

PURCHASE OF FIREARM AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions regarding concealed firearm permits and the purchase of firearms by law enforcement officers.

Highlighted Provisions:

This bill:

- ▶ provides that a currently certified law enforcement officer is exempt from the requirements of a background check when the officer applies for a concealed firearm permit.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-10-526, as last amended by Laws of Utah 2014, Chapter 226

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

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

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



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

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

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

36 (3) (a) A criminal history background check is required for the sale of a firearm by a
37 licensed firearm dealer in the state, except under Subsections (3)(b) and (c).

38 (b) (i) A law enforcement officer who is currently certified in accordance with Section
39 [53-13-103](#) and who is employed by a state or local law enforcement agency may apply for and
40 receive a concealed firearm permit under this section without obtaining a background check.

41 (ii) A law enforcement officer may purchase a firearm without obtaining a background
42 check no more frequently than once every 24 months.

43 ~~(b)~~ (c) Subsection (3)(a) does not apply to the sale of a firearm to a Federal Firearms
44 Licensee.

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

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

48 (i) the dealer identification number;

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

50 (iii) the date of birth, height, weight, eye color, and hair color of the individual
51 receiving the firearm; and

52 (iv) the social security number or any other identification number of the individual
53 receiving the firearm.

54 (5) (a) The dealer shall send the information required by Subsection (4) to the bureau
55 immediately upon its receipt by the dealer.

56 (b) A dealer may not sell or transfer a firearm to an individual until the dealer has
57 provided the bureau with the information in Subsection (4) and has received approval from the
58 bureau under Subsection (7).

59 (6) The dealer shall make a request for criminal history background information by
60 telephone or other electronic means to the bureau and shall receive approval or denial of the
61 inquiry by telephone or other electronic means.

62 (7) When the dealer calls for or requests a criminal history background check, the
63 bureau shall:

64 (a) review the criminal history files, including juvenile court records, to determine if
65 the individual is prohibited from purchasing, possessing, or transferring a firearm by state or
66 federal law;

67 (b) inform the dealer that:

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

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

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

71 (d) provide a response to the requesting dealer during the call for a criminal
72 background check, or by return call, or other electronic means, without delay, except in case of
73 electronic failure or other circumstances beyond the control of the bureau, the bureau shall
74 advise the dealer of the reason for the delay and give the dealer an estimate of the length of the
75 delay.

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

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

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

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

89 (11) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah

90 Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of all
91 records provided by the bureau under this part are in conformance with the requirements of the
92 Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993).

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

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

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

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

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

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

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

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

115 ~~[(15)]~~ (14) (a) A dealer may participate in the redeemable coupon program described in
116 this Subsection ~~[(15)]~~ (14) and Subsection 53-10-202(18).

117 (b) A participating dealer shall:

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

120 (ii) collect the receipts from the purchase of gun safes using the redeemable coupon

121 and send them to the Bureau of Criminal Identification for redemption; and
122 (iii) make the firearm safety brochure described in Subsection [53-10-202](#)(18) available
123 to customers free of charge.

Legislative Review Note
Office of Legislative Research and General Counsel