

HOUSE BILL No. 2111

By Committee on Federal and State Affairs

1-30

1 AN ACT concerning firearms; relating to background checks for certain
2 sales of firearms.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. As used in sections 1 through 5, and amendments thereto:

6 (a) "Antique firearm" means:

7 (1) Any firearm, including any firearm with a matchlock, flintlock,
8 percussion cap or similar type of ignition system, manufactured in or
9 before 1898;

10 (2) any replica of any firearm described in paragraph (1) if such
11 replica:

12 (A) Is not designed or redesigned for using rimfire or conventional
13 centerfire fixed ammunition; or

14 (B) uses rimfire or conventional centerfire fixed ammunition that is
15 no longer manufactured in the United States and is not readily available in
16 the ordinary channels of commercial trade; or

17 (3) any muzzle loading rifle, muzzle loading shotgun or muzzle
18 loading pistol, that is designed to use black powder, or a black powder
19 substitute, and that cannot use fixed ammunition. For purposes of this
20 paragraph, the term "antique firearm" shall not include any weapon that:

21 (A) Incorporates a firearm frame or receiver;

22 (B) is converted into a muzzle loading weapon; or

23 (C) is a muzzle loading weapon that can be readily converted to fire
24 fixed ammunition by replacing the barrel, bolt, breechblock or any
25 combination thereof.

26 (b) "Curio or relic" means any firearm that is of special interest to
27 collectors by reason of some quality other than being associated with
28 firearms intended for sporting use or as offensive or defensive weapons,
29 and that satisfies one of the following:

30 (1) Firearms manufactured at least 50 years prior to the current date,
31 but not including replicas thereof;

32 (2) firearms that are certified by the curator of a municipal, state or
33 federal museum that exhibits firearms to be curios or relics of museum
34 interest; and

35 (3) any other firearms that derive a substantial part of such firearm's
36 monetary value from the fact that such firearm is novel, rare, bizarre or

1 because it is associated with some historical figure, period or event. Proof
2 of qualification of a particular firearm under this paragraph may be
3 established by evidence of present value and evidence that like firearms
4 are not available except as collector's items, or that the value of like
5 firearms available in ordinary commercial channels is substantially less.

6 (c) "Firearm" means the same as that term is defined in K.S.A. 2018
7 Supp. 21-5111, and amendments thereto.

8 (d) "Gun show" means any event, whether such event is open to the
9 public or by invitation only, at which 75 or more firearms are offered or
10 exhibited for sale, exchange or transfer.

11 (e) "Immediate family member" means the spouse, parent, child,
12 sibling, grandparent, niece, nephew, first cousin, aunt or uncle of the
13 transferor.

14 (f) "Transferee" means a natural person who desires to receive or
15 acquire a firearm from a transferor. If a transferee is not a natural person,
16 then each natural person who is authorized by the transferee to possess the
17 firearm after the transfer shall undergo a background check as described in
18 section 2, and amendments thereto, before taking possession of such
19 firearm.

20 (g) "Transferor" means any natural person who desires to transfer
21 possession of a firearm to a natural person. If a transferor is not a natural
22 person, then the natural person who is authorized by the transferor to
23 transfer possession of such firearm to the transferee shall be subject to the
24 provisions of sections 1 through 5, and amendments thereto.

25 Sec. 2. (a) It shall be unlawful for any person other than a properly
26 licensed federal firearms dealer, manufacturer or importer to complete the
27 transfer of a firearm to any person who is not a federal firearms licensee
28 without conducting a background check as provided in 18 U.S.C. § 922(t)
29 on the transferee prior to completion of such firearm transfer, if such
30 transfer occurs:

31 (1) At a gun show or similar event, or curtilage thereof; or

32 (2) pursuant to an advertisement, posting, display or other listing on
33 the internet, or in any other publication, of the transferor's intent to transfer
34 or the transferee's intent to acquire such firearm.

