

SENATE BILL NO. 1449

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR RAZER.

5687S.01I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 571, RSMo, by adding thereto one new section relating to the sale or transfer of weapons, 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
2 one new section, to be known as section 571.202, to read as
3 follows:

**571.202. 1. As used in this section, the following
2 terms shall mean:**

3 (1) "Law enforcement officer", any person employed by
4 the United States, or a state, county, city, municipality,
5 village, township, or other political subdivision as a
6 police officer, peace officer, or in some like position
7 involving the enforcement of the law and protection of the
8 public interest;

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

14 (3) "Person", any individual, corporation, company,
15 association, firm, partnership, club, organization, society,
16 joint stock company, or other entity.

17 2. No person shall sell or otherwise transfer a
18 firearm, including selling or transferring a firearm via the
19 internet, unless:

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

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

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

25 3. If neither party to a prospective firearms
26 transaction is a licensed firearms dealer, the parties to
27 the transaction shall complete the sale or other transfer
28 through a licensed firearms dealer as follows:

29 (1) The dealer shall process the sale or other
30 transfer as if he or she were the seller or other
31 transferor. The dealer shall comply with all requirements
32 of federal, state, and local law that would apply if he or
33 she were the seller or other transferor of the firearm;

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

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

44 4. A trustee, under the authority of a trust, or a
45 personal representative, executor, or administrator of an
46 estate shall, before transferring any firearm to an heir or
47 devisee, complete the transfer through a licensed dealer
48 according to the provisions of subdivisions (1) and (2) of

49 subsection 3 of this section. If the transaction is
50 prohibited, then the heir or devisee may authorize a
51 transfer of a firearm to a specific individual to whom the
52 transaction is not prohibited, or the dealer may sell the
53 firearm and give the proceeds to the heir or devisee.

54 5. Notwithstanding any provision of law to the
55 contrary, neither the state nor any political subdivision
56 shall require any federally licensed firearms dealer to
57 supply a list of all of his or her transactions conducted
58 under the provisions of subsections 2 or 3 of this section.
59 All records shall be maintained by the licensed dealer in
60 accordance with federal law.

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

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

66 (2) A United States Marshal or member of the Armed
67 Forces of the United States or the National Guard, or a
68 federal official transferring or receiving a firearm as
69 required in the operation of his or her official duties;

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

73 (4) A common carrier, warehouseman, or other person
74 engaged in the business of transportation or storage, to the
75 extent that the receipt of any firearm is in the ordinary
76 course of business and not for the personal use of any such
77 person;

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

81 firearm is at all times kept within the premises of the
82 target range;

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

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

92 7. Any person violating any of the provisions of this
93 section shall be guilty of a misdemeanor, punishable by a
94 fine of not more than one thousand dollars or by
95 imprisonment for a period not exceeding six months, or
96 both. Such person shall be guilty of a separate offense for
97 each and every day during any portion of which a violation
98 of any provision of this section is committed or continued
99 by such person and shall be punished accordingly.

100 8. In addition to any other penalty or remedy, the
101 investigating law enforcement agency shall report any
102 violation of this section committed by a licensed firearms
103 dealer to the attorney general who shall, in turn, report
104 the violation to the Bureau of Alcohol, Tobacco, Firearms
105 and Explosives within the United States Department of
106 Justice.

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