

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 1065, Page 24, Section 571.070, Line 14,  
2 by inserting after all of said section and line the following:

3  
4 "571.200. As used in this section and section 571.202, the following terms mean:

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

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

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

14 571.202. 1. No person shall sell or otherwise transfer a firearm, including through online  
15 interactions, unless:

16 (1) Such person is a licensed dealer;

17 (2) The purchaser or transferee is a licensed dealer; or

18 (3) The sale or transfer satisfies the requirements of subsection 2 or 3 of this section.

19 2. If neither party to a firearms transaction is a licensed dealer, the parties may have a  
20 licensed dealer facilitate the sale or transfer. A licensed dealer shall process the sale or other  
21 transfer as if the licensed dealer is the seller or transferor. The licensed dealer shall comply with all  
22 requirements of federal, state, and local law that would apply if he or she were the seller or  
23 transferor of the firearm. The licensed dealer shall conduct a background check on the purchaser or  
24 transferee in accordance with 18 U.S.C. Section 922(t) and other state and local law and, if the  
25 transaction is not prohibited, deliver the firearm to the purchaser or transferee after all legal  
26 requirements are satisfied. The licensed dealer may require the purchaser or transferee to pay a fee  
27 up to but not to exceed twenty-five dollars for administrative costs incurred by the licensed dealer  
28 and pay other fees pursuant to federal, state, and local law.

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

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

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

36 (3) Request a licensed dealer sell the firearm on behalf of the heir or designee and receive

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1 the proceeds of the sale, minus any fee.

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

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

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

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

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

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

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

19 6. A violation of a provision of this section is a class B misdemeanor. Each day a violation  
20 of this section is committed or continued shall be considered a separate violation and punished  
21 accordingly.

22 7. In addition to any other penalty or remedy, the investigating law enforcement agency  
23 shall report any violation of this section committed by a licensed dealer to the attorney general who  
24 shall report the violation to the Bureau of Alcohol, Tobacco, Firearms and Explosives within the  
25 United States Department of Justice."; and

26  
27 Further amend said bill by amending the title, enacting clause, and intersectional references  
28 accordingly.