

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ Of \_\_\_\_\_

Amend SCS/HCS/House Bill No. 16, Page 1, Section title, Line 3,

2 of the title, by striking "the offense of unlawful transfer of  
3 weapons" and inserting in lieu thereof the following: "the sale  
4 or transfer of weapons"; and

5 Further amend said bill, Page 2, Section 571.060, Line 28,  
6 by inserting after all of said line the following:

7 "571.200. As used in section 571.202, the following terms  
8 shall mean:

9 (1) "Law enforcement officer", any person employed by the  
10 United States, or a state, county, city, municipality, village,  
11 township, or other political subdivision as a police officer,  
12 peace officer, or in some like position involving the enforcement  
13 of the law and protection of the public interest;

14 (2) "Licensed firearms dealer", "licensed dealer", or  
15 "dealer", a person who has a valid federal firearms dealer  
16 license and all additional licenses required by state or local  
17 law to engage in the business of selling or transferring  
18 firearms;

19 (3) "Person", any individual, corporation, company,  
20 association, firm, partnership, club, organization, society,  
21 joint stock company, or other entity.

1           571.202. 1. This section shall be known and cited as the  
2 "Violent History Checks Act."

3           2. No person shall sell or otherwise transfer a firearm,  
4 including selling or transferring a firearm via the internet,  
5 unless:

6           (1) Such person is a licensed firearms dealer;

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

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

11           3. If neither party to a prospective firearms transaction  
12 is a licensed firearms dealer, the parties to the transaction  
13 shall complete the sale or other transfer through a licensed  
14 firearms dealer as follows:

15           (1) The dealer shall process the sale or other transfer as  
16 if he or she were the seller or other transferor. The dealer  
17 shall comply with all requirements of federal, state, and local  
18 law that would apply if he or she were the seller or other  
19 transferor of the firearm;

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

25           (3) The dealer may require the purchaser or other  
26 transferee to pay a fee covering the administrative costs  
27 incurred by the dealer for facilitating the transfer of the  
28 firearm, plus applicable fees pursuant to federal, state, and  
29 local law.

1           4. A trustee, under the authority of a trust, or a personal  
2 representative, executor, or administrator of an estate shall,  
3 before transferring any firearm to an heir or devisee, complete  
4 the transfer through a licensed dealer according to the  
5 provisions of subdivisions (1) and (2) of subsection 3 of this  
6 section. If the transaction is prohibited, then the heir or  
7 devisee may authorize a transfer of a firearm to a specific  
8 individual to whom the transaction is not prohibited, or the  
9 dealer may sell the firearm and give the proceeds to the heir or  
10 devisee.

11           5. Notwithstanding any provision of law to the contrary,  
12 neither the state nor any political subdivision shall require any  
13 federally licensed firearms dealer to supply a list of all of his  
14 or her transactions conducted under the provisions of subsections  
15 2 or 3 of this section. All records shall be maintained by the  
16 licensed dealer in accordance with federal law.

17           6. The provisions of subsections 2 and 3 of this section  
18 shall not apply to:

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

22           (2) A United States Marshal or member of the Armed Forces  
23 of the United States or the National Guard, or a federal official  
24 transferring or receiving a firearm as required in the operation  
25 of his or her official duties;

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

29           (4) A common carrier, warehouseman, or other person engaged

1 in the business of transportation or storage, to the extent that  
2 the receipt of any firearm is in the ordinary course of business  
3 and not for the personal use of any such person;

4 (5) A person who is loaned a firearm solely for the purpose  
5 of shooting at targets, if the loan occurs on the premises of a  
6 properly licensed target facility, and the firearm is at all  
7 times kept within the premises of the target range;

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

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

16 7. Any person violating any of the provisions of this  
17 section shall be guilty of a misdemeanor, punishable by a fine of  
18 not more than one thousand dollars or by imprisonment for a  
19 period not exceeding six months, or both. Such person shall be  
20 guilty of a separate offense for each and every day during any  
21 portion of which a violation of any provision of this section is  
22 committed or continued by such person and shall be punished  
23 accordingly.

24 8. In addition to any other penalty or remedy, the  
25 investigating law enforcement agency shall report any violation  
26 of this section committed by a licensed firearms dealer to the  
27 attorney general who shall, in turn, report the violation to the  
28 Bureau of Alcohol, Tobacco, Firearms and Explosives within the  
29 United States Department of Justice."; and

1 Further amend the title and enacting clause accordingly.