

REFERENCE TITLE: firearms; background checks; release conditions.

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HB 2601

Introduced by
Representatives Friese, Mach, Steele: Andrade, Gabaldón, Wheeler

AN ACT

AMENDING SECTION 13-3101, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 31, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3122; AMENDING SECTION 13-3967, ARIZONA REVISED STATUTES; AMENDING TITLE 44, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 36; RELATING TO FIREARMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3101, Arizona Revised Statutes, is amended to
3 read:

4 13-3101. Definitions

5 A. In this chapter, unless the context otherwise requires:

6 1. "Deadly weapon" means anything that is designed for lethal use.
7 The term includes a firearm.

8 2. "Deface" means to remove, alter or destroy the manufacturer's
9 serial number.

10 3. "Explosive" means any dynamite, nitroglycerine, black powder, or
11 other similar explosive material, including plastic explosives. Explosive
12 does not include ammunition or ammunition components such as primers,
13 percussion caps, smokeless powder, black powder and black powder substitutes
14 used for hand loading purposes.

15 4. "Firearm" means any loaded or unloaded handgun, pistol, revolver,
16 rifle, shotgun or other weapon that will expel, is designed to expel or may
17 readily be converted to expel a projectile by the action of an explosive.
18 Firearm does not include a firearm in permanently inoperable condition.

19 5. "Improvised explosive device" means a device that incorporates
20 explosives or destructive, lethal, noxious, pyrotechnic or incendiary
21 chemicals and that is designed to destroy, disfigure, terrify or harass.

22 6. "Occupied structure" means any building, object, vehicle,
23 watercraft, aircraft or place with sides and a floor that is separately
24 securable from any other structure attached to it, that is used for lodging,
25 business, transportation, recreation or storage and in which one or more
26 human beings either are or are likely to be present or so near as to be in
27 equivalent danger at the time the discharge of a firearm occurs. Occupied
28 structure includes any dwelling house, whether occupied, unoccupied or
29 vacant.

30 7. "Prohibited possessor" means any person:

31 (a) Who has been found to constitute a danger to self or to others or
32 to have A persistent or acute ~~disabilities~~ **DISABILITY** or grave ~~disabilities~~
33 **DISABILITY** pursuant to court order pursuant to section 36-540, and whose
34 right to possess a firearm has not been restored pursuant to section 13-925.

35 (b) Who has been convicted within or without this state of a felony or
36 who has been adjudicated delinquent for a felony and whose civil right to
37 possess or carry a gun or firearm has not been restored.

38 (c) Who is at the time of possession serving a term of imprisonment in
39 any correctional or detention facility.

40 (d) Who is at the time of possession serving a term of probation
41 pursuant to a conviction for a domestic violence offense as defined in
42 section 13-3601 or a felony offense, parole, community supervision, work
43 furlough, home arrest or release on any other basis or who is serving a term
44 of probation or parole pursuant to the interstate compact under title 31,
45 chapter 3, article 4.1.

1 (e) Who is an undocumented alien or a nonimmigrant alien traveling
2 with or without documentation in this state for business or pleasure or who
3 is studying in this state and who maintains a foreign residence abroad. This
4 subdivision does not apply to:

5 (i) Nonimmigrant aliens who possess a valid hunting license or permit
6 that is lawfully issued by a state in the United States.

7 (ii) Nonimmigrant aliens who enter the United States to participate in
8 a competitive target shooting event or to display firearms at a sports or
9 hunting trade show that is sponsored by a national, state or local firearms
10 trade organization devoted to the competitive use or other sporting use of
11 firearms.

12 (iii) Certain diplomats.

13 (iv) Officials of foreign governments or distinguished foreign
14 visitors who are designated by the United States department of state.

15 (v) Persons who have received a waiver from the United States attorney
16 general.

17 (f) Who has been found incompetent pursuant to rule 11, Arizona rules
18 of criminal procedure, and who subsequently has not been found competent.

19 (g) Who is found guilty except insane.

20 (h) WHO IS SUBJECT TO AN ORDER OF PROTECTION THAT WAS ISSUED PURSUANT
21 TO SECTION 13-3602 THAT PROHIBITS THE PERSON FROM POSSESSING A FIREARM AND
22 THAT WAS ISSUED AFTER A HEARING FOR WHICH THE PERSON RECEIVED ACTUAL NOTICE
23 AND IN WHICH THE PERSON HAD AN OPPORTUNITY TO PARTICIPATE.

24 8. "Prohibited weapon":

25 (a) Includes the following:

26 (i) An item that is a bomb, grenade, rocket having a propellant charge
27 of more than four ounces or mine and that is explosive, incendiary or poison
28 gas.

29 (ii) A device that is designed, made or adapted to muffle the report
30 of a firearm.

31 (iii) A firearm that is capable of shooting more than one shot
32 automatically, without manual reloading, by a single function of the trigger.

