

# SENATE BILL NO. 15

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHUPP.

0751S.01H

ADRIANE D. CROUSE, Secretary

## AN ACT

To amend chapter 571, RSMo, by adding thereto two new sections relating to the sale or transfer of weapons, 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 section 571.202, the following  
2 terms shall mean:**

3 (1) "Law enforcement officer", any person employed by  
4 the United States, or a state, county, city, municipality,  
5 village, township, or other political subdivision as a  
6 police officer, peace officer, or in some like position  
7 involving the enforcement of the law and protection of the  
8 public interest;

9 (2) "Licensed firearms dealer", "licensed dealer", or  
10 "dealer", a person who has a valid federal firearms dealer  
11 license and all additional licenses required by state or  
12 local law to engage in the business of selling or  
13 transferring firearms;

14 (3) "Person", any individual, corporation, company,  
15 association, firm, partnership, club, organization, society,  
16 joint stock company, or other entity.

571.202. 1. This section shall be known and cited as  
2 the "Violent History Checks Act".

3           2. No person shall sell or otherwise transfer a  
4 firearm, including selling or transferring a firearm via the  
5 internet, unless:

6           (1) Such person is a licensed firearms dealer;

7           (2) The purchaser or other transferee is a licensed  
8 firearms dealer; or

9           (3) The requirements of subsections 3 or 4 of this  
10 section are met.

11           3. If neither party to a prospective firearms  
12 transaction is a licensed firearms dealer, the parties to  
13 the transaction shall complete the sale or other transfer  
14 through a licensed firearms dealer as follows:

15           (1) The dealer shall process the sale or other  
16 transfer as if he or she were the seller or other  
17 transferor. The dealer shall comply with all requirements  
18 of federal, state, and local law that would apply if he or  
19 she were the seller or other transferor of the firearm;

20           (2) The dealer shall conduct a violent history check  
21 on the purchaser or other transferee in accordance with 18  
22 U.S.C. Section 922(t), and state and local law and, if the  
23 transaction is not prohibited, deliver the firearm to that  
24 person after all other legal requirements are met; and

25           (3) The dealer may require the purchaser or other  
26 transferee to pay a fee covering the administrative costs  
27 incurred by the dealer for facilitating the transfer of the  
28 firearm, plus applicable fees pursuant to federal, state,  
29 and local law.

30           4. A trustee, under the authority of a trust, or a  
31 personal representative, executor, or administrator of an  
32 estate shall, before transferring any firearm to an heir or  
33 devisee, complete the transfer through a licensed dealer  
34 according to the provisions of subdivisions (1) and (2) of

35 subsection 3 of this section. If the transaction is  
36 prohibited, then the heir or devisee may authorize a  
37 transfer of a firearm to a specific individual to whom the  
38 transaction is not prohibited, or the dealer may sell the  
39 firearm and give the proceeds to the heir or devisee.

40 5. Notwithstanding any provision of law to the  
41 contrary, neither the state nor any political subdivision  
42 shall require any federally licensed firearms dealer to  
43 supply a list of all of his or her transactions conducted  
44 under the provisions of subsections 2 or 3 of this section.  
45 All records shall be maintained by the licensed dealer in  
46 accordance with federal law.

47 6. The provisions of subsections 2 and 3 of this  
48 section shall not apply to:

49 (1) Any law enforcement or corrections agency, or law  
50 enforcement or corrections officer acting within the course  
51 and scope of his or her employment or official duties;

52 (2) A United States Marshal or member of the Armed  
53 Forces of the United States or the National Guard, or a  
54 federal official transferring or receiving a firearm as  
55 required in the operation of his or her official duties;

56 (3) A gunsmith who receives a firearm solely for the  
57 purposes of service or repair, or the return of the firearm  
58 to its owner by the gunsmith;

59 (4) A common carrier, warehouseman, or other person  
60 engaged in the business of transportation or storage, to the  
61 extent that the receipt of any firearm is in the ordinary  
62 course of business and not for the personal use of any such  
63 person;

64 (5) A person who is loaned a firearm solely for the  
65 purpose of shooting at targets, if the loan occurs on the  
66 premises of a properly licensed target facility, and the

67 firearm is at all times kept within the premises of the  
68 target range;

69 (6) A person who is under eighteen years of age who is  
70 loaned a firearm for lawful hunting or sporting purposes or  
71 for any other lawful recreational activity while under the  
72 direct supervision and control of a responsible adult; or

73 (7) A person who is eighteen years of age or older who  
74 is loaned a firearm while the person is accompanying the  
75 lawful owner and using the firearm for lawful hunting or  
76 sporting purposes or for any other lawful recreational  
77 activity.

78 7. Any person violating any of the provisions of this  
79 section shall be guilty of a misdemeanor, punishable by a  
80 fine of not more than one thousand dollars or by  
81 imprisonment for a period not exceeding six months, or  
82 both. Such person shall be guilty of a separate offense for  
83 each and every day during any portion of which a violation  
84 of any provision of this section is committed or continued  
85 by such person and shall be punished accordingly.

86 8. In addition to any other penalty or remedy, the  
87 investigating law enforcement agency shall report any  
88 violation of this section committed by a licensed firearms  
89 dealer to the attorney general who shall, in turn, report  
90 the violation to the Bureau of Alcohol, Tobacco, Firearms  
91 and Explosives within the United States Department of  
92 Justice.

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