

FIRST EXTRAORDINARY SESSION

# SENATE BILL NO. 11

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHUPP.

Read 1st time July 27, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5796S.01I

## AN ACT

To amend chapter 571, RSMo, by adding thereto two new sections relating to background checks for the sale and transfer of firearms, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 571, RSMo, is amended by adding thereto two new sections, to be known as sections 571.200 and 571.202, to read as follows:

**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;

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

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

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

10           (1) The dealer shall process the sale or other transfer as if he or  
11 she were the seller or other transferor. The dealer shall comply with  
12 all requirements of federal, state, and local law that would apply if he  
13 or she were the seller or other 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. Section  
16 922(t), and state and local law and, if the transaction is not prohibited,  
17 deliver the firearm to that person after all other legal requirements are  
18 met; and

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

23           3. A trustee, under the authority of a trust, or a personal  
24 representative, executor, or administrator of an estate shall, before  
25 transferring any firearm to an heir or devisee, complete the transfer  
26 through a licensed dealer according to the provisions of subdivisions  
27 (1) and (2) of subsection 2 of this section. If the transaction is  
28 prohibited, then the heir or devisee may authorize a transfer of a  
29 firearm to a specific individual to whom the transaction is not  
30 prohibited, or the dealer may sell the firearm and give the proceeds to  
31 the heir or devisee.

32           4. Notwithstanding any provision of law to the contrary, neither  
33 the state nor any political subdivision shall require any federally  
34 licensed firearms dealer to supply a list of all of his or her transactions  
35 conducted under the provisions of subsections 2 or 3 of this section. All  
36 records shall be maintained by the licensed dealer in accordance with  
37 federal law.

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

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

43           (2) A United States Marshal or member of the Armed Forces of

44 the United States or the National Guard, or a federal official  
45 transferring or receiving a firearm as required in the operation of his  
46 or her official duties;

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

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

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

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

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

66 6. Any person violating any of the provisions of this section shall  
67 be guilty of a misdemeanor, punishable by a fine of not more than one  
68 thousand dollars or by imprisonment for a period not exceeding six  
69 months, or both. Such person shall be guilty of a separate offense for  
70 each and every day during any portion of which a violation of any  
71 provision of this section is committed or continued by such person and  
72 shall be punished accordingly.

73 7. In addition to any other penalty or remedy, the investigating  
74 law enforcement agency shall report any violation of this section  
75 committed by a licensed firearms dealer to the attorney general who  
76 shall, in turn, report the violation to the Bureau of Alcohol, Tobacco,  
77 Firearms and Explosives within the United States Department of  
78 Justice.