

116TH CONGRESS
1ST SESSION

H. R. 8

To require a background check for every firearm sale.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2019

Mr. THOMPSON of California (for himself, Mr. KING of New York, Mr. NADLER, Mr. FITZPATRICK, Ms. JACKSON LEE, Mr. MAST, Ms. KELLY of Illinois, Mr. UPTON, Mrs. MCBATH, and Mr. SMITH of New Jersey) introduced the following bill; which was 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 “Bipartisan Back-
5 ground Checks Act of 2019”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to utilize the current back-
8 ground checks process in the United States to ensure indi-
9 viduals prohibited from gun possession are not able to ob-
10 tain firearms.

1 **SEC. 3. FIREARMS TRANSFERS.**

2 Section 922 of title 18, United States Code, is
3 amended—

4 (1) by striking subsection (s);

5 (2) by redesignating subsection (t) as sub-
6 section (s); and

7 (3) by inserting after subsection (s), as redesign-
8 nated, the following:

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

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

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

1 constitute the transfer of a firearm for purposes of this
2 chapter.

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

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

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

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

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

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

4 “(F) a temporary transfer if the transferor has
5 no reason to believe that the transferee will use or
6 intends to use the firearm in a crime or is prohibited
7 from possessing firearms under State or Federal
8 law, and the transfer takes place and the trans-
9 feree’s possession of the firearm is exclusively—

10 “(i) at a shooting range or in a shooting
11 gallery or other area designated for the purpose
12 of target shooting;

13 “(ii) while reasonably necessary for the
14 purposes of hunting, trapping, or fishing, if the
15 transferor—

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

19 “(II) has reason to believe that the
20 transferee will comply with all licensing
21 and permit requirements for such hunting,
22 trapping, or fishing; or

23 “(iii) while in the presence of the trans-
24 feror.

1 “(3)(A) Notwithstanding any other provision of this
2 chapter, the Attorney General may implement this sub-
3 section with regulations.

4 “(B) Regulations promulgated under this paragraph
5 may not include any provision requiring licensees to facili-
6 tate transfers in accordance with paragraph (1).

7 “(C) Regulations promulgated under this paragraph
8 may not include any provision requiring persons not li-
9 censed under this chapter to keep records of background
10 checks or firearms transfers.

11 “(D) Regulations promulgated under this paragraph
12 may not include any provision placing a cap on the fee
13 licensees may charge to facilitate transfers in accordance
14 with paragraph (1).

15 “(4) It shall be unlawful for a licensed importer, li-
16 censed manufacturer, or licensed dealer to transfer posses-
17 sion of, or title to, a firearm to another person who is
18 not so licensed unless the importer, manufacturer, or deal-
19 er has provided such other person with a notice of the
20 prohibition under paragraph (1), and such other person
21 has certified that such other person has been provided
22 with this notice on a form prescribed by the Attorney Gen-
23 eral.”.

1 **SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.**

2 (a) SECTION 922.—Section 922(y)(2) of title 18,
 3 United States Code, is amended in the matter preceding
 4 subparagraph (A) by striking “, (g)(5)(B), and
 5 (s)(3)(B)(v)(II)” and inserting “and (g)(5)(B)”.

6 (b) CONSOLIDATED AND FURTHER CONTINUING AP-
 7 PROPRIATIONS ACT, 2012.—Section 511 of title V of divi-
 8 sion B of the Consolidated and Further Continuing Appro-
 9 priations Act, 2012 (18 U.S.C. 922 note) is amended by
 10 striking “subsection 922(t)” each place it appears and in-
 11 serting “subsection (s) or (t) of section 922”.

12 **SEC. 5. RULE OF CONSTRUCTION.**

13 Nothing in this Act, or any amendment made by this
 14 Act, shall be construed to—

15 (1) authorize the establishment, directly or indi-
 16 rectly, of a national firearms registry; or

17 (2) interfere with the authority of a State,
 18 under section 927 of title 18, United States Code,
 19 to enact a law on the same subject matter as this
 20 Act.

21 **SEC. 6. EFFECTIVE DATE.**

22 The amendments made by this Act shall take effect
 23 180 days after the date of the enactment of this Act.

