

SECOND REGULAR SESSION

# SENATE BILL NO. 1159

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEWIS.

4568S.011

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapter 571, RSMo, by adding thereto two new sections relating to 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  
2 two new sections, to be known as sections 571.200 and 571.202,  
3 to read as follows:

571.200. As used in this section and section 571.202,  
2 the following terms mean:

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

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

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

571.202. 1. No person shall sell or otherwise  
transfer a firearm, including through online interactions,  
unless:

- (1) Such person is a licensed dealer;
- (2) The purchaser or transferee is a licensed dealer;

or

- (3) The sale or transfer satisfies the requirements of subsection 2 or 3 of this section.

2. If neither party to a firearms transaction is a licensed dealer, the parties may have a licensed dealer facilitate the sale or transfer. A licensed dealer shall process the sale or other transfer as if the licensed dealer is the seller or transferor. The licensed dealer shall comply with all requirements of federal, state, and local law that would apply if the licensed dealer were the seller or transferor of the firearm. The licensed dealer shall conduct a background check on the purchaser or transferee in accordance with 18 U.S.C. Section 922(t) and other state and local law and, if the transaction is not prohibited, deliver the firearm to the purchaser or transferee after all legal requirements are satisfied. The licensed dealer may require the purchaser or transferee to:

- (1) For administrative costs incurred by the licensed dealer, pay a fee up to, but not to exceed:

- (a) Thirty-five dollars for each transaction involving the transfer of only one firearm; and

- (b) Fifty dollars for each transaction involving the transfer of multiple firearms; and

- (2) Pay other fees pursuant to federal, state, and local law.

3. A trustee, under the authority of a trust, or a personal representative, executor, or administrator of an

33 estate shall, before transferring any firearm to an heir or  
34 devisee, have a licensed dealer facilitate the sale or  
35 transfer through the process described under subsection 2 of  
36 this section. If the transaction is prohibited, the heir or  
37 devisee may:

38 (1) Transfer ownership of the firearm to a specific  
39 individual, provided the transfer to that individual is not  
40 prohibited by the process described under subsection 2 of  
41 this section;

42 (2) Sell the firearm to a licensed dealer; or

43 (3) Request that a licensed dealer sell the firearm on  
44 behalf of the heir or devisee and receive the proceeds of  
45 the sale, minus any fee.

46 4. Notwithstanding any provision of law to the  
47 contrary, neither the state nor a political subdivision  
48 thereof shall require any licensed dealer to disclose  
49 transactions conducted under the provisions of subsection 2  
50 or 3 of this section. All records shall be maintained by  
51 the licensed dealer in accordance with federal law.

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

54 (1) Any law enforcement or corrections agency or law  
55 enforcement or corrections officer acting within the course  
56 and scope of his or her employment or official duties;

57 (2) A United States Marshal, a member of the United  
58 States Armed Forces or the National Guard, or a federal  
59 official transferring or receiving a firearm as required in  
60 the operation of his or her official duties;

61 (3) A gunsmith who receives a firearm solely for the  
62 purposes of service or repair or the return of the firearm  
63 to its owner by the gunsmith;

64           (4) A common carrier, warehouseman, or other person  
65 engaged in the business of transportation or storage, to the  
66 extent that the receipt of any firearm is in the ordinary  
67 course of business and not for the personal use of any such  
68 person; or

69           (5) A person who transfers a firearm to a relative who  
70 is related within the first degree by consanguinity or  
71 affinity.

72           6. A violation of a provision of this section is a  
73 class B misdemeanor. Each day a violation of this section  
74 is committed or continued shall be considered a separate  
75 violation and punished accordingly.

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

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