33 (iv) A rifle with a barrel length of less than sixteen inches, or
34 shotgun with a barrel length of less than eighteen inches, or any firearm
35 that is made from a rifle or shotgun and that, as modified, has an overall
36 length of less than twenty-six inches.

37 (v) An instrument, including a nunchaku, that consists of two or more
38 sticks, clubs, bars or rods to be used as handles, connected by a rope, cord,
39 wire or chain, in the design of a weapon used in connection with the practice
40 of a system of self-defense.

41 (vi) A breakable container that contains a flammable liquid with a
42 flash point of one hundred fifty degrees Fahrenheit or less and that has a
43 wick or similar device capable of being ignited.

44 (vii) A chemical or combination of chemicals, compounds or materials,
45 including dry ice, that is possessed or manufactured for the purpose of

1 generating a gas to cause a mechanical failure, rupture or bursting or an
2 explosion or detonation of the chemical or combination of chemicals,
3 compounds or materials.

4 (viii) An improvised explosive device.

5 (ix) Any combination of parts or materials that is designed and
6 intended for use in making or converting a device into an item set forth in
7 item (i), (vi) or (viii) of this subdivision.

8 (b) Does not include:

9 (i) Any fireworks that are imported, distributed or used in compliance
10 with state laws or local ordinances.

11 (ii) Any propellant, propellant actuated devices or propellant
12 actuated industrial tools that are manufactured, imported or distributed for
13 their intended purposes.

14 (iii) A device that is commercially manufactured primarily for the
15 purpose of illumination.

16 9. "Trafficking" means to sell, transfer, distribute, dispense or
17 otherwise dispose of a weapon or explosive to another person, or to buy,
18 receive, possess or obtain control of a weapon or explosive, with the intent
19 to sell, transfer, distribute, dispense or otherwise dispose of the weapon or
20 explosive to another person.

21 B. The items set forth in subsection A, paragraph 8, subdivision (a),
22 items (i), (ii), (iii) and (iv) of this section do not include any firearms
23 or devices that are registered in the national firearms registry and transfer
24 records of the United States treasury department or any firearm that has been
25 classified as a curio or relic by the United States treasury department.

26 Sec. 2. Title 13, chapter 31, Arizona Revised Statutes, is amended by
27 adding section 13-3122, to read:

28 13-3122. Licensed firearm dealer sales or transfers; background
29 checks; classification

30 A. A PERSON MAY NOT SELL OR TRANSFER A FIREARM UNLESS THE PERSON IS A
31 LICENSED FIREARMS DEALER, THE PURCHASER OR TRANSFEREE IS A LICENSED FIREARMS
32 DEALER OR A LICENSED FIREARMS DEALER FACILITATES THE TRANSFER PURSUANT TO
33 SUBSECTION B OF THIS SECTION.

34 B. IF NEITHER PARTY TO A PROSPECTIVE FIREARMS SALE OR TRANSFER IS A
35 LICENSED FIREARMS DEALER, THE PARTIES TO THE TRANSACTION SHALL COMPLETE THE
36 SALE OR TRANSFER THROUGH A LICENSED FIREARMS DEALER IN THE FOLLOWING MANNER:

37 1. THE SELLER OR OTHER TRANSFEROR SHALL DELIVER THE FIREARM TO THE
38 DEALER WHO SHALL RETAIN POSSESSION OF THE FIREARM UNTIL ALL LEGAL
39 REQUIREMENTS FOR THE SALE OR TRANSFER HAVE BEEN MET. THE DEALER SHALL
40 PROCESS THE SALE OR TRANSFER AS IF THE DEALER WERE THE SELLER OR TRANSFEROR.
41 THE DEALER SHALL COMPLY WITH ALL REQUIREMENTS OF FEDERAL, STATE AND LOCAL LAW
42 THAT WOULD APPLY IF THE DEALER WAS THE SELLER OR TRANSFEROR OF THE FIREARM.

43 2. THE DEALER SHALL CONDUCT A BACKGROUND CHECK ON THE PURCHASER OR
44 TRANSFEREE PURSUANT TO 18 UNITED STATES CODE SECTION 922(T) AND STATE AND
45 LOCAL LAW. IF THE TRANSACTION IS NOT PROHIBITED, THE DEALER SHALL DELIVER

1 THE FIREARM TO THE PURCHASER OR TRANSFEREE AFTER ALL OTHER LEGAL REQUIREMENTS
2 ARE MET.

3 3. IF THE DEALER CANNOT LEGALLY DELIVER THE FIREARM TO THE PURCHASER
4 OR TRANSFEREE, THE DEALER SHALL CONDUCT A BACKGROUND CHECK ON THE SELLER OR
5 TRANSFEROR PURSUANT TO 18 UNITED STATES CODE SECTION 922(T) AND, IF THE
6 RETURN IS NOT PROHIBITED, RETURN THE FIREARM TO THAT PERSON.

