

116TH CONGRESS
1ST SESSION

S. _____

To require a background check for every firearm sale.

IN THE SENATE OF THE UNITED STATES

Mr. MURPHY introduced the following bill; which was read twice and referred to the Committee on _____

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”.

6 **SEC. 2. FIREARMS TRANSFERS.**

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

10 “(aa)(1)(A) It shall be unlawful for any person who
11 is not a licensed importer, licensed manufacturer, or li-
12 censed dealer to transfer a firearm to any other person

1 who is not so licensed, unless a licensed importer, licensed
2 manufacturer, or licensed dealer has first taken possession
3 of the firearm for the purpose of complying with sub-
4 section (t).

5 “(B) Upon taking possession of a firearm under sub-
6 paragraph (A), a licensee shall comply with all require-
7 ments of this chapter as if the licensee were transferring
8 the firearm from the inventory of the licensee to the unli-
9 censed transferee.

10 “(C) If a transfer of a firearm described in subpara-
11 graph (A) will not be completed for any reason after a
12 licensee takes possession of the firearm (including because
13 the transfer of the firearm to, or receipt of the firearm
14 by, the transferee would violate this chapter), the return
15 of the firearm to the transferor by the licensee shall not
16 constitute the transfer of a firearm for purposes of this
17 chapter.

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

19 “(A) a law enforcement agency or any law en-
20 forcement officer, armed private security profes-
21 sional, or member of the armed forces, to the extent
22 the officer, professional, or member is acting within
23 the course and scope of employment and official du-
24 ties;

1 “(B) a transfer that is a loan or bona fide gift
2 between spouses, between domestic partners, be-
3 tween parents and their children, between siblings,
4 between aunts or uncles and their nieces or nephews,
5 or between grandparents and their grandchildren;

6 “(C) a transfer to an executor, administrator,
7 trustee, or personal representative of an estate or a
8 trust that occurs by operation of law upon the death
9 of another person;

10 “(D) a temporary transfer that is necessary to
11 prevent imminent death or great bodily harm, if the
12 possession by the transferee lasts only as long as im-
13 mediately necessary to prevent the imminent death
14 or great bodily harm;

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

18 “(F) a temporary transfer if the transferor has
19 no reason to believe that the transferee will use or
20 intends to use the firearm in a crime or is prohibited
21 from possessing firearms under State or Federal
22 law, and the transfer takes place and the trans-
23 feree’s possession of the firearm is exclusively—

1 “(i) at a shooting range or in a shooting
2 gallery or other area designated for the purpose
3 of target shooting;

4 “(ii) while reasonably necessary for the
5 purposes of hunting, trapping, or fishing, if the
6 transferor—

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

10 “(II) has reason to believe that the
11 transferee will comply with all licensing
12 and permit requirements for such hunting,
13 trapping, or fishing; or

14 “(iii) while in the presence of the trans-
15 feror.”.

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