

SECOND REGULAR SESSION

# HOUSE BILL NO. 3195

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE YOUNG.

6346H.011

JOSEPH ENGLER, 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 Armed Forces of the United States**  
44 **or the National Guard, or a federal official transferring or receiving a firearm as**  
45 **required in 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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