

SECOND REGULAR SESSION

HOUSE BILL NO. 2281

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RAZER.

5521H.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 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 571.200 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. No person shall sell or otherwise transfer a firearm, including selling or transferring a firearm via the internet, unless:

- (1) Such person is a licensed firearms dealer;**
- (2) The purchaser or other transferee is a licensed firearms dealer; or**
- (3) The requirements of subsections 2 or 3 of this section are met.**

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.

6 **2. If neither party to a prospective firearms transaction is a licensed firearms**
7 **dealer, the parties to the transaction shall complete the sale or other transfer through a**
8 **licensed firearms dealer as follows:**

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

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

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

19 **3. A trustee, under the authority of a trust, or a personal representative, executor,**
20 **or administrator of an estate shall, before transferring any firearm to an heir or devisee,**
21 **complete the transfer through a licensed dealer according to the provisions of subdivisions**
22 **(1) and (2) of subsection 2 of this section. If the transaction is prohibited, then the heir or**
23 **devisees may authorize a transfer of a firearm to a specific individual to whom the**
24 **transaction is not prohibited, or the dealer may sell the firearm and give the proceeds to**
25 **the heir or designee.**

26 **4. Notwithstanding any provision of law to the contrary, neither the state nor any**
27 **political subdivision shall require any federally licensed firearms dealer to supply a list of**
28 **all of his or her transactions conducted under the provisions of subsections 2 or 3 of this**
29 **section. All records shall be maintained by the licensed dealer in accordance with federal**
30 **law.**

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

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

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

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

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

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

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

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

51 **6. Any person violating any of the provisions of this section shall be guilty of a**
52 **misdemeanor, punishable by a fine of not more than one thousand dollars or by**
53 **imprisonment for a period not exceeding six months, or both. Such person shall be guilty**
54 **of a separate offense for each and every day during any portion of which a violation of any**
55 **provision of this section is committed or continued by such person and shall be punished**
56 **accordingly.**

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

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