

FIRST REGULAR SESSION

# HOUSE BILL NO. 1189

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LEWIS (25).

1919H.011

DANA RADEMAN MILLER, Chief Clerk

### 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 two new sections, to be known as sections 571.200 and 571.202, to read as follows:

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

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

(2) "Licensed 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 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.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

7           **2. If neither party to a firearms transaction is a licensed dealer, the parties may**  
8 **have a licensed dealer facilitate the sale or transfer. A licensed dealer shall process the sale**  
9 **or other transfer as if the licensed dealer is the seller or transferor. The licensed dealer**  
10 **shall comply with all requirements of federal, state, and local law that would apply if the**  
11 **licensed dealer were the seller or transferor of the firearm. The licensed dealer shall**  
12 **conduct a background check on the purchaser or transferee in accordance with 18 U.S.C.**  
13 **Section 922(t) and other state and local law and, if the transaction is not prohibited, deliver**  
14 **the firearm to the purchaser or transferee after all legal requirements are satisfied. The**  
15 **licensed dealer may require the purchaser or transferee to pay a fee up to, but not to**  
16 **exceed, twenty-five dollars for administrative costs incurred by the licensed dealer and pay**  
17 **other fees pursuant to federal, state, and local law.**

18           **3. A trustee, under the authority of a trust, or a personal representative, executor,**  
19 **or administrator of an estate shall, before transferring any firearm to an heir or devisee,**  
20 **have a licensed dealer facilitate the sale or transfer through the process described under**  
21 **subsection 2 of this section. If the transaction is prohibited, the heir or devisee may:**

22           **(1) Transfer ownership of the firearm to a specific individual, provided the transfer**  
23 **to that individual is not prohibited by the process described under subsection 2 of this**  
24 **section;**

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

26           **(3) Request a licensed dealer sell the firearm on behalf of the heir or designee and**  
27 **receive the proceeds of the sale, minus any fee.**

28           **4. Notwithstanding any provision of law to the contrary, neither the state nor a**  
29 **political subdivision thereof shall require any licensed dealer to disclose transactions**  
30 **conducted under the provisions of subsection 2 or 3 of this section. All records shall be**  
31 **maintained by the licensed dealer in accordance with federal law.**

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

33           **(1) Any law enforcement or corrections agency or law enforcement or corrections**  
34 **officer acting within the course and scope of his or her employment or official duties;**

35           **(2) A United States Marshal, member of the Armed Forces of the United States or**  
36 **the National Guard, or a federal official transferring or receiving a firearm as required in**  
37 **the operation of his or her official duties;**

38           **(3) A gunsmith who receives a firearm solely for the purposes of service or repair**  
39 **or the return of the firearm to its owner by the gunsmith;**

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

43           **(5) A person who transfers a firearm to a relative who is related within the first**  
44 **degree by consanguinity or affinity.**

45           **6. A violation of a provision of this section is a class B misdemeanor. Each day a**  
46 **violation of this section is committed or continued shall be considered a separate violation**  
47 **and punished accordingly.**

48           **7. In addition to any other penalty or remedy, the investigating law enforcement**  
49 **agency shall report any violation of this section committed by a licensed dealer to the**  
50 **attorney general who shall report the violation to the Bureau of Alcohol, Tobacco,**  
51 **Firearms and Explosives within the United States Department of Justice.**

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