

SECOND REGULAR SESSION

# HOUSE BILL NO. 1341

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE NEWMAN.

4728H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

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

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*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  
2 known as sections 571.200 and 571.202, to read as follows:

**571.200. As used in section 571.202, the following terms shall mean:**

2 **(1) "Law enforcement officer", any person employed by the United States, or a**  
3 **state, county, city, municipality, village, township, or other political subdivision as a police**  
4 **officer, peace officer, or in some like position involving the enforcement of the law and**  
5 **protection of the public interest;**

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

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

**571.202. 1. It is the purpose and intent of the general assembly that all firearm**  
2 **sales and transfers in this state be processed through a licensed firearm dealer, who will**  
3 **conduct a background check and create a record of each sale. The general assembly**  
4 **believes this law will protect public safety by helping to keep guns out of the hands of**  
5 **felons, domestic abusers, the mentally ill, and other prohibited persons, and by aiding law**  
6 **enforcement efforts to solve gun crimes.**

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. No person shall sell or otherwise transfer a firearm, including selling or**  
8 **transferring a firearm via the internet, unless:**

9           **(1) Such person is a licensed firearms dealer;**

10           **(2) The purchaser or other transferee is a licensed firearms dealer; or**

11           **(3) The requirements of subsection 3 of this section are met.**

12           **3. If neither party to a prospective firearms transaction is a licensed firearms**  
13 **dealer, the parties to the transaction shall complete the sale or other transfer through a**  
14 **licensed firearms dealer as follows:**

15           **(1) The seller or other transferor shall deliver the firearm to the dealer, who shall**  
16 **retain possession of the firearm until all legal requirements for the sale or other transfer**  
17 **have been met, including compliance with any state or local waiting periods;**

18           **(2) The dealer shall process the sale or other transfer as if he or she were the seller**  
19 **or other transferor. The dealer shall comply with all requirements of federal, state, and**  
20 **local law that would apply if he or she were the seller or other transferor of the firearm;**

21           **(3) The dealer shall conduct a background check on the purchaser or other**  
22 **transferee in accordance with 18 U.S.C. Section 922(t), and state and local law and, if the**  
23 **transaction is not prohibited, deliver the firearm to that person after all other legal**  
24 **requirements are met;**

25           **(4) If the dealer cannot legally deliver the firearm to the purchaser or other**  
26 **transferee, the dealer shall conduct a background check on the seller or other transferor**  
27 **in accordance with 18 U.S.C. Section 922(t) and state and local law and if the return is not**  
28 **prohibited, return the firearm to that person;**

29           **(5) If the dealer cannot legally return the firearm to the seller or other transferor,**  
30 **the dealer shall deliver the firearm to the sheriff of the county in which the dealer is located**  
31 **within twenty-four hours; and**

32           **(6) The dealer may require the purchaser or other transferee to pay a fee covering**  
33 **the administrative costs incurred by the dealer for facilitating the transfer of the firearm,**  
34 **plus applicable fees pursuant to federal, state, and local law.**

35           **4. The provisions of subsections 2 and 3 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 as required**  
40 **in the operation of his or her official duties;**

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

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

46           **(5) A person who is loaned a firearm solely for the purpose of shooting at targets,**  
47 **if the loan occurs on the premises of a properly licensed target facility, and the firearm is**  
48 **at all times kept within the premises of the target range;**

49           **(6) A person who is under eighteen years of age who is loaned a firearm for lawful**  
50 **hunting or sporting purposes or for any other lawful recreational activity while under the**  
51 **direct supervision and control of a responsible adult;**

52           **(7) A person who is eighteen years of age or older who is loaned a firearm while the**  
53 **person is accompanying the lawful owner and using the firearm for lawful hunting or**  
54 **sporting purposes or for any other lawful recreational activity;**

55           **(8) A person who acquired the firearm by operation of law upon the death of the**  
56 **former owner of the firearm within the preceding sixty days. At the end of the sixty-day**  
57 **period, the person shall either have lawfully transferred the firearm or shall have**  
58 **contacted the attorney general's office to notify the attorney general that he or she has**  
59 **possession of the firearm and intends to retain possession of the firearm in compliance with**  
60 **all federal, state, and local laws; or**

61           **(9) An adult family member of the lawful owner of the firearm if the owner resides**  
62 **with the family member but is not currently present in the residence; provided that, the**  
63 **family member does not maintain control over the firearm for more than fourteen**  
64 **consecutive days. This exception shall not apply if the owner or the family member knows**  
65 **or has reasonable cause to believe that federal, state, or local law prohibits the family**  
66 **member from purchasing or possessing firearms, or the owner knows or has reasonable**  
67 **cause to believe that the family member is likely to use the firearm for unlawful purposes.**

68           **5. Any person violating any of the provisions of this section shall be guilty of a**  
69 **misdemeanor, punishable by a fine of not more than one thousand dollars or by**  
70 **imprisonment for a period not exceeding six months, or both. Such person shall be guilty**  
71 **of a separate offense for each and every day during any portion of which a violation of any**  
72 **provision of this section is committed or continued by such person and shall be punished**  
73 **accordingly.**

74           **6. In addition to any other penalty or remedy, the investigating law enforcement**  
75 **agency shall report any violation of this section committed by a licensed firearms dealer**  
76 **to the attorney general who shall, in turn, report the violation to the Bureau of Alcohol,**  
77 **Tobacco, Firearms and Explosives within the United States Department of Justice.**

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