

117TH 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, including step-par-
4 ents and their step-children, between siblings, be-
5 tween aunts or uncles and their nieces or nephews,
6 or between grandparents and their grandchildren;

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

11 “(D) a temporary transfer that is necessary to
12 prevent imminent death or great bodily harm, in-
13 cluding harm to self, family, household members, or
14 others, if the possession by the transferee lasts only
15 as long as immediately necessary to prevent the im-
16 minent death or great bodily harm, including the
17 harm of domestic violence, dating partner violence,
18 sexual assault, stalking, and domestic abuse;

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

22 “(F) a temporary transfer if the transferor has
23 no reason to believe that the transferee will use or
24 intends to use the firearm in a crime or is prohibited
25 from possessing firearms under State or Federal

1 law, and the transfer takes place and the trans-
2 feree's possession of the firearm is exclusively—

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

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

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

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

16 “(iii) while in the presence of the trans-
17 feror.

18 “(3) It shall be unlawful for a licensed importer, li-
19 censed manufacturer, or licensed dealer to transfer posses-
20 sion of, or title to, a firearm to another person who is
21 not so licensed unless the importer, manufacturer, or deal-
22 er has provided such other person with a notice of the
23 prohibition under paragraph (1), and such other person
24 has certified that such other person has been provided

1 with this notice on a form prescribed by the Attorney Gen-
2 eral.”.

3 (b) AMENDMENT TO SECTION 924(a).—Section
4 924(a)(5) of title 18, United States Code, is amended by
5 striking “(s) or (t)” and inserting “(s), (t), or (aa)”.

6 (c) RULES OF INTERPRETATION.—Nothing in this
7 Act, or any amendment made by this Act, shall be con-
8 strued to—

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

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

15 (d) EFFECTIVE DATE.—The amendments made by
16 subsections (a) and (b) shall take effect 180 days after
17 the date of enactment of this Act.