35 (b) The provisions of subsection (a) shall not apply to:

36 (1) The transfer of an antique firearm or a firearm considered a curio
37 or relic;

38 (2) a transfer that is a bona fide gift or loan to an immediate family
39 member;

40 (3) a transfer that occurs by operation of law, or because of the death
41 of a person and the transferor is the executor or administrator of the
42 decedent's estate or a trustee of a trust created by the decedent;

43 (4) a temporary transfer of a firearm without transfer of ownership or

1 title of such firearm if:

2 (A) The transferor has no reason to believe that:

3 (i) The transferee will use or intends to use the firearm in the
4 commission of a crime; or

5 (ii) the transferee is prohibited from possessing firearms under federal
6 or state law;

7 (B) the transferee exclusively possesses such firearm; and

8 (C) the transfer occurs:

9 (i) At a shooting range located in or on the premises owned or
10 occupied by a duly organized corporation, partnership, limited partnership,
11 limited liability partnership, limited liability company or other business
12 entity, whether for profit or nonprofit, organized for conservation purposes
13 or to foster proficiency in firearms;

14 (ii) at a firearm shooting competition organized or approved by a
15 state agency or a nonprofit organization;

16 (iii) while hunting, fishing or trapping, provided the transferee holds
17 a license or permit required for such hunting, fishing or trapping, and the
18 hunting, fishing or trapping is legal in all places where the transferee
19 possesses such firearm;

20 (iv) to facilitate the repair or maintenance of such firearm;

21 (v) while in the continuous presence of the owner of such firearm;

22 (vi) when the transferor is serving in the armed forces of the United
23 States, will be deployed outside of the United States within the 30 days
24 immediately succeeding the date of transfer and the transfer is to any
25 immediate family member; or

26 (vii) to prevent imminent death or great bodily harm, if possession by
27 the transferee is only for as long as necessary to prevent such imminent
28 death or great bodily harm.

29 (c) A licensed federal firearms dealer, manufacturer or importer may
30 charge a fee, including the cost of any required background check of the
31 transferee, for services rendered pursuant to this section. Such fee shall not
32 exceed the amount ordinarily charged by the licensed federal firearms
33 dealer, manufacturer or importer when completing the transfer of the same
34 or similar firearm. Nothing in this section shall be construed to require any
35 licensed federal firearms dealer, manufacturer or importer to charge a fee
36 for services rendered pursuant to this section.

37 (d) A transferee shall not knowingly provide false information to a
38 transferor for the purpose of acquiring a firearm.

39 Sec. 3. A person who transfers a firearm in violation of the provisions
40 of section 2, and amendments thereto, may be held liable for any damages
41 proximately caused by the transferee's subsequent use of such firearm.

42 Sec. 4. (a) A violation of section 2, and amendments thereto, shall be
43 a class A misdemeanor.

1 (b) A person convicted of a violation of section 2, and amendments
2 thereto, shall be prohibited from possessing a firearm for a period of two
3 years from the date of conviction.

4 (c) No later than one day after the conviction of a person for a
5 violation of section 2, and amendments thereto, the court shall report such
6 conviction to the Kansas bureau of investigation. Such report shall include
7 identifying information about such person and the date of conviction and
8 shall indicate that such person is prohibited from possessing a firearm for a
9 period of two years from the date of such conviction. Such report shall be
10 submitted in an electronic format in such manner as prescribed by the
11 director of the Kansas bureau of investigation. Upon receipt of any such
12 report, the Kansas bureau of investigation shall immediately make the
13 information contained in the report available to the national instant
14 criminal background check system for purposes of firearm transfers.

15 Sec. 5. Nothing in sections 1 through 5, and amendments thereto,
16 shall be construed to limit the provisions of any federal law regarding
17 background checks for the transfer of firearms.

18 Sec. 6. This act shall take effect and be in force from and after its
19 publication in the statute book.