

FIRST REGULAR SESSION

HOUSE BILL NO. 363

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NEWMAN.

0229H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

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

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 571.200 and 571.202, to read as follows:

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

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

(2) "Licensed firearms dealer, licensed dealer, or 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.

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