

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 355, Page 36, Section 568.070, Line 14,
2 by inserting after all of said section and line the following:

3
4 "571.201. 1. As used in this section and section 571.202, the following terms mean:

5 (1) "Central repository", the same meaning as defined under section 43.500;

6 (2) "Law enforcement officer", any individual employed by the United States or by a state,
7 county, city, municipality, village, township, or other political subdivision as a police officer or
8 peace officer or in a similar position that involves the enforcement of the law and protection of the
9 public interest;

10 (3) "Licensed dealer", a person who has a valid federal firearms dealer license and all
11 additional licenses required by state or local law to engage in the business of selling or transferring
12 firearms;

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

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

19 2. Any person who is not a licensed dealer, before transferring or attempting to transfer
20 possession of a firearm, shall require that a background check be conducted on the prospective
21 transferee and shall obtain approval of the transfer from the central repository after a background
22 check. A person who is not a licensed dealer shall arrange for either a licensed dealer or law
23 enforcement agency to obtain the background check.

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

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

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

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

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

9 5. If the central repository approves a transfer of a firearm pursuant to this section, the
10 approval shall be valid for thirty calendar days, during which time the transferor and transferee may
11 complete the transfer.

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

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

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

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

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

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

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

25 (5) A temporary transfer of possession without transfer of ownership or a title to ownership,
26 which transfer takes place:

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

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

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

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

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

36 (6) Any temporary transfer that occurs while in the continuous presence of the owner of the
37 firearm;

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

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

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

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

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

11 7. A violation of a provision of this section is a class B misdemeanor. Each day a violation
12 of this section is committed or continued shall be considered a separate violation and punished
13 accordingly.

14 8. In addition to any other penalty or remedy, the investigating law enforcement agency
15 shall report any violation of this section committed by a licensed dealer to the attorney general, who
16 shall report the violation to the Bureau of Alcohol, Tobacco, Firearms and Explosives within the
17 United States Department of Justice."; and

18
19 Further amend said bill by amending the title, enacting clause, and intersectional references
20 accordingly.