

SENATE BILL No. 25

By Committee on Federal and State Affairs

1-14

1 AN ACT concerning firearms transfers at gun shows; requiring
2 background checks; establishing criminal penalties.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) It shall be unlawful for any person other than a licensed
6 firearm's dealer, licensed firearm's manufacturer or licensed firearm's
7 importer to complete the transfer of a firearm to any other person who is
8 not licensed, if such transfer occurs:

9 (1) At a gun show or similar event; or

10 (2) pursuant to an advertisement, posting, display or other listing on
11 the internet or in a publication by the transferor of such person's intent to
12 transfer or the transferee of such person's intent to acquire the firearm
13 without first conducting a background check as provided in 18 U.S.C.
14 922(t) on the intended transferee.

15 (b) Subsection (a) shall not apply to:

16 (1) A transfer of an antique firearm, as defined in 18 U.S.C. 921(a)
17 (16), as amended, or a curio or relic, as defined in 27 C.F.R. 478.11, as
18 amended;

19 (2) a transfer which is a bona fide gift or loan between immediate
20 family members, which members include spouses, parents, children,
21 siblings, grandparents, nieces, nephews, first cousins, aunts and uncles;

22 (3) a transfer which occurs by operation of law or because of the
23 death of a person for whom the prospective transferor is an executor or
24 administrator of an estate or a trustee of a trust created by the decedent;

25 (4) a temporary transfer of possession without transfer of ownership
26 or a title to ownership, which transfer takes place:

27 (A) At a shooting range located in or on premises owned or occupied
28 by a duly incorporated organization organized for conservation purposes
29 or to foster proficiency in firearms;

30 (B) at a target firearm shooting competition under the auspices of, or
31 approved by, a state agency or a nonprofit organization;

32 (C) while hunting, fishing or trapping, provided the unlicensed
33 transferee holds any license or permit required for such hunting, fishing or
34 trapping and the hunting, fishing or trapping is legal in all places where the
35 unlicensed transferee possesses the firearm;

36 (D) a transfer of a firearm made to facilitate the repair or maintenance

1 of the firearm, provided all parties who possess the firearm as a result of
2 the transfer may legally possess a firearm;

3 (E) any temporary transfer which occurs while in the continuous
4 presence of the owner of the firearm; or

5 (F) a transfer of a firearm from a person serving in the armed forces
6 of the United States who will be deployed outside of the United States
7 within the next 30 days to any immediate family member which may
8 include a spouse, parent, child, sibling, grandparent, niece, nephew, first
9 cousin, aunt or uncle of the person.

10 Sec. 2. (a) As used in this act:

11 (1) "Transferee" means a natural person who desires to receive or
12 acquire a firearm from a transferor. If a transferee is not a natural person,
13 then each natural person who is authorized by the transferee to possess the
14 firearm after the transfer shall undergo a background check as described in
15 section 1(a), and amendments thereto, before taking possession of the
16 firearm.

17 (2) "Transferor" means any natural person who desires to transfer
18 possession of a firearm to a natural person. If a transferor is not a natural
19 person, then the natural person who is authorized by the transferor to
20 transfer possession of the firearm to another is subject to the provisions of
21 this act.

22 (b) A licensed gun dealer may charge a fee for services rendered
23 pursuant to this act, which fee shall not exceed the fee ordinarily charged
24 by the licensed gun dealer in connection with sales it makes to its own
25 customers. A transferor may require the transferee to bear the cost of the
26 background check services.

27 Sec. 3. (a) A prospective firearm transferee shall not knowingly
28 provide false information to a prospective firearm transferor or to a
29 licensed gun dealer for the purpose of acquiring a firearm.

30 (b) A person who transfers a firearm in violation of the provisions of
31 this act may be held jointly and severally liable for any civil damages
32 proximately caused by the transferee's subsequent use of the firearm.

33 (c) A person who violates a provision of this section commits a class
34 A misdemeanor. The person shall also be prohibited from possessing a
35 firearm for two years, beginning on the date of such person's conviction.

36 (d) When a person is convicted of violating a provision of this
37 section, the court shall report the conviction to the national instant criminal
38 background check system created by the federal Brady handgun violence
39 prevention act, 18 U.S.C. 922(t). The report shall indicate that the person
40 is prohibited from possessing a firearm for two years, beginning on the
41 date of such conviction.

42 Sec. 4. Nothing in this act shall be interpreted to limit the provisions
43 of any federal law or statute regarding required background checks for the

1 transfer of firearms.

2 Sec. 5. This act shall take effect and be in force from and after its
3 publication in the statute book.