

SENATE BILL No. 549

By Committee on Federal and State Affairs

3-13

1 AN ACT concerning firearms; relating to the purchase or transfer thereof;
2 requiring criminal history record checks for such purchases and
3 transfers; providing criminal penalties for violations.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) It shall be unlawful for any person other than a licensed
7 federal firearms dealer, manufacturer or importer to complete the transfer
8 of a firearm to another person who is not a licensed federal firearms dealer,
9 manufacturer or importer without conducting a criminal history record
10 check as provided in 18 U.S.C. § 922(t) on the transferee prior to
11 completion of such firearm transfer.

12 (b) Except as otherwise provided, the provisions of subsection (a)
13 shall apply to any transfer of a firearm between a transferor and a
14 transferee, including, but not limited to, a transfer that occurs:

15 (1) At a gun show or similar event, or curtilage thereof; or

16 (2) pursuant to an advertisement, posting, display or other listing on
17 the internet, or in any other publication, of the transferor's intent to transfer
18 or the transferee's intent to acquire such firearm.

19 (c) The provisions of subsection (a) shall not apply to:

20 (1) The transfer of an antique firearm or a firearm considered a curio
21 or relic;

22 (2) a transfer that is a bona fide gift or loan to an immediate family
23 member;

24 (3) a transfer that occurs by operation of law, or because of the death
25 of a person and the transferor is the executor or administrator of the
26 decedent's estate or a trustee of a trust created by the decedent; and

27 (4) a temporary transfer of a firearm without transfer of ownership or
28 title of such firearm provided the:

29 (A) Transferor has no reason to believe that the transferee:

30 (i) Will use or intends to use the firearm in the commission of a
31 crime; or

32 (ii) is prohibited from possessing firearms under federal or state law;

33 (B) transferee exclusively possesses such firearm; and

34 (C) transfer occurs:

35 (i) At a shooting range located in or on the premises owned or
36 occupied by a duly organized corporation, partnership, limited partnership,

1 limited liability partnership, limited liability company or other business
2 entity, whether for profit or nonprofit, organized for conservation purposes
3 or to foster proficiency in firearms;

4 (ii) at a firearm shooting competition organized or approved by a
5 state agency or a nonprofit organization;

6 (iii) while hunting, fishing or trapping, if the transferee holds a
7 license or permit required for such hunting, fishing or trapping, and the
8 hunting, fishing or trapping is legal in all places where the transferee
9 possesses such firearm;

10 (iv) to facilitate the repair or maintenance of such firearm;

11 (v) while in the continuous presence of the owner of such firearm;

12 (vi) when the transferor is serving in the armed forces of the United
13 States, will be deployed outside of the United States within the 30 days
14 immediately succeeding the date of transfer and the transfer is to any
15 immediate family member; or

16 (vii) to prevent imminent death or great bodily harm, if possession by
17 the transferee is only for as long as necessary to prevent such imminent
18 death or great bodily harm.

19 (d) A transferor may charge a fee, including the cost of any required
20 criminal history record check of the transferee, for services rendered
21 pursuant to this section. Such fee shall not exceed the amount ordinarily
22 charged by a licensed federal firearms dealer, manufacturer or importer
23 when completing the transfer of the same or similar firearm. Nothing in
24 this section shall be construed to require any transferor to charge a fee for
25 services rendered pursuant to this section.

26 (e) A transferee shall not knowingly provide false information to a
27 transferor for the purpose of acquiring a firearm.

28 (f) Violation of this section shall be a class A misdemeanor.

29 (g) (1) A person convicted of a violation of this section shall be
30 prohibited from possessing a firearm for a period of two years from the
31 date of conviction.

32 (2) Not later than one day after the conviction of a person for a
33 violation of this section, the court shall report such conviction to the
34 Kansas bureau of investigation. Such report shall include identifying
35 information about such person and the date of conviction and indicate that
36 such person is prohibited from possessing a firearm for a period of two
37 years from the date of such conviction. Such report shall be submitted in
38 an electronic format in such manner as prescribed by the director of the
39 Kansas bureau of investigation. Upon receipt of any such report, the
40 Kansas bureau of investigation shall immediately make the information
41 contained in the report available to the national instant criminal
42 background check system for purposes of firearm transfers.

43 (h) As used in this section:

1 (1) "Antique firearm" means:

2 (A) Any firearm, including any firearm with a matchlock, flintlock,
3 percussion cap or similar type of ignition system, manufactured in or
4 before 1898;

5 (B) any replica of any firearm described in subparagraph (A) if such
6 replica:

7 (i) Is not designed or redesigned for using rimfire or conventional
8 centerfire fixed ammunition; or

9 (ii) uses rimfire or conventional centerfire fixed ammunition that is
10 no longer manufactured in the United States and is not readily available in
11 the ordinary channels of commercial trade; or

12 (C) (i) any muzzle loading rifle, muzzle loading shotgun or muzzle
13 loading pistol, that is designed to use black powder, or a black powder
14 substitute, and that cannot use fixed ammunition.

15 (ii) For purposes of this paragraph, the term "antique firearm" shall
16 not include any weapon that:

17 (a) Incorporates a firearm frame or receiver;

18 (b) is converted into a muzzle loading weapon; or

19 (c) is a muzzle loading weapon that can be readily converted to fire
20 fixed ammunition by replacing the barrel, bolt, breechblock or any
21 combination thereof;

22 (2) "curio or relic" means any firearm that is of special interest to
23 collectors by reason of some quality other than being associated with
24 firearms intended for sporting use or as offensive or defensive weapons,
25 and that satisfies one of the following:

26 (A) Firearms manufactured at least 50 years prior to the current date,
27 but not including replicas thereof;

28 (B) firearms that are certified by the curator of a municipal, state or
29 federal museum that exhibits firearms to be curios or relics of museum
30 interest; and

31 (C) any other firearms that derive a substantial part of such firearm's
32 monetary value from the fact that such firearm is novel, rare, bizarre or
33 because such firearm is associated with some historical figure, period or
34 event. Proof of qualification of a particular firearm under this paragraph
35 may be established by evidence of present value and evidence that like
36 firearms are not available except as collector's items, or that the value of
37 like firearms available in ordinary commercial channels is substantially
38 less;

39 (3) "firearm" means the same as defined in K.S.A. 21-5111, and
40 amendments thereto;

41 (4) "gun show" means any event, whether such event is open to the
42 public or by invitation only, at which 75 or more firearms are offered or
43 exhibited for sale, exchange or transfer;

1 (5) "immediate family member" means the spouse, parent, child,
2 sibling, grandparent, niece, nephew, first cousin, aunt or uncle of the
3 transferor;

4 (6) "transferee" means a person who desires to receive or acquire a
5 firearm from a transferor. If a transferee is not an individual, then each
6 individual who is authorized by the transferee to possess the firearm after
7 the transfer shall undergo a criminal history record check as required by
8 this section before taking possession of such firearm; and

9 (7) "transferor" means a person who desires to transfer possession of
10 a firearm to a another person. If a transferor is not an individual, then each
11 individual who is authorized by the transferor to transfer possession of
12 such firearm to the transferee shall be subject to the provisions of this
13 section.

14 Sec. 2. This act shall take effect and be in force from and after its
15 publication in the statute book.