that the division register fingerprints taken for the purpose of
220 conducting current and future criminal background checks under this section with:

- 221 (i) the WIN Database rap back system, or any successor system;
- 222 (ii) the FBI Rap Back System; or
- 223 (iii) a system maintained by the division.

224 (b) A qualifying entity or an entity described in Subsection (2)(b) may only make a
225 request under Subsection (13)(a) if the entity:

- 226 (i) has the authority through state or federal statute or federal executive order;
- 227 (ii) obtains a signed waiver from the individual whose fingerprints are being registered;

228 and

229 (iii) establishes a privacy risk mitigation strategy to ensure that the entity only receives
230 notifications for individuals with whom the entity maintains an authorizing relationship.

231 (14) The division is authorized to submit fingerprints to the FBI Rap Back System to
232 be retained in the FBI Rap Back System for the purpose of being searched by future
233 submissions to the FBI Rap Back System, including latent fingerprint searches.

234 (15) (a) ~~[(f)]~~ The fee for a non-criminal justice applicant:

235 (i) fingerprint card ~~[fee under Subsection (2) is \$20.]~~ is \$15; and

236 (ii) ~~[The]~~ name check ~~[fee under Subsection (2)]~~ is \$15.

237 ~~[(iii)]~~ (b) The fee to register fingerprints under Subsection (13)(a)(i) is \$5.

238 ~~[(iv)]~~ (c) The fees described in this Subsection (15)~~[(a)]~~ remain in effect until changed
239 by the division through the process under Section [63J-1-504](#).

240 ~~[(b)]~~ (d) Funds generated under this Subsection (15) shall be deposited into the General
241 Fund as a dedicated credit by the department to cover the costs incurred in providing the
242 information.

243 ~~[(e)]~~ (e) The division may collect fees charged by an outside agency for services
244 required under this section.

245 Section 5. Section **53-10-202** is amended to read:

246 **53-10-202. Criminal identification -- Duties of bureau.**

247 The bureau shall:

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

249 (a) are fugitives from justice;

250 (b) are wanted or missing;

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

252 and

253 (d) are believed to be involved in racketeering, organized crime, or a dangerous
254 offense;

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

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

257 (b) statistics concerning crimes that exhibit evidence of prejudice based on race,
258 religion, ancestry, national origin, ethnicity, or other categories that the division finds
259 appropriate; and

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

261 (3) make a complete and systematic record and index of the information obtained
262 under this part;

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

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

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

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

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

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

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

- 276 (7) publish a quarterly directory of missing persons for distribution to persons or
277 entities likely to be instrumental in the identification and location of missing persons;
- 278 (8) list the name of every missing person with the appropriate nationally maintained
279 missing persons lists;
- 280 (9) establish and operate a 24-hour communication network for reports of missing
281 persons and reports of sightings of missing persons;
- 282 (10) coordinate with the National Center for Missing and Exploited Children and other
283 agencies to facilitate the identification and location of missing persons and the identification of
284 unidentified persons and bodies;
- 285 (11) receive information regarding missing persons, as provided in Sections [26-2-27](#)
286 and [53A-11-502](#), and stolen vehicles, vessels, and outboard motors, as provided in Section
287 [41-1a-1401](#);
- 288 (12) adopt systems of identification, including the fingerprint system, to be used by the
289 division to facilitate law enforcement;
- 290 (13) assign a distinguishing number or mark of identification to any pistol or revolver,
291 as provided in Section [76-10-520](#);
- 292 (14) check certain criminal records databases for information regarding motor vehicle
293 salesperson applicants, maintain a separate file of fingerprints for motor vehicle salespersons,
294 and inform the Motor Vehicle Enforcement Division when new entries are made for certain
295 criminal offenses for motor vehicle salespersons in accordance with the requirements of
296 Section [41-3-205.5](#);
- 297 (15) check certain criminal records databases for information regarding driving
298 privilege card applicants or cardholders and maintain a separate file of fingerprints for driving
299 privilege applicants and cardholders and inform the federal Immigration and Customs
300 Enforcement Agency of the United States Department of Homeland Security when new entries
301 are made in accordance with the requirements of Section [53-3-205.5](#).
- 302 (16) review and approve or disapprove applications for license renewal that meet the
303 requirements for renewal;
- 304 (17) forward to the board those applications for renewal under Subsection (16) that do
305 not meet the requirements for renewal; [~~and~~]
- 306 (18) within funds appropriated by the Legislature for the purpose, implement and

