



HOUSE OF REPRESENTATIVES

HB 2535

certification of firearm transfers

Sponsors: Representatives Kavanagh, Forese, Kwasman, et al.

DPA Committee on Judiciary
DPA Caucus and COW
X As Transmitted to the Governor

OVERVIEW

HB 2535 specifies that a chief law enforcement officer has 60 days to either certify or deny the transfer of a firearm.

HISTORY

In 1934, the United States Congress enacted the National Firearms Act (Act). This Act originally imposed a tax on the making or transferring of a firearm as defined by the Act. Currently under the Act, if an individual is seeking to make or transfer a weapon that requires a certification from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), then an individual must obtain certification from a local chief law enforcement officer (CLEO) before applying to the ATF. Currently, the ATF will not accept an application for a transfer of a weapon as defined by the Act unless written proof from a CLEO has first certified the transfer.

PROVISIONS

- States that if a CLEO certification is necessary in order to make or transfer a firearm, the CLEO has 60 days to either certify or deny the request in writing if the applicant is not a prohibited possessor or the subject of a proceeding that could result in the applicant being prohibited from receiving a weapon.
- Directs a county sheriff to certify a transfer if the CLEO of a law enforcement agency of 15 or fewer officers makes a request for the county sheriff to do so.
- Provides immunity pursuant to statute for a CLEO who makes a certification.
- Exempts county attorneys and tribal agencies from having to make a certification, but does not prohibit them from doing so.
- Prohibits a CLEO from denying a certification based on philosophical differences.
- Defines *certification*, *chief law enforcement officer*, *firearm* and *proceeding*.