

SENATE BILL NO. 543

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEWIS.

1726S.01H

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
2 transfer a firearm, including through online interactions,
3 unless:

4 (1) Such person is a licensed dealer;

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

6 or

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

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

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

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

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

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

31 3. A trustee, under the authority of a trust, or a
32 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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