

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend SS/SCS/House Bill No. 1350 Page 59, Section 313.810, Line 24,

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. 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;

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

3 (3) The requirements of subsections 2 or 3 of this section
4 are met.

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

9 (1) The dealer shall process the sale or other transfer as
10 if he or she were the seller or other transferor. The dealer
11 shall comply with all requirements of federal, state, and local
12 law that would apply if he or she were the seller or other
13 transferor of the firearm;

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

19 (3) The dealer may require the purchaser or other
20 transferee to pay a fee covering the administrative costs
21 incurred by the dealer for facilitating the transfer of the
22 firearm, plus applicable fees pursuant to federal, state, and
23 local law.

24 3. A trustee, under the authority of a trust, or a personal
25 representative, executor, or administrator of an estate shall,
26 before transferring any firearm to an heir or devisee, complete
27 the transfer through a licensed dealer according to the
28 provisions of subdivisions (1) and (2) of subsection 2 of this
29 section. If the transaction is prohibited, then the heir or

1 devisees may authorize a transfer of a firearm to a specific
2 individual to whom the transaction is not prohibited, or the
3 dealer may sell the firearm and give the proceeds to the heir or
4 designee.

5 4. Notwithstanding any provision of law to the contrary,
6 neither the state nor any political subdivision shall require any
7 federally licensed firearms dealer to supply a list of all of his
8 or her transactions conducted under the provisions of subsections
9 2 or 3 of this section. All records shall be maintained by the
10 licensed dealer in accordance with federal law.

11 5. The provisions of subsections 1 and 2 of this section
12 shall not apply to:

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

16 (2) A United States Marshal or member of the Armed Forces
17 of the United States or the National Guard, or a federal official
18 transferring or receiving a firearm as required in the operation
19 of his or her official duties;

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

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

27 (5) A person who is loaned a firearm solely for the purpose
28 of shooting at targets, if the loan occurs on the premises of a
29 properly licensed target facility, and the firearm is at all

1 times kept within the premises of the target range;

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

6 (7) A person who is eighteen years of age or older who is
7 loaned a firearm while the person is accompanying the lawful
8 owner and using the firearm for lawful hunting or sporting
9 purposes or for any other lawful recreational activity.

10 6. 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 7. 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 Further amend the title and enacting clause accordingly.