

HB 2159 -- FIREARMS

SPONSOR: Ellington

This bill changes the law regarding purchasing or transferring a firearm and reporting it lost or stolen. In its main provisions, the bill:

(1) Requires that a national and state criminal record review for the prospective purchaser or transferee of a firearm be conducted prior to the sale or transfer of the firearm and that the review indicate no felony convictions for the prospective purchaser or transferee. The person selling or transferring a firearm must keep a written bill of sale or written documentation of the transfer of the firearm for five years after its sale or transfer;

(2) Requires the Department of Public Safety to establish a procedure for accepting applications for and conducting national and state criminal record reviews for persons selling or transferring a firearm to another individual that may be in accordance with current law, but must include an inquiry of the National Instant Criminal Background Check System; notification of the requester of the results of the background check as to whether it includes any felony convictions under Missouri law or for a crime under the laws of any other state or the United States which, if committed in this state, would be a felony; and payment of a reasonable fee for conducting a national and state criminal record review;

(3) Requires the Department of Public Safety to promulgate rules to implement these provisions;

(4) Specifies that any rule or portion of a rule, as that term is defined in Section 536.010, RSMo, that is created under the authority delegated in this section must become effective only if it complies with and is subject to all of the provisions of Chapter 536 and, if applicable, Section 536.028;

(5) Specifies that these provisions and Chapter 536 are nonseverable and if any of the powers vested with the General Assembly under Chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, will be invalid and void;

(6) Specifies that any person who violates these provisions is guilty of a class A misdemeanor and is civilly liable for any damages resulting from the use of any firearm sold or transferred

in violation of these provisions;

(7) Requires any owner of a firearm who knows or should have known that his or her firearm has been lost or stolen to report the loss or theft of the firearm within 72 hours of becoming aware, or when the owner should have become aware, of the loss or theft of the firearm to the local law enforcement agency in the city, town, or village, or sheriff's office in the county in which the loss or theft occurs; and

(8) Specifies that any owner of a firearm who fails to report the loss or theft of his or her firearm is guilty of an infraction. Any second or subsequent violation of this section is a class A misdemeanor.