

By: Senator(s) Blackmon

To: Judiciary, Division A;  
Judiciary, Division B

## SENATE BILL NO. 2485

1       AN ACT TO REQUIRE ANY PERSON WHO IS NOT A LICENSED GUN DEALER  
2 TO REQUIRE A BACKGROUND CHECK BEFORE THE TRANSFER OF A FIREARM AT  
3 A GUN SHOW; TO REQUIRE THE PROSPECTIVE FIREARM TRANSFEROR TO  
4 OBTAIN APPROVAL FROM THE DEPARTMENT OF PUBLIC SAFETY AFTER THE  
5 BACKGROUND CHECK HAS BEEN REQUESTED BY A LICENSED GUN DEALER; TO  
6 DEFINE TERMS; TO REQUIRE A PROSPECTIVE FIREARM TRANSFEROR WHO IS  
7 NOT A LICENSED GUN DEALER TO ARRANGE FOR A LICENSED GUN DEALER TO  
8 OBTAIN THE BACKGROUND CHECK REQUIRED BY THIS ACT; TO PROHIBIT A  
9 PROSPECTIVE FIREARM TRANSFEREE FROM ACCEPTING POSSESSION OF THE  
10 FIREARM UNLESS THE PROSPECTIVE FIREARM TRANSFEROR HAS OBTAINED  
11 APPROVAL OF THE TRANSFER FROM THE DEPARTMENT OF PUBLIC SAFETY  
12 AFTER A BACKGROUND CHECK HAS BEEN REQUESTED BY A LICENSED GUN  
13 DEALER PURSUANT TO THIS ACT; TO PROHIBIT A PROSPECTIVE FIREARM  
14 TRANSFEREE FROM KNOWINGLY PROVIDING FALSE INFORMATION TO A  
15 PROSPECTIVE FIREARM TRANSFEROR OR TO A LICENSED GUN DEALER FOR THE  
16 PURPOSE OF ACQUIRING A FIREARM; TO PROVIDE THAT A PERSON WHO  
17 TRANSFERS A FIREARM IN VIOLATION OF THE PROVISIONS OF THIS SECTION  
18 MAY BE JOINTLY AND SEVERALLY LIABLE FOR ANY CIVIL DAMAGES  
19 PROXIMATELY CAUSED BY THE TRANSFEREE'S SUBSEQUENT USE OF THE  
20 FIREARM; TO PROVIDE CERTAIN EXCEPTIONS TO THE REQUIREMENT OF A  
21 BACKGROUND CHECK; TO PROVIDE CRIMINAL PENALTIES FOR THE VIOLATION  
22 OF THIS ACT; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE  
23 INTERPRETED TO LIMIT OR OTHERWISE ALTER THE DUTIES OF A LICENSED  
24 GUN DEALER TRANSFERRING OR ATTEMPTING TO TRANSFER AT A GUN SHOW  
25 UNDER FEDERAL OR STATE LAW; TO AMEND SECTION 45-9-103, MISSISSIPPI  
26 CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

27       BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

28       SECTION 1. (1) (a) On and after the effective date of this  
29 act, except as described in subsection (5) of this section, before  
30 any person who is not a licensed gun dealer, pursuant to Section

31 18 U.S.C. § 923, transfers or attempts to transfer possession of a  
32 firearm to a transferee at a gun show, he or she shall:

33 (i) Require that a background check, in accordance  
34 with Section 45-9-103 be conducted of the prospective transferee;  
35 and

36 (ii) Obtain approval of a transfer from the  
37 Department of Public Safety after a background check has been  
38 requested by a licensed gun dealer, in accordance with Section  
39 45-9-103.

40 (b) As used in this section, unless the context  
41 requires otherwise:

42 (i) "Transferee" means a person who desires to  
43 receive or acquire a firearm from a transferor. If a transferee  
44 is not a natural person, then each natural person who is  
45 authorized by the transferee to possess the firearm after the  
46 transfer shall undergo a background check, as described in  
47 paragraph (a) of this subsection, before taking possession of the  
48 firearm.

49 (ii) "Gun show" means a function as defined in 27  
50 C.F.R. § 478.100(b).

51 (2) (a) A prospective firearm transferor who is not a  
52 licensed gun dealer shall arrange for a licensed gun dealer to  
53 obtain the background check required by this section.

54 (b) A licensed gun dealer who obtains a background  
55 check on a prospective transferee shall comply with all state and



56 federal laws as if he or she were transferring the firearm from  
57 his or her inventory to the prospective transferee.

58 (3) (a) A prospective firearm transferee under this section  
59 shall not accept possession of the firearm unless the prospective  
60 firearm transferor has obtained approval of the transfer from the  
61 bureau after a background check has been requested by a licensed  
62 gun dealer, as described in paragraph (b) of subsection (1) of  
63 this section.

64 (b) A prospective firearm transferee shall not  
65 knowingly provide false information to a prospective firearm  
66 transferor or to a licensed gun dealer for the purpose of  
67 acquiring a firearm.

68 (4) A person who transfers a firearm in violation of the  
69 provisions of this section may be jointly and severally liable for  
70 any civil damages proximately caused by the transferee's  
71 subsequent use of the firearm.

