

FIRST REGULAR SESSION

# HOUSE BILL NO. 357

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE YOUNG.

1050H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To amend chapter 571, RSMo, by adding thereto one new section 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 one new section, to be known as section 571.201, to read as follows:

**571.201. 1. As used in this section, the following terms mean:**

(1) "Central repository", the same meaning given to the term in section 43.500;

(2) "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;

(3) "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;

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

(5) "Transferee", a person who desires to receive or acquire a firearm from a transferor. If a transferee is not a natural person, each natural person who is authorized by the transferee to possess the firearm after the transfer shall be deemed the transferee and subject to the requirements of this section.

2. Any person who is not a licensed dealer, before transferring or attempting to transfer possession of a firearm, shall require that a background check be conducted on

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.

18 the prospective transferee and shall obtain approval of the transfer from the central  
19 repository after a background check. A person who is not a licensed dealer shall  
20 arrange for either a licensed dealer or law enforcement agency to obtain the background  
21 check.

22 3. (1) A licensed dealer who obtains a background check on a prospective  
23 transferee shall record the transfer and retain the records in the same manner and for  
24 the same duration as required under 18 U.S.C. Section 923(g).

25 (2) A licensed dealer or law enforcement agency that obtains a background  
26 check for a prospective firearm transferor shall provide the firearm transferor and  
27 transferee a copy of the results of the background check, including the central  
28 repository approval or disapproval of the transfer.

29 (3) A licensed dealer or law enforcement agency may charge a fee for conducting  
30 a background check, which shall not exceed twenty-five dollars or the cost of conducting  
31 the background check, whichever is greater.

32 4. (1) A prospective firearm transferee shall not accept possession of a firearm  
33 unless the prospective firearm transferor has obtained approval of the transfer from the  
34 central repository after a background check.

35 (2) A prospective firearm transferee shall not knowingly provide false  
36 information to a prospective firearm transferor or to a licensed dealer for the  
37 purpose of acquiring a firearm.

38 5. If the central repository approves a transfer of a firearm in accordance with  
39 this section, the approval shall be valid for thirty calendar days, during which time the  
40 transferor and transferee may complete the transfer.

41 6. The provisions of this section shall not apply to:

42 (1) A transfer of an antique firearm, as defined in 18 U.S.C. Section 921, as  
43 amended, or a curio or relic, as defined in 27 CFR 478, as amended;

44 (2) A transfer that is a bona fide gift or loan between immediate family  
45 members, which shall be limited to spouses, parents, children, siblings, grandparents,  
46 grandchildren, nieces, nephews, first cousins, aunts, and uncles;

47 (3) A transfer that occurs by operation of law or because of the death of a person  
48 for whom the prospective transferor is an executor or administrator of an estate or a  
49 trustee of a trust created in a will;

50 (4) A transfer that is temporary and occurs while in the home of the unlicensed  
51 transferee if:

52 (a) The unlicensed transferee is not prohibited from possessing firearms; and

53           **(b) The unlicensed transferee reasonably believes that possession of the firearm**  
54 **is necessary to prevent imminent death or serious bodily injury to the unlicensed**  
55 **transferee;**

56           **(5) A temporary transfer of possession without transfer of ownership or a title to**  
57 **ownership, which transfer takes place:**

58           **(a) At a shooting range located in or on premises owned or occupied by a duly**  
59 **incorporated organization organized for conservation purposes or to foster proficiency**  
60 **in firearms;**

61           **(b) At a target firearm shooting competition under the auspices of, or approved**  
62 **by, a state agency or a nonprofit organization; or**

63           **(c) While hunting, fishing, target shooting, or trapping if:**

64           **a. The hunting, fishing, target shooting, or trapping is legal in all places where**  
65 **the unlicensed transferee possesses the firearm; and**

66           **b. The unlicensed transferee holds any license or permit that is required for such**  
67 **hunting, fishing, target shooting, or trapping;**

68           **(6) Any temporary transfer that occurs while in the continuous presence of the**  
69 **owner of the firearm;**

70           **(7) Any law enforcement or corrections agency or law enforcement or**  
71 **corrections officer acting within the course and scope of his or her employment or**  
72 **official duties;**

73           **(8) A United States marshal, a member of the United States Armed Forces or the**  
74 **National Guard, or a federal official transferring or receiving a firearm as required in**  
75 **the operation of his or her official duties;**

76           **(9) A gunsmith who receives a firearm solely for the purposes of service or**  
77 **repair or the return of the firearm to its owner by the gunsmith;**

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

81           **(11) A person who transfers a firearm to a relative who is related within the first**  
82 **degree by consanguinity or affinity.**

83           **7. A violation of a provision of this section is a class B misdemeanor. Each day a**  
84 **violation of this section is committed or continued shall be considered a separate**  
85 **violation and punished accordingly.**

86           **8. In addition to any other penalty or remedy, the investigating law enforcement**  
87 **agency shall report any violation of this section committed by a licensed dealer to the**

88 **attorney general, who shall report the violation to the Bureau of Alcohol, Tobacco,**  
89 **Firearms and Explosives within the United States Department of Justice.**

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