Enrolled Copy H.B. 325

	DOMESTIC VIOLENCE WEAPONS AMENDMENTS
	2019 GENERAL SESSION
	STATE OF UTAH
	Chief Sponsor: Brian S. King
	Senate Sponsor: Deidre M. Henderson
LO	NG TITLE
	eral Description:
	This bill requires a law enforcement agency to report certain information relating to
dom	estic violence.
Hig	nlighted Provisions:
Ü	This bill:
	requires a law enforcement agency to report certain information relating to domestic
/iol	ence to the Law Enforcement and Criminal Justice Interim Committee; and
	makes technical changes.
Лоı	ney Appropriated in this Bill:
	None
Oth	er Special Clauses:
	None
Utal	1 Code Sections Affected:
AM	ENDS:
	76-10-526 , as last amended by Laws of Utah 2018, Chapter 417
Be i	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
Exe	mption for concealed firearm permit holders and law enforcement officers.
	(1) For purposes of this section, "valid permit to carry a concealed firearm" does not
incl	nde a temporary permit issued under Section 53-5-705.

H.B. 325 Enrolled Copy

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 proof of identification for the purpose of establishing personal identification and residence in 34 35 this state as required under this Subsection (2). (3) (a) A criminal history background check is required for the sale of a firearm by a 36 licensed firearm dealer in the state. 37 38 (b) Subsection (3)(a) does not apply to the sale of a firearm to a Federal Firearms 39 Licensee. (4) (a) An individual purchasing a firearm from a dealer shall consent in writing to a 40 criminal background check, on a form provided by the bureau. 41 42 (b) The form shall contain the following information: (i) the dealer identification number; 43 (ii) the name and address of the individual receiving the firearm; 44 45 (iii) the date of birth, height, weight, eye color, and hair color of the individual receiving the firearm; and 46 (iv) the social security number or any other identification number of the individual 47 48 receiving the firearm. 49 (5) (a) The dealer shall send the information required by Subsection (4) to the bureau 50 immediately upon its receipt by the dealer. 51 (b) A dealer may not sell or transfer a firearm to an individual until the dealer has 52 provided the bureau with the information in Subsection (4) and has received approval from the 53 bureau under Subsection (7). 54 (6) The dealer shall make a request for criminal history background information by telephone or other electronic means to the bureau and shall receive approval or denial of the 55

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

inquiry by telephone or other electronic means.

56

57

Enrolled Copy H.B. 325

<i>5</i> 0	1	_1 1	1
58	bureau	snai	Ľ

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

- (b) inform the dealer that:
- (i) the records indicate the individual is prohibited; or
- (ii) the individual is approved for purchasing, possessing, or transferring a firearm;
- (c) provide the dealer with a unique transaction number for that inquiry; and
- (d) provide a response to the requesting dealer during the call for a criminal background check, or by return call, or other electronic means, without delay, except in case of electronic failure or other circumstances beyond the control of the bureau, the bureau shall advise the dealer of the reason for the delay and give the dealer an estimate of the length of the delay.
- (8) (a) The bureau may not maintain any records of the criminal history background check longer than 20 days from the date of the dealer's request, if the bureau determines that the individual receiving the firearm is not prohibited from purchasing, possessing, or transferring the firearm under state or federal law.
- (b) However, the bureau shall maintain a log of requests containing the dealer's federal firearms number, the transaction number, and the transaction date for a period of 12 months.
- (9) (a) If the criminal history background check discloses information indicating that the individual attempting to purchase the firearm is prohibited from purchasing, possessing, or transferring a firearm, the bureau shall inform the law enforcement agency in the jurisdiction where the individual resides.
- (b) A law enforcement agency that receives information from the bureau under Subsection (9)(a) shall provide a report before August 1 of each year to the bureau that includes:
- (i) based on the information the bureau provides to the law enforcement agency under Subsection (9)(a), the number of cases that involve an individual who is prohibited from

H.B. 325 Enrolled Copy

86	purchasing, possessing, or transferring a firearm as a result of a conviction for an offense
87	involving domestic violence; and
88	(ii) of the cases described in Subsection (9)(b)(i):
89	(A) the number of cases the law enforcement agency investigates; and
90	(B) the number of cases the law enforcement agency investigates that result in a
91	criminal charge.
92	(c) The bureau shall:
93	(i) compile the information from the reports described in Subsection (9)(b);
94	(ii) omit or redact any identifying information in the compilation; and
95	(iii) submit the compilation to the Law Enforcement and Criminal Justice Interim
96	Committee before November 1 of each year.
97	(10) If an individual is denied the right to purchase a firearm under this section, the
98	individual may review the individual's criminal history information and may challenge or
99	amend the information as provided in Section 53-10-108.
100	(11) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah
101	Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of all
102	records provided by the bureau under this part are in conformance with the requirements of the
103	Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993).
104	(12) (a) A dealer shall collect a criminal history background check fee for the sale of a
105	firearm under this section. This fee remains in effect until changed by the bureau through the
106	process in accordance with Section 63J-1-504.
107	(b) (i) The dealer shall forward at one time all fees collected for criminal history
108	background checks performed during the month to the bureau by the last day of the month
109	following the sale of a firearm.
110	(ii) The bureau shall deposit the fees in the General Fund as dedicated credits to cover
111	the cost of administering and conducting the criminal history background check program.
112	(13) An individual with a concealed firearm permit issued under Title 53, Chapter 5,
113	Part 7, Concealed Firearm Act, is exempt from the background check and corresponding fee

Enrolled Copy H.B. 325

required in this section for the purchase of a firearm if:

- (a) the individual presents the individual's concealed firearm permit to the dealer prior to purchase of the firearm; and
- (b) the dealer verifies with the bureau that the individual's concealed firearm permit is valid.
- (14) A law enforcement officer, as defined in Section 53-13-103, is exempt from the background check fee required in this section for the purchase of a personal firearm to be carried while off-duty if the law enforcement officer verifies current employment by providing a letter of good standing from the officer's commanding officer and current law enforcement photo identification. This section may only be used by a law enforcement officer to purchase a personal firearm once in a 24-month period.