72 (5) The provisions of this section do not apply to:

73 (a) A transfer of an antique firearm, as defined in 18  
74 U.S.C. § 921(a)(16), as amended, or a curio or relic, as defined  
75 in 27 CFR § 478.11, as amended;

76 (b) A transfer that is a bona fide gift or loan between  
77 immediate family members, which are limited to spouses, parents,  
78 children, siblings, grandparents, grandchildren, nieces, nephews,  
79 first cousins, aunts and uncles;



80 (c) A transfer that occurs by operation of law or  
81 because of the death of a person for whom the prospective  
82 transferor is an executor or administrator of an estate or a  
83 trustee of a trust created in a will;

84 (d) A temporary transfer of possession without transfer  
85 of ownership or a title to ownership, which transfer takes place:

86 (i) At a shooting range located in or on premises

87 owned or occupied by a duly incorporated organization organized

88 for conservation purposes or to foster proficiency in firearms; or

89 (ii) At a target firearm shooting competition under

90 the auspices of, or approved by, a state agency or a nonprofit

91 organization.

92 (e) A transfer of a firearm that is made to facilitate

93 the repair or maintenance of the firearm; except that this

94 paragraph (e) does not apply unless all parties who possess the

95 firearm as a result of the transfer may legally possess a firearm

96 (f) Any temporary transfer that occurs while in the

97 continuous presence of the owner of the firearm; or

98 (g) A temporary transfer for not more than

99 hours. A person who transfers a firearm pursuant to this paragraph

00 (g) may be jointly and severally liable for damages proximately

01 caused by the transferee's subsequent unlawful use of the firearm.

(6) For purposes of paragraph (e) of subsection (5) of this section:



104 (a) An owner, manager or employee of a business that  
105 repairs or maintains firearms may rely upon a transferor's  
106 statement that he or she may legally possess a firearm unless the  
107 owner, manager or employee has actual knowledge to the contrary  
108 and may return possession of the firearm to the transferor upon  
109 completion of the repairs or maintenance without a background  
110 check;

111 (b) Unless a transferor of a firearm has actual  
112 knowledge to the contrary, the transferor may rely upon the  
113 statement of an owner, manager or employee of a business that  
114 repairs or maintains firearms that no owner, manager or employee  
115 of the business is prohibited from possessing a firearm.

116                   (7) Nothing in subsection (5) of this section shall be  
117   interpreted to limit or otherwise alter the applicability of  
118   Section 97-37-5 concerning the unlawful possession of firearms.

119 (8) (a) A person who violates a provision of this section  
120 commits a misdemeanor. Upon conviction, the person shall be  
121 sentenced for a minimum of three (3) months or a maximum of one  
122 (1) year to the county jail or fined a minimum of Two Hundred and  
123 Fifty Dollars (\$250.00) or a maximum of One Thousand Dollars  
124 (\$1000.00) or by both imprisonment and fine. The person shall  
125 also be prohibited from possessing a firearm for two (2) years,  
126 beginning on the date of his or her conviction.

127 (b) When a person is convicted of violating a provision  
128 of this section, the state court administrator shall report the



129 conviction to the bureau and to the national instant criminal  
130 background check system created by the federal "Brady Handgun  
131 Violence Prevention Act", Pub.L. 103-159, the relevant portion of  
132 which is codified at 18 U.S.C. § 922(t). The report shall include  
133 information indicating that the person is prohibited from  
134 possessing a firearm for two (2) years, beginning on the date of  
135 his or her conviction.

136 (9) Nothing in this section shall be interpreted to limit or  
137 otherwise alter the duties of a licensed gun dealer transferring  
138 or attempting transfer at a gun show under federal or state law.

139 **SECTION 2.** Section 45-9-103, Mississippi Code of 1972, is  
140 amended as follows:

141 45-9-103. (1) In this section, "federal prohibited-person  
142 information" means information that identifies an individual as:

143 (a) A person who has been judicially determined by a  
144 court as a person with mental illness or person with an  
145 intellectual disability under Title 41, Chapter 21, Mississippi  
146 Code of 1972, whether ordered for inpatient treatment, outpatient  
147 treatment, day treatment, night treatment or home health services  
148 treatment;

149 (b) A person acquitted in a criminal case by reason of  
150 insanity or on a ground of intellectual disability, without regard  
151 to whether the person is ordered by a court to receive inpatient  
152 treatment or residential care under Section 99-13-7;



153 (c) An adult individual for whom a court has appointed  
154 a guardian or conservator under Article 2, 3 or 4 of Title 93,  
155 Chapter 20, Mississippi Code of 1972, based on the determination  
156 that the person is incapable of managing his own person or estate;  
157 or

158 (d) A person determined to be incompetent to stand  
159 trial by a court pursuant to Rule 9.06 of the Mississippi Rules of  
160 Circuit and County Court Practice.

174 (3) The department shall grant access to a person's own  
175 federal prohibited-person information to the person who is the  
176 subject of the information.



177 (4) Federal prohibited-person information maintained by the  
178 department is confidential information for the use of the  
179 department and, except as otherwise provided by this section and  
180 other state law, is not a public record and may not be  
181 disseminated by the department.

182 (5) The department by rule shall establish a procedure to  
183 correct department records and transmit those corrected records to  
184 the Federal Bureau of Investigation when a person provides:

185 (a) A copy of a judicial order or finding under Section  
186 93-20-318 or 93-20-430 that a person has been restored to reason;

187 (b) Proof that the person has obtained notice of relief  
188 from disabilities under 18 USC, Section 925; or

189 (c) A copy of a judicial order of relief from a  
190 firearms disability under Section 97-37-5(4).

191           **SECTION 3.** This act shall take effect and be in force from  
192           and after July 1, 2025.

