

**HOUSE****AMENDMENT NO. \_\_\_\_****Offered by****of**

1 AMEND House Bill No. 1539, Page 1, In the Title, Line 3, by  
 2 deleting the words "training requirements for a concealed carry  
 3 permit, with existing penalty provisions" and inserting in lieu  
 4 thereof the words "firearms, with penalty provisions"; and  
 5

6 Further amend said bill, Page 4, Section 571.111, Line 86,  
 7 by inserting after all of said line the following:

8 "571.200. As used in section 571.202, the following terms  
 9 shall mean:

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

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

19 (3) "Person", any individual, corporation, company,  
 20 association, firm, partnership, club, organization, society,  
 21 joint stock company or other entity.

22 571.202. 1. It is the purpose and intent of the general  
 23 assembly that all firearm sales and transfers in this state be  
 24 processed through a licensed firearm dealer, who will conduct a  
 25 background check and create a record of each sale. The general  
 26 assembly believes this law will protect public safety by helping  
 27 to keep guns out of the hands of felons, domestic abusers, the  
 28 mentally ill, and other prohibited persons, and by aiding law  
 29 enforcement efforts to solve gun crimes.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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

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

5       (2) The purchaser or other transferee is a licensed  
6 firearms dealer; or

7       (3) The requirements of subsection 3 of this section are  
8 met.

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

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

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

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

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

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

37       (6) The dealer may require the purchaser or other

1 transferee to pay a fee covering the administrative costs  
2 incurred by the dealer for facilitating the transfer of the  
3 firearm, plus applicable fees pursuant to federal, state, and  
4 local law.

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

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

10 (2) A United States Marshall or member of the Armed Forces  
11 of the United States or the National Guard, or a federal official  
12 transferring or receiving a firearm as required in the operation  
13 of his or her official duties;

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

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

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

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

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

33 (8) A person who acquired the firearm by operation of law  
34 upon the death of the former owner of the firearm within the  
35 preceding sixty days. At the end of the sixty-day period, the  
36 person must either have lawfully transferred the firearm or must  
37 have contacted the attorney general's office to notify the

1 attorney general that he or she has possession of the firearm and  
2 intends to retain possession of the firearm, in compliance with  
3 all federal, state, and local laws; or

4 (9) An adult family member of the lawful owner of the  
5 firearm if the owner resides with the family member but is not  
6 currently present in the residence, provided that the family  
7 member does not maintain control over the firearm for more than  
8 fourteen consecutive days. This exception shall not apply if the  
9 owner or the family member knows or has reasonable cause to  
10 believe that federal, state, or local law prohibits the family  
11 member from purchasing or possessing firearms, or the owner knows  
12 or has reasonable cause to believe that the family member is  
13 likely to use the firearm for unlawful purposes.

14 5. Any person violating any of the provisions of this  
15 section shall be guilty of a misdemeanor, punishable by a fine of  
16 not more than one thousand dollars or by imprisonment for a  
17 period not exceeding six months, or both. Such person shall be  
18 guilty of a separate offense for each and every day during any  
19 portion of which a violation of any provision of this section is  
20 committed or continued by such person, and shall be punished  
21 accordingly.

22 6. In addition to any other penalty or remedy, the  
23 investigating law enforcement agency shall report any violation  
24 of this section committed by a licensed firearms dealer to the  
25 attorney general who shall in turn report the violation to the  
26 Bureau of Alcohol, Tobacco, Firearms and Explosives within the  
27 United States Department of Justice."; and

28  
29 Further amend said title, enacting clause and intersectional  
30 references accordingly.