

HB 2266 -- UNLAWFUL REFUSAL TO TRANSFER A FIREARM

SPONSOR: Mann

Currently, a person commits the crime of unlawful refusal to transfer by denying sale of a firearm to a nonlicensee, who is otherwise not prohibited from possessing a firearm, on the basis that the nonlicensee purchased a firearm that was later subject to a law enforcement trace.

This bill establishes that a licensed firearms dealer shall not sell or transfer a firearm to an individual until the dealer has verified, through an inquiry of the National Instant Criminal Background Check System (NICS), that the individual is not on a restricted list.

The bill allows an individual, who is not statutorily prohibited from possessing a firearm, to voluntarily restrict himself or herself from the purchase of a firearm by completing a form and delivering it to the circuit court in the county of residence. Once the form is submitted the individual will be included on the temporary restriction list within 24 hours. The restriction is valid for 180 days and may be extended indefinitely. The individual may submit a completed form to be removed from the list as long as 30 days has passed since they were added. The individual will be removed from the list within five days of receiving the removal request or the expiration of the restriction.

Each circuit court will make the forms available on the court's website.