

HOUSE

AMENDMENT NO. ____

Offered by

of

AMEND House Bill No. 1562, Page 6, Section 571.030, Line 164, by inserting after all of said line the following:

"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.

2. 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;

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

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

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

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

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

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

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

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

33 (6) The dealer may require the purchaser or other
34 transferee to pay a fee covering the administrative costs
35 incurred by the dealer for facilitating the transfer of the
36 firearm, plus applicable fees pursuant to federal, state, and
37 local law.

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

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

6 (2) A United States Marshall or member of the Armed Forces
7 of the United States or the National Guard, or a federal official
8 transferring or receiving a firearm as required in the operation
9 of his or her official duties;

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

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

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

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

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

29 (8) A person who acquired the firearm by operation of law
30 upon the death of the former owner of the firearm within the
31 preceding sixty days. At the end of the sixty-day period, the
32 person must either have lawfully transferred the firearm or must
33 have contacted the attorney general's office to notify the
34 attorney general that he or she has possession of the firearm and
35 intends to retain possession of the firearm, in compliance with
36 all federal, state, and local laws; or

37 (9) An adult family member of the lawful owner of the

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

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

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

25 Further amend said title, enacting clause and intersectional
26 references accordingly.