

HB 1446 -- SALE OR TRANSFER OF FIREARMS

SPONSOR: Newman

This bill requires that all sales or transfers of a firearm, including Internet sales, be processed through a licensed firearm dealer or, when neither party to a prospective firearms transaction is a licensed dealer, the parties must complete the sale or transfer by delivering the firearm to a licensed dealer who must retain possession until all legal requirements for the sale or transfer, including any state or local waiting period, are met. The dealer must process the sale or transfer as if he or she was the seller and must comply with all federal, state, and local requirements. The dealer must conduct a background check on the buyer or transferee and if the transaction is not prohibited, deliver the firearm to that person. If the dealer cannot legally deliver the firearm to the buyer or transferee, the dealer must conduct a background check on the seller or transferor and if the return is not prohibited, return the firearm to that person. If the dealer cannot legally return the firearm to either party, he or she must deliver the firearm to the county sheriff within 24 hours. The dealer may require the purchaser or transferee to pay a fee covering the administrative costs incurred for facilitating the transfer of the firearm, plus applicable federal, state, and local fees.

The provisions of the bill do not apply to specified individuals, including:

- (1) Any law enforcement or corrections agency or officer acting within the course and scope of his or her official duties;
- (2) A United States Marshall, a member of the United States Armed Forces or National Guard, or a federal official transferring or receiving a firearm as required in his or her official duties;
- (3) A gunsmith who receives a firearm solely for the purpose of service or repair or the return of the firearm to its owner by the gunsmith;
- (4) A common carrier, warehouseman, or other person engaged in the business of transportation or storage to the extent the receipt of any firearm is in the ordinary course of business and not for personal use;
- (5) A person who is loaned a firearm solely for target shooting if the loan occurs on the premises of a licensed target facility and the firearm is kept within the premises at all times;

(6) A person who is younger than 18 years old and is loaned a firearm for lawful hunting, sporting, or other recreational activity while under the direct supervision and control of a responsible adult;

(7) A person who is at least 18 years old and is loaned a firearm while accompanied by the lawful owner for lawful hunting, sporting, or other recreational activity;

(8) A person who acquired the firearm by operation of law upon the death of the former owner within the preceding 60 days. At the end of the 60-day period, the person must lawfully transfer the firearm or must contact the Attorney General's Office to notify the Attorney General that he or she has possession and intends to retain possession of the firearm; and

(9) An adult family member of the lawful owner of the firearm if the owner resides with the family member but is not currently present in the residence, provided that the family member does not maintain control over the firearm for more than 14 consecutive days. This exception does not apply if the owner or family member knows or has reasonable cause to believe that federal, state or local law prohibits the family member from purchasing or possessing a firearm or the owner knows or has reasonable cause to believe that the family member is likely to use the firearm for unlawful purposes.

Any person violating these provisions is guilty of a misdemeanor punishable of a fine of up to \$1,000, imprisonment for a period not exceeding six months, or both. The person will be guilty of a separate offense for each and every day in which a violation is committed or continued. Any violation of these provisions by a licensed firearms dealer must be reported by the investigating law enforcement agency to the Attorney General, who must then report it to the Bureau of Alcohol, Tobacco, Firearms and Explosives within the United States Department of Justice.