307 manage the operation of firearm safety and suicide prevention education programs, in
308 conjunction with the state suicide prevention coordinator, as described in this section and
309 Section 62A-15-1101, including:

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

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

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

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

319 (C) information about suicide prevention and awareness; and

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

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

322 (iii) produce a firearm safety packet that includes both the firearm safety brochure
323 described in Subsection (18)(a)(i) and the cable-style gun lock described in Subsection
324 (18)(a)(ii); and

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

326 (A) provides information that includes posters for display and pamphlets or brochures
327 for distribution regarding firearm safety education;

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

330 (C) provides information regarding crisis intervention resources; and

331 (D) provides continuing education in the area of suicide prevention;

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

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

335 (ii) mental health practitioners;

336 (iii) other public health suicide prevention organizations;

337 (iv) entities that teach firearm safety courses; and

338 (v) school districts for use in the seminar, described in Section 53A-15-1302, for
339 parents of students in the school district;

340 (c) creating and administering a redeemable coupon program described in this section
341 and Section 76-10-526, that may include:

342 (i) producing a redeemable coupon that offers between \$10 and \$200 off the purchase
343 of a gun safe from a participating federally licensed firearms dealer, as defined in Section
344 76-10-501, by a Utah resident who has filed an application for a concealed firearm permit;

345 (ii) advertising the redeemable coupon program to all federally licensed firearms
346 dealers and maintaining a list of dealers who wish to participate in the program;

347 (iii) printing or writing the name of a Utah resident who has filed an application for a
348 concealed firearm permit on the redeemable coupon;

349 (iv) mailing the redeemable coupon and the firearm safety brochure to Utah residents
350 who have filed an application for a concealed firearm permit; and

351 (v) collecting from the participating dealers receipts described in Section 76-10-526
352 and reimbursing the dealers;

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

355 (i) producing and distributing the firearm safety brochures and packets;

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

357 (iii) administering the redeemable coupon program; and

358 (e) reporting to the Law Enforcement and Criminal Justice Interim Committee
359 regarding implementation and success of the firearm safety program:

360 (i) during the 2016 interim, before November 1; and

361 (ii) during the 2018 interim, before June 1[:]; and

362 (19) regularly and timely provide to the United States attorney general, for inclusion in
363 the National Instant Criminal Background Check System, identifying information on persons
364 who, by reason of adjudication by the state, are disqualified from possessing or receiving a
365 firearm under Section 76-10-503 or federal law.

366 Section 6. Section 53-10-202.5 is amended to read:

367 **53-10-202.5. Bureau services -- Fees.**

368 The bureau shall collect fees for the following services:

- 369 (1) [applicant] fingerprint card as determined by Section 53-10-108;
 370 (2) bail enforcement licensing as determined by Section 53-11-115;
 371 (3) concealed firearm permit as determined by Section 53-5-707;
 372 (4) provisional concealed firearm permit as determined by Section 53-5-707.5;
 373 (5) application for and issuance of a certificate of eligibility for expungement as
 374 determined by Section 77-40-106;
 375 [~~(6) firearm purchase background check as determined by Section 76-10-526;~~]
 376 [~~(7)~~] (6) name check as determined by Section 53-10-108;
 377 [~~(8)~~] (7) private investigator licensing as determined by Section 53-9-111; and
 378 [~~(9)~~] (8) right of access as determined by Section 53-10-108.

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

380 **76-10-526. Criminal background check prior to purchase of a firearm.**

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

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

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

389 [~~(3)(a) A criminal history background check is required for the sale of a firearm by a
 390 licensed firearm dealer in the state.]~~

391 (3) A dealer may not sell or transfer a firearm to an individual until the dealer has
 392 conducted a background check of the individual in accordance with 27 C.F.R. Sec. 478.102.

393 [~~(b)~~] (4) Subsection (3)[~~(a)~~] does not apply to the sale or transfer of a firearm to:

394 (a) a Federal Firearms Licensee[-]; or

395 (b) an individual with a concealed firearm permit issued under Title 53, Chapter 5, Part
 396 7, Concealed Firearm Act, if:

397 (i) the individual presents the individual's concealed firearm permit to the dealer prior
 398 to purchase of the firearm; and

399 (ii) the dealer verifies with the bureau that the individual's concealed firearm permit is

400 valid.

