

116TH CONGRESS
1ST SESSION

S. 42

To require a background check for every firearm sale.

IN THE SENATE OF THE UNITED STATES

JANUARY 8, 2019

Mr. MURPHY (for himself, Mr. BLUMENTHAL, Mr. SCHUMER, Mr. DURBIN, Ms. CORTEZ MASTO, Ms. BALDWIN, Mr. BENNET, Mr. BOOKER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COONS, Ms. DUCKWORTH, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. HARRIS, Ms. HASSAN, Mr. HEINRICH, Ms. HIRONO, Mr. KAINE, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mr. MENENDEZ, Mr. MERKLEY, Mrs. MURRAY, Mr. PETERS, Mr. REED, Ms. ROSEN, Mr. SANDERS, Mr. SCHATZ, Mrs. SHAHEEN, Ms. SMITH, Ms. STABENOW, Mr. UDALL, Mr. VAN HOLLEN, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To require a background check for every firearm sale.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Background Check Ex-
5 pansion Act”.

1 **SEC. 2. FIREARMS TRANSFERS.**

2 (a) IN GENERAL.—Section 922 of title 18, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 “(aa)(1)(A) It shall be unlawful for any person who
6 is not a licensed importer, licensed manufacturer, or li-
7 censed dealer to transfer a firearm to any other person
8 who is not so licensed, unless a licensed importer, licensed
9 manufacturer, or licensed dealer has first taken possession
10 of the firearm for the purpose of complying with sub-
11 section (t).

12 “(B) Upon taking possession of a firearm under sub-
13 paragraph (A), a licensee shall comply with all require-
14 ments of this chapter as if the licensee were transferring
15 the firearm from the inventory of the licensee to the unli-
16 censed transferee.

17 “(C) If a transfer of a firearm described in subpara-
18 graph (A) will not be completed for any reason after a
19 licensee takes possession of the firearm (including because
20 the transfer of the firearm to, or receipt of the firearm
21 by, the transferee would violate this chapter), the return
22 of the firearm to the transferor by the licensee shall not
23 constitute the transfer of a firearm for purposes of this
24 chapter.

25 “(2) Paragraph (1) shall not apply to—

1 “(A) a law enforcement agency or any law en-
2 forcement officer, armed private security profes-
3 sional, or member of the armed forces, to the extent
4 the officer, professional, or member is acting within
5 the course and scope of employment and official du-
6 ties;

7 “(B) a transfer that is a loan or bona fide gift
8 between spouses, between domestic partners, be-
9 tween parents and their children, between siblings,
10 between aunts or uncles and their nieces or nephews,
11 or between grandparents and their grandchildren;

12 “(C) a transfer to an executor, administrator,
13 trustee, or personal representative of an estate or a
14 trust that occurs by operation of law upon the death
15 of another person;

16 “(D) a temporary transfer that is necessary to
17 prevent imminent death or great bodily harm, if the
18 possession by the transferee lasts only as long as im-
19 mediately necessary to prevent the imminent death
20 or great bodily harm;

21 “(E) a transfer that is approved by the Attor-
22 ney General under section 5812 of the Internal Rev-
23 enue Code of 1986; or

24 “(F) a temporary transfer if the transferor has
25 no reason to believe that the transferee will use or

1 intends to use the firearm in a crime or is prohibited
 2 from possessing firearms under State or Federal
 3 law, and the transfer takes place and the trans-
 4 feree's possession of the firearm is exclusively—

5 “(i) at a shooting range or in a shooting
 6 gallery or other area designated for the purpose
 7 of target shooting;

8 “(ii) while reasonably necessary for the
 9 purposes of hunting, trapping, or fishing, if the
 10 transferor—

11 “(I) has no reason to believe that the
 12 transferee intends to use the firearm in a
 13 place where it is illegal; and

14 “(II) has reason to believe that the
 15 transferee will comply with all licensing
 16 and permit requirements for such hunting,
 17 trapping, or fishing; or

18 “(iii) while in the presence of the trans-
 19 feror.”.

20 (b) EFFECTIVE DATE.—The amendment made by
 21 subsection (a) shall take effect 180 days after the date
 22 of enactment of this Act.

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