

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

(b) A transfer that is a bona fide gift or loan between immediate family members, which are limited to spouses, parents, children, siblings, grandparents, grandchildren, nieces, nephews, 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 seventy-two
99 hours. A person who transfers a firearm pursuant to this paragraph
100 (g) may be jointly and severally liable for damages proximately
101 caused by the transferee's subsequent unlawful use of the firearm.

102 (6) For purposes of paragraph (e) of subsection (5) of this
103 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



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

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

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

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

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

(b) A person acquitted in a criminal case by reason of insanity or on a ground of intellectual disability, without regard to whether the person is ordered by a court to receive inpatient 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.

161 (2) (a) The Department of Public Safety by rule shall
162 establish a procedure to provide federal prohibited-person
163 information to the Federal Bureau of Investigation for use with
164 the National Instant Criminal Background Check System. Except as
165 otherwise provided by state law, the department may disseminate
166 federal prohibited-person information under this subsection only
167 to the extent necessary to allow the Federal Bureau of
168 Investigation to collect and maintain a list of persons who are
169 prohibited under federal law from engaging in certain activities
170 with respect to a firearm.

171 (b) The Department of Public Safety by rule shall
172 establish a procedure to provide the background checks required
173 under Section 1 of this act.

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.

