

FIRST REGULAR SESSION

HOUSE BILL NO. 356

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE YOUNG.

1048H.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**
9 **sale or other transfer as if the licensed dealer is the seller or transferor. The licensed**
10 **dealer shall comply with all requirements of federal, state, and local law that would**
11 **apply if the licensed dealer were the seller or transferor of the firearm. The licensed**
12 **dealer shall conduct a background check on the purchaser or transferee in accordance**
13 **with 18 U.S.C. Section 922(t) and other state and local law and, if the transaction is not**
14 **prohibited, deliver the firearm to the purchaser or transferee after all legal**
15 **requirements are satisfied. The licensed dealer may require the purchaser or**
16 **transferee to:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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