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116TH CONGRESS
1ST SESSION

H. R. 8

[Report No. 116-]

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

FEBRUARY --, 2019

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on January 8, 2019]

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 Background*
5 *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.*

11 **SEC. 3. FIREARMS TRANSFERS.**

12 *Section 922 of title 18, United States Code, is amend-*
13 *ed—*

14 *(1) by striking subsection (s);*

15 *(2) by redesignating subsection (t) as subsection*
16 *(s); and*

17 *(3) by inserting after subsection (s), as redesign-*
18 *ated, the following:*

19 *“(t)(1)(A) It shall be unlawful for any person who is*
20 *not a licensed importer, licensed manufacturer, or licensed*
21 *dealer to transfer a firearm to any other person who is not*
22 *so licensed, unless a licensed importer, licensed manufac-*
23 *turer, or licensed dealer has first taken possession of the*
24 *firearm for the purpose of complying with subsection (s).*

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

6 “(C) If a transfer of a firearm described in subpara-
7 graph (A) will not be completed for any reason after a li-
8 censee takes possession of the firearm (including because the
9 transfer of the firearm to, or receipt of the firearm by, the
10 transferee would violate this chapter), the return of the fire-
11 arm to the transferor by the licensee shall not constitute
12 the transfer of a firearm for purposes of this chapter.

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

14 “(A) a law enforcement agency or any law en-
15 forcement officer, armed private security professional,
16 or member of the armed forces, to the extent the offi-
17 cer, professional, or member is acting within the
18 course and scope of employment and official duties;

19 “(B) a transfer that is a loan or bona fide gift
20 between spouses, between domestic partners, between
21 parents and their children, between siblings, between
22 aunts or uncles and their nieces or nephews, or be-
23 tween grandparents and their grandchildren;

24 “(C) a transfer to an executor, administrator,
25 trustee, or personal representative of an estate or a

1 *trust that occurs by operation of law upon the death*
2 *of another person;*

3 “(D) *a temporary transfer that is necessary to*
4 *prevent imminent death or great bodily harm, if the*
5 *possession by the transferee lasts only as long as im-*
6 *mediately necessary to prevent the imminent death or*
7 *great bodily harm;*

8 “(E) *a transfer that is approved by the Attorney*
9 *General under section 5812 of the Internal Revenue*
10 *Code of 1986; or*

11 “(F) *a temporary transfer if the transferor has*
12 *no reason to believe that the transferee will use or in-*
13 *tends to use the firearm in a crime or is prohibited*
14 *from possessing firearms under State or Federal law,*
15 *and the transfer takes place and the transferee’s pos-*
16 *session of the firearm is exclusively—*

17 “(i) *at a shooting range or in a shooting*
18 *gallery or other area designated for the purpose*
19 *of target shooting;*

20 “(ii) *while reasonably necessary for the pur-*
21 *poses of hunting, trapping, or fishing, if the*
22 *transferor—*

23 “(I) *has no reason to believe that the*
24 *transferee intends to use the firearm in a*
25 *place where it is illegal; and*

1 “(II) has reason to believe that the
2 transferee will comply with all licensing
3 and permit requirements for such hunting,
4 trapping, or fishing; or

5 “(iii) while in the presence of the transferor.

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

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

12 “(C) Regulations promulgated under this paragraph
13 may not include any provision requiring persons not li-
14 censed under this chapter to keep records of background
15 checks or firearms transfers.

16 “(D) Regulations promulgated under this paragraph
17 may not include any provision placing a cap on the fee
18 licensees may charge to facilitate transfers in accordance
19 with paragraph (1).

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

1 *that such other person has been provided with this notice*
2 *on a form prescribed by the Attorney General.”.*

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

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

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

14 **SEC. 5. RULE OF CONSTRUCTION.**

15 *Nothing in this Act, or any amendment made by this*
16 *Act, shall be construed to—*

17 (1) *authorize the establishment, directly or indi-*
18 *rectly, of a national firearms registry; or*

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

22 **SEC. 6. EFFECTIVE DATE.**

23 *The amendments made by this Act shall take effect* 210
24 *days after the date of the enactment of this Act.*