

117TH CONGRESS  
1ST SESSION

# S. 529

To require a background check for every firearm sale.

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## IN THE SENATE OF THE UNITED STATES

MARCH 2 (legislative day, MARCH 1), 2021

Mr. MURPHY (for himself, Mr. SCHUMER, Mr. DURBIN, Mr. BLUMENTHAL, Ms. CORTEZ MASTO, Mr. MERKLEY, Mr. MARKEY, Mr. MENENDEZ, Mr. COONS, Ms. BALDWIN, Ms. SMITH, Mr. BROWN, Mr. WYDEN, Ms. WARREN, Mr. CASEY, Mr. WARNER, Mr. SANDERS, Ms. CANTWELL, Ms. KLOBUCHAR, Mrs. GILLIBRAND, Mr. VAN HOLLEN, Mr. BOOKER, Ms. ROSEN, Mr. CARPER, Ms. STABENOW, Mr. CARDIN, Ms. DUCKWORTH, Mr. SCHATZ, Mrs. FEINSTEIN, Mr. BENNET, Mr. WHITEHOUSE, Mr. LEAHY, Ms. HIRONO, Mr. KELLY, Mr. KAINE, Mr. PADILLA, Mrs. SHAHEEN, Mr. HEINRICH, Mrs. MURRAY, Mr. PETERS, Mr. LUJÁN, Ms. HASSAN, Mr. WARNOCK, Mr. REED, Mr. OSSOFF, and Mr. HICKENLOOPER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To require a background check for every firearm sale.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Background Check Ex-  
5 pansion Act”.

1 **SEC. 2. FIREARMS TRANSFERS.**

2 (a) IN GENERAL.—Section 922 of title 18, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing:

5 “(aa)(1)(A) It shall be unlawful for any person who  
6 is not a licensed importer, licensed manufacturer, or li-  
7 censed dealer to transfer a firearm to any other person  
8 who is not so licensed, unless a licensed importer, licensed  
9 manufacturer, or licensed dealer has first taken possession  
10 of the firearm for the purpose of complying with sub-  
11 section (t).

12 “(B) Upon taking possession of a firearm under sub-  
13 paragraph (A), a licensee shall comply with all require-  
14 ments of this chapter as if the licensee were transferring  
15 the firearm from the inventory of the licensee to the unli-  
16 censed transferee.

17 “(C) If a transfer of a firearm described in subpara-  
18 graph (A) will not be completed for any reason after a  
19 licensee takes possession of the firearm (including because  
20 the transfer of the firearm to, or receipt of the firearm  
21 by, the transferee would violate this chapter), the return  
22 of the firearm to the transferor by the licensee shall not  
23 constitute the transfer of a firearm for purposes of this  
24 chapter.

25 “(2) Paragraph (1) shall not apply to—

1           “(A) a law enforcement agency or any law en-  
2           forcement officer, armed private security profes-  
3           sional, or member of the armed forces, to the extent  
4           the officer, professional, or member is acting within  
5           the course and scope of employment and official du-  
6           ties;

7           “(B) a transfer that is a loan or bona fide gift  
8           between spouses, between domestic partners, be-  
9           tween parents and their children, including step-par-  
10          ents and their step-children, between siblings, be-  
11          tween aunts or uncles and their nieces or nephews,  
12          or between grandparents and their grandchildren;

13          “(C) a transfer to an executor, administrator,  
14          trustee, or personal representative of an estate or a  
15          trust that occurs by operation of law upon the death  
16          of another person;

17          “(D) a temporary transfer that is necessary to  
18          prevent imminent death or great bodily harm, in-  
19          cluding harm to self, family, household members, or  
20          others, if the possession by the transferee lasts only  
21          as long as immediately necessary to prevent the im-  
22          minent death or great bodily harm, including the  
23          harm of domestic violence, dating partner violence,  
24          sexual assault, stalking, and domestic abuse;

1           “(E) a transfer that is approved by the Attor-  
2           ney General under section 5812 of the Internal Rev-  
3           enue Code of 1986; or

4           “(F) a temporary transfer if the transferor has  
5           no reason to believe that the transferee will use or  
6           intends to use the firearm in a crime or is prohibited  
7           from possessing firearms under State or Federal  
8           law, and the transfer takes place and the trans-  
9           feree’s possession of the firearm is exclusively—

10                   “(i) at a shooting range or in a shooting  
11                   gallery or other area designated for the purpose  
12                   of target shooting;

13                   “(ii) while reasonably necessary for the  
14                   purposes of hunting, trapping, or fishing, if the  
15                   transferor—

16                           “(I) has no reason to believe that the  
17                           transferee intends to use the firearm in a  
18                           place where it is illegal; and

19                           “(II) has reason to believe that the  
20                           transferee will comply with all licensing  
21                           and permit requirements for such hunting,  
22                           trapping, or fishing; or

23                           “(iii) while in the presence of the trans-  
24                           feror.

1       “(3) It shall be unlawful for a licensed importer, li-  
2 censed manufacturer, or licensed dealer to transfer posses-  
3 sion of, or title to, a firearm to another person who is  
4 not so licensed unless the importer, manufacturer, or deal-  
5 er has provided such other person with a notice of the  
6 prohibition under paragraph (1), and such other person  
7 has certified that such other person has been provided  
8 with this notice on a form prescribed by the Attorney Gen-  
9 eral.”.

10       (b) AMENDMENT TO SECTION 924(a).—Section  
11 924(a)(5) of title 18, United States Code, is amended by  
12 striking “(s) or (t)” and inserting “(s), (t), or (aa)”.

13       (c) RULES OF INTERPRETATION.—Nothing in this  
14 Act, or any amendment made by this Act, shall be con-  
15 strued to—

16           (1) authorize the establishment, directly or indi-  
17 rectly, of a national firearms registry; or

18           (2) interfere with the authority of a State,  
19 under section 927 of title 18, United States Code,  
20 to enact a law on the same subject matter as this  
21 Act.

22       (d) EFFECTIVE DATE.—The amendments made by  
23 subsections (a) and (b) shall take effect 180 days after  
24 the date of enactment of this Act.

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