401 ~~[(4) (a) An individual purchasing a firearm from a dealer shall consent in writing to a~~
402 ~~criminal background check, on a form provided by the bureau.]~~

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

404 ~~[(i) the dealer identification number;]~~

405 ~~[(ii) the name and address of the individual receiving the firearm;]~~

406 ~~[(iii) the date of birth, height, weight, eye color, and hair color of the individual~~
407 ~~receiving the firearm; and]~~

408 ~~[(iv) the Social Security number or any other identification number of the individual~~
409 ~~receiving the firearm.]~~

410 ~~[(5) (a) The dealer shall send the information required by Subsection (4) to the bureau~~
411 ~~immediately upon its receipt by the dealer.]~~

412 ~~[(b) A dealer may not sell or transfer a firearm to an individual until the dealer has~~
413 ~~provided the bureau with the information in Subsection (4) and has received approval from the~~
414 ~~bureau under Subsection (7).]~~

415 ~~[(6) The dealer shall make a request for criminal history background information by~~
416 ~~telephone or other electronic means to the bureau and shall receive approval or denial of the~~
417 ~~inquiry by telephone or other electronic means.]~~

418 ~~[(7) When the dealer calls for or requests a criminal history background check, the~~
419 ~~bureau shall:]~~

420 ~~[(a) review the criminal history files, including juvenile court records, to determine if~~
421 ~~the individual is prohibited from purchasing, possessing, or transferring a firearm by state or~~
422 ~~federal law;]~~

423 ~~[(b) inform the dealer that:]~~

424 ~~[(i) the records indicate the individual is prohibited; or]~~

425 ~~[(ii) the individual is approved for purchasing, possessing, or transferring a firearm;]~~

426 ~~[(c) provide the dealer with a unique transaction number for that inquiry; and]~~

427 ~~[(d) provide a response to the requesting dealer during the call for a criminal~~
428 ~~background check, or by return call, or other electronic means, without delay, except in case of~~
429 ~~electronic failure or other circumstances beyond the control of the bureau, the bureau shall~~
430 ~~advise the dealer of the reason for the delay and give the dealer an estimate of the length of the~~

431 delay.]

432 ~~[(8) (a) The bureau may not maintain any records of the criminal history background~~
433 ~~check longer than 20 days from the date of the dealer's request, if the bureau determines that~~
434 ~~the individual receiving the firearm is not prohibited from purchasing, possessing, or~~
435 ~~transferring the firearm under state or federal law.]~~

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

438 ~~[(9) If the criminal history background check discloses information indicating that the~~
439 ~~individual attempting to purchase the firearm is prohibited from purchasing, possessing, or~~
440 ~~transferring a firearm, the bureau shall inform the law enforcement agency in the jurisdiction~~
441 ~~where the individual resides.]~~

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

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

449 ~~[(12) (a) (i) A dealer shall collect a criminal history background check fee of \$7.50 for~~
450 ~~the sale of a firearm under this section.]~~

451 ~~[(ii) This fee remains in effect until changed by the bureau through the process under~~
452 ~~Section 63J-1-504.]~~

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

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

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

461 ~~[(a) the individual presents the individual's concealed firearm permit to the dealer prior~~

462 to purchase of the firearm; and]
463 [(b) the dealer verifies with the bureau that the individual's concealed firearm permit is
464 valid.]
465 [(14) A law enforcement officer, as defined in Section ~~53-13-103~~, is exempt from the
466 background check fee required in this section for the purchase of a personal firearm to be
467 carried while off-duty if the law enforcement officer verifies current employment by providing
468 a letter of good standing from the officer's commanding officer and current law enforcement
469 photo identification. This section may only be used by a law enforcement officer to purchase a
470 personal firearm once in a 24-month period.]
471 [(15)] (5) (a) A dealer may participate in the redeemable coupon program described in
472 this Subsection [(15)] (5) and Subsection ~~53-10-202~~(18).
473 (b) A participating dealer shall:
474 (i) accept the redeemable coupon only from the individual whose name is on the
475 coupon and apply it only toward the purchase of a gun safe;
476 (ii) collect the receipts from the purchase of gun safes using the redeemable coupon
477 and send them to the Bureau of Criminal Identification for redemption; and
478 (iii) make the firearm safety brochure described in Subsection ~~53-10-202~~(18) available
479 to customers free of charge.

Legislative Review Note
Office of Legislative Research and General Counsel