

FIRST REGULAR SESSION

# HOUSE BILL NO. 1107

## 101ST GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE BLAND MANLOVE.

1705H.011

DANA RADEMAN MILLER, Chief Clerk

---

### AN ACT

To amend chapter 571, RSMo, by adding thereto two new sections relating to the transfer of firearms, with penalty provisions.

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 571, RSMo, is amended by adding thereto two new sections, to be known as sections 571.203 and 571.204, to read as follows:

**571.203. As used in this section and section 571.204, the following terms mean:**

(1) "Law enforcement officer", any individual employed by the United States or by a state, county, city, municipality, village, township, or other political subdivision as a police officer or peace officer or in a similar position that involves the enforcement of the law and protection of the public interest;

(2) "Licensed dealer", a person who has a valid federal firearms dealer license and all additional licenses required by state or local law to engage in the business of selling or transferring firearms;

(3) "Person", any individual, corporation, company, association, firm, partnership, club, organization, society, joint stock company, or other entity.

**571.204. 1. No person shall sell or otherwise transfer a fire arm or ammunition, including through online interactions, unless:**

(1) Such person is a licensed dealer;

(2) The purchaser or transferee is a licensed dealer; or

(3) The sale or transfer satisfies the requirements of subsection 2 or 3 of this section.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

7           **2. If neither party to a firearm or ammunition transaction is a licensed dealer, the**  
8 **parties shall have a licensed dealer facilitate the sale or transfer. A licensed dealer shall**  
9 **process the sale or other transfer as if the licensed dealer is the seller or transferor. If the**  
10 **sale or transfer is of ammunition, the licensed dealer shall comply with all requirements**  
11 **of federal, state, and local law that would apply if the licensed dealer was the seller or**  
12 **transferor and if the transaction was of a firearm. The licensed dealer shall conduct a**  
13 **background check on the purchaser or transferee in accordance with 18 U.S.C. Section**  
14 **922(t) and other state and local law and, if the transaction of a firearm to the purchaser or**  
15 **transferee is not prohibited, deliver the firearm or ammunition to the purchaser or**  
16 **transferee after all legal requirements are satisfied. The licensed dealer may require the**  
17 **purchaser or transferee to pay a fee up to, but not to exceed, twenty-five dollars for**  
18 **administrative costs incurred by the licensed dealer and pay other fees pursuant to federal,**  
19 **state, and local law.**

20           **3. A trustee, under the authority of a trust, or a personal representative, executor,**  
21 **or administrator of an estate shall, before transferring any firearm or ammunition to an**  
22 **heir or devisee, have a licensed dealer facilitate the sale or transfer through the process**  
23 **described under subsection 2 of this section. If the transfer of a firearm to the heir or**  
24 **devisee is prohibited, the heir or devisee may:**

25           **(1) Transfer ownership of the firearm or ammunition to a specific individual,**  
26 **provided the transfer to that individual is not prohibited under subsection 2 of this section;**

27           **(2) Sell the firearm or ammunition to a licensed dealer; or**

28           **(3) Request a licensed dealer sell the firearm or ammunition on behalf of the heir**  
29 **or devisee and receive the proceeds of the sale minus any fee.**

30           **4. Notwithstanding any provision of law to the contrary, neither the state nor a**  
31 **political subdivision thereof shall require any licensed dealer to disclose transactions**  
32 **conducted under the provisions of subsection 2 or 3 of this section. All records of firearm**  
33 **or ammunition sales and transfers shall be maintained by the licensed dealer in the same**  
34 **manner as the federal law requirements for the recording of firearm sales and transfers.**

35           **5. The provisions of subsections 1 and 2 of this section shall not apply to:**

36           **(1) Any law enforcement or corrections agency, or law enforcement or corrections**  
37 **officer acting within the course and scope of his or her employment or official duties;**

38           **(2) A United States Marshal or member of the Armed Forces of the United States**  
39 **or the National Guard, or a federal official transferring or receiving a firearm or**  
40 **ammunition as required in the operation of his or her official duties;**

41           **(3) A gunsmith who receives a fire arm or ammunition solely for the purposes of**  
42 **service or repair of a firearm or to the return of a firearm or ammunition to its owner by**  
43 **the gunsmith;**

44           **(4) A common carrier, warehouseman, or other person engaged in the business of**  
45 **transportation or storage, to the extent that the receipt of any firearm or ammunition is in**  
46 **the ordinary course of business and not for the personal use of any such person; or**

47           **(5) A person who transfers a firearm or ammunition to a relative who is related**  
48 **within the first degree by consanguinity or affinity.**

49           **6. A violation of a provision of this section is a class B misdemeanor. Each day a**  
50 **violation of this section is committed or continued shall be considered a separate violation**  
51 **and punished accordingly.**

52           **7. In addition to any other penalty or remedy, the investigating law enforcement**  
53 **agency shall report any violation of this section committed by a licensed dealer to the**  
54 **attorney general, who shall report the violation to the Bureau of Alcohol, Tobacco,**  
55 **Firearms and Explosives within the United States Department of Justice.**

✓