

SENATE BILL NO. 731

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHUPP.

4096S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapter 571, RSMo, by adding thereto two new sections relating to the sale or transfer of weapons, 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
2 two new sections, to be known as sections 571.200 and 571.202,
3 to read as follows:

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

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

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

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

571.202. 1. This section shall be known and cited as
2 the "Violent History Checks Act".

3 2. No person shall sell or otherwise transfer a
4 firearm, including selling or transferring a firearm via the
5 internet, unless:

6 (1) Such person is a licensed firearms dealer;

7 (2) The purchaser or other transferee is a licensed
8 firearms dealer; or

9 (3) The requirements of subsections 3 or 4 of this
10 section are met.

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

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

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

25 (3) The dealer may require the purchaser or other
26 transferee to pay a fee covering the administrative costs
27 incurred by the dealer for facilitating the transfer of the
28 firearm, plus applicable fees pursuant to federal, state,
29 and local law.

30 4. A trustee, under the authority of a trust, or a
31 personal representative, executor, or administrator of an
32 estate shall, before transferring any firearm to an heir or
33 devisee, complete the transfer through a licensed dealer
34 according to the provisions of subdivisions (1) and (2) of

35 subsection 3 of this section. If the transaction is
36 prohibited, then the heir or devisee may authorize a
37 transfer of a firearm to a specific individual to whom the
38 transaction is not prohibited, or the dealer may sell the
39 firearm and give the proceeds to the heir or devisee.

40 5. Notwithstanding any provision of law to the
41 contrary, neither the state nor any political subdivision
42 shall require any federally licensed firearms dealer to
43 supply a list of all of his or her transactions conducted
44 under the provisions of subsections 2 or 3 of this section.
45 All records shall be maintained by the licensed dealer in
46 accordance with federal law.

47 6. The provisions of subsections 2 and 3 of this
48 section shall not apply to:

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

52 (2) A United States Marshal or member of the Armed
53 Forces of the United States or the National Guard, or a
54 federal official transferring or receiving a firearm as
55 required in the operation of his or her official duties;

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

59 (4) A common carrier, warehouseman, or other person
60 engaged in the business of transportation or storage, to the
61 extent that the receipt of any firearm is in the ordinary
62 course of business and not for the personal use of any such
63 person;

64 (5) A person who is loaned a firearm solely for the
65 purpose of shooting at targets, if the loan occurs on the
66 premises of a properly licensed target facility, and the

67 firearm is at all times kept within the premises of the
68 target range;

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

73 (7) A person who is eighteen years of age or older who
74 is loaned a firearm while the person is accompanying the
75 lawful owner and using the firearm for lawful hunting or
76 sporting purposes or for any other lawful recreational
77 activity.

78 7. Any person violating any of the provisions of this
79 section shall be guilty of a misdemeanor, punishable by a
80 fine of not more than one thousand dollars or by
81 imprisonment for a period not exceeding six months, or
82 both. Such person shall be guilty of a separate offense for
83 each and every day during any portion of which a violation
84 of any provision of this section is committed or continued
85 by such person and shall be punished accordingly.

86 8. In addition to any other penalty or remedy, the
87 investigating law enforcement agency shall report any
88 violation of this section committed by a licensed firearms
89 dealer to the attorney general who shall, in turn, report
90 the violation to the Bureau of Alcohol, Tobacco, Firearms
91 and Explosives within the United States Department of
92 Justice.

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