7 4. IF THE DEALER CANNOT LEGALLY RETURN THE FIREARM TO THE SELLER OR
8 TRANSFEROR, THE DEALER, WITHIN TWENTY-FOUR HOURS, SHALL DELIVER THE FIREARM
9 TO THE NEAREST LAW ENFORCEMENT AGENCY.

10 5. THE DEALER MAY REQUIRE THE PURCHASER OR TRANSFEREE TO PAY A FEE OF
11 NOT TO EXCEED TWENTY DOLLARS THAT COVERS THE ADMINISTRATIVE COSTS INCURRED BY
12 THE DEALER FOR FACILITATING THE TRANSFER OF THE FIREARM, INCLUDING ANY
13 APPLICABLE FEES PURSUANT TO FEDERAL, STATE OR LOCAL LAW.

14 C. THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

15 1. A LAW ENFORCEMENT AGENCY IN THIS STATE, THE STATE DEPARTMENT OF
16 CORRECTIONS AND ANY PEACE OFFICER OR CORRECTIONS OFFICER WHO IS ACTING WITHIN
17 THE COURSE AND SCOPE OF THE OFFICER'S EMPLOYMENT OR OFFICIAL DUTIES.

18 2. A UNITED STATES MARSHAL, A MEMBER OF THE ARMED FORCES OF THE UNITED
19 STATES OR THE NATIONAL GUARD OR A FEDERAL OFFICIAL TRANSFERRING OR RECEIVING
20 A FIREARM AS REQUIRED IN THE OPERATION OF THE OFFICIAL DUTIES.

21 3. A GUNSMITH WHO RECEIVES A FIREARM SOLELY FOR THE PURPOSE OF SERVICE
22 OR REPAIR.

23 4. A COMMON CARRIER, WAREHOUSEMAN OR OTHER PERSON WHO IS ENGAGED IN
24 THE BUSINESS OF TRANSPORTATION OR STORAGE, TO THE EXTENT THAT THE RECEIPT OF
25 ANY FIREARM IS IN THE ORDINARY COURSE OF BUSINESS AND NOT FOR PERSONAL USE BY
26 THE PERSON.

27 5. A PERSON WHO IS LOANED A FIREARM SOLELY FOR THE PURPOSE OF TARGET
28 SHOOTING IF THE LOAN OCCURS ON THE PREMISES OF A SHOOTING RANGE AND THE
29 FIREARM IS AT ALL TIMES KEPT WITHIN THE PREMISES OF THE SHOOTING RANGE.

30 6. A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE, WHO IS LOANED A
31 FIREARM FOR LAWFUL HUNTING OR SPORTING PURPOSES OR FOR ANY OTHER LAWFUL
32 RECREATIONAL ACTIVITY AND WHO IS ALLOWED TO POSSESS A FIREARM PURSUANT TO
33 SECTION 13-3111.

34 7. A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE AND WHO IS LOANED A
35 FIREARM WHILE THE PERSON IS ACCOMPANYING THE LAWFUL OWNER AND USING THE
36 FIREARM FOR LAWFUL HUNTING OR SPORTING PURPOSES OR FOR ANY OTHER LAWFUL
37 RECREATIONAL ACTIVITY.

38 8. A PERSON WHO IS NOT A PROHIBITED POSSESSOR AND WHO ACQUIRED THE
39 FIREARM BY OPERATION OF LAW ON THE DEATH OF THE FORMER OWNER OF THE FIREARM.

40 9. THE SALE OR TRANSFER OF AN ANTIQUE FIREARM. FOR THE PURPOSES OF
41 THIS PARAGRAPH, "ANTIQUÉ FIREARM" MEANS A FIREARM OR REPLICÁ OF A FIREARM NOT
42 DESIGNED OR REDESIGNED FOR USING RIM FIRE OR CONVENTIONAL CENTER FIRE
43 IGNITION WITH FIXED AMMUNITION AND MANUFACTURED IN OR BEFORE 1898, INCLUDING
44 ANY MATCHLOCK, FLINTLOCK, PERCUSSION CAP OR SIMILAR TYPE OF IGNITION SYSTEM
45 AND ALSO ANY FIREARM USING FIXED AMMUNITION MANUFACTURED IN OR BEFORE 1898,

1 FOR WHICH AMMUNITION IS NO LONGER MANUFACTURED IN THE UNITED STATES AND IS
2 NOT READILY AVAILABLE IN THE ORDINARY CHANNELS OF COMMERCIAL TRADE.

