AN ACT concerning firearms transfers at gun shows; requiring background checks; establishing criminal penalties.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) It shall be unlawful for any person other than a licensed firearm's dealer, licensed firearm's manufacturer or licensed firearm's importer to complete the transfer of a firearm to any other person who is not licensed, if such transfer occurs:

(1) At a gun show or similar event; or

(2) pursuant to an advertisement, posting, display or other listing on the internet or in a publication by the transferor of such person's intent to transfer or the transferee of such person's intent to acquire the firearm without first conducting a background check as provided in 18 U.S.C. 922(t) on the intended transferee.

(b) Subsection (a) shall not apply to:

(1) 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 C.F.R. 478.11, as amended;

(2) a transfer which is a bona fide gift or loan between immediate family members, which members include spouses, parents, children, siblings, grandparents, nieces, nephews, first cousins, aunts and uncles;

(3) a transfer which occurs by operation of law or because of the death of a person for whom the prospective transferor is an executor or administrator of an estate or a trustee of a trust created by the decedent;

(4) a temporary transfer of possession without transfer of ownership or a title to ownership, which transfer takes place:

(A) At a shooting range located in or on premises owned or occupied by a duly incorporated organization organized for conservation purposes or to foster proficiency in firearms;

(B) at a target firearm shooting competition under the auspices of, or approved by, a state agency or a nonprofit organization;

(C) while hunting, fishing or trapping, provided the unlicensed transferee holds any license or permit required for such hunting, fishing or trapping and the hunting, fishing or trapping is legal in all places where the unlicensed transferee possesses the firearm;

(D) a transfer of a firearm made to facilitate the repair or maintenance
of the firearm, provided all parties who possess the firearm as a result of
the transfer may legally possess a firearm;
(E) any temporary transfer which occurs while in the continuous
presence of the owner of the firearm; or
(F) a transfer of a firearm from a person serving in the armed forces
of the United States who will be deployed outside of the United States
within the next 30 days to any immediate family member which may
include a spouse, parent, child, sibling, grandparent, niece, nephew, first
cousin, aunt or uncle of the person.
Sec. 2. (a) As used in this act:
(1) "Transferee" means a natural 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
section 1(a), and amendments thereto, before taking possession of the
firearm.
(2) "Transferor" means any natural person who desires to transfer
possession of a firearm to a natural person. If a transferor is not a natural
person, then the natural person who is authorized by the transferor to
transfer possession of the firearm to another is subject to the provisions of
this act.
(b) A licensed gun dealer may charge a fee for services rendered
pursuant to this act, which fee shall not exceed the fee ordinarily charged
by the licensed gun dealer in connection with sales it makes to its own
customers. A transferor may require the transferee to bear the cost of the
background check services.
Sec. 3. (a) 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.
(b) A person who transfers a firearm in violation of the provisions of
this act may be held jointly and severally liable for any civil damages
proximately caused by the transferee's subsequent use of the firearm.
(c) A person who violates a provision of this section commits a class
A misdemeanor. The person shall also be prohibited from possessing a
firearm for two years, beginning on the date of such person's conviction.
(d) When a person is convicted of violating a provision of this
section, the court shall report the conviction to the national instant criminal
background check system created by the federal Brady handgun violence
prevention act, 18 U.S.C. 922(t). The report shall indicate that the person
is prohibited from possessing a firearm for two years, beginning on the
date of such conviction.
Sec. 4. Nothing in this act shall be interpreted to limit the provisions
of any federal law or statute regarding required background checks for the
Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.