3 10. A FIREARM TRANSFER THAT IS A BONA FIDE GIFT BETWEEN ANY COMBINATION
4 OF IMMEDIATE FAMILY MEMBERS. FOR THE PURPOSES OF THIS PARAGRAPH, "IMMEDIATE
5 FAMILY MEMBERS" MEANS SPOUSES, DOMESTIC PARTNERS, PARENTS, CHILDREN,
6 SIBLINGS, GRANDPARENTS, GRANDCHILDREN, NIECES, NEPHEWS, FIRST COUSINS, AUNTS
7 AND UNCLAS.

8 11. A TEMPORARY TRANSFER OF A FIREARM IF THE TRANSFER IS NECESSARY TO
9 PREVENT IMMINENT DEATH OR GREAT BODILY HARM TO THE PERSON TO WHOM THE FIREARM
10 IS TRANSFERRED IF BOTH OF THE FOLLOWING APPLY:

11 (a) THE TEMPORARY TRANSFER ONLY LASTS AS LONG AS IMMEDIATELY NECESSARY
12 TO PREVENT THE IMMINENT DEATH OR GREAT BODILY HARM.

13 (b) THE PERSON TO WHOM THE FIREARM IS TRANSFERRED IS NOT PROHIBITED
14 FROM POSSESSING A FIREARM UNDER STATE OR FEDERAL LAW.

15 D. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 5 FELONY.

16 Sec. 3. Section 13-3967, Arizona Revised Statutes, is amended to read:
17 13-3967. Release on bailable offenses before trial; definition

18 A. At his appearance before a judicial officer, any person who is
19 charged with a public offense that is bailable as a matter of right shall be
20 ordered released pending trial on his own recognizance or on the execution of
21 bail in an amount specified by the judicial officer.

22 B. In determining the method of release or the amount of bail, the
23 judicial officer, on the basis of available information, shall take into
24 account all of the following:

25 1. The views of the victim.

26 2. The nature and circumstances of the offense charged AND ANY
27 EVIDENCE THAT THE DEFENDANT POSES A DANGER TO THE SAFETY OF OTHERS IN THE
28 COMMUNITY, INCLUDING THE RESULTS OF A DOMESTIC VIOLENCE RISK OR LETHALITY
29 ASSESSMENT.

30 3. The weight of evidence against the accused.

31 4. The accused's family ties, employment, financial resources,
32 character and mental condition.

33 5. The results of any drug test submitted to the court.

34 6. Whether the accused is using any substance if its possession or use
35 is illegal pursuant to chapter 34 of this title.

36 7. Whether the accused violated section 13-3407, subsection A,
37 paragraph 2, 3, 4 or 7 involving methamphetamine or section 13-3407.01.

38 8. The length of residence in the community.

39 9. The accused's record of arrests and convictions.

40 10. The accused's record of appearance at court proceedings or of
41 flight to avoid prosecution or failure to appear at court proceedings.

42 11. Whether the accused has entered or remained in the United States
43 illegally.

44 12. Whether the accused's residence is in this state, in another state
45 or outside the United States.

1 C. If a judicial officer orders the release of a defendant who is
2 charged with a felony either on his own recognizance or on bail, the judicial
3 officer shall condition the defendant's release on the defendant's good
4 behavior while so released. On a showing of probable cause that the
5 defendant committed any offense during the period of release, a judicial
6 officer may revoke the defendant's release pursuant to section 13-3968.

7 D. After providing notice to the victim pursuant to section 13-4406, a
8 judicial officer may impose any of the following conditions on a person who
9 is released on his own recognizance or on bail:

10 1. Place the person in the custody of a designated person or
11 organization agreeing to supervise him.

12 2. Place restrictions on the person's travel, associates or place of
13 abode during the period of release.

14 3. Require the deposit with the clerk of the court of cash or other
15 security, such deposit to be returned on the performance of the conditions of
16 release.

17 4. Prohibit the person from possessing any dangerous weapon or
18 engaging in certain described activities or indulging in intoxicating liquors
19 or certain drugs.

20 5. Require the person to report regularly to and remain under the
21 supervision of an officer of the court.

22 6. Impose any other conditions deemed reasonably necessary to assure
23 appearance as required including a condition requiring that the person return
24 to custody after specified hours.

25 E. In addition to any of the conditions a judicial officer may impose
26 pursuant to subsection D of this section, the judicial officer shall impose
27 ~~both of~~ the following conditions on a person who is charged with a felony
28 DOMESTIC VIOLENCE OFFENSE OR A FELONY violation of chapter 14 or 35.1 of this
29 title and who is released on ~~his~~ THE PERSON'S own recognizance or on bail:

30 1. Electronic monitoring where available.

31 2. A condition prohibiting the person from having any contact with the
32 victim.

33 3. A CONDITION PROHIBITING THE PERSON FROM POSSESSING A DANGEROUS
34 WEAPON.

35 F. The judicial officer who authorizes the release of the person
36 charged on his own recognizance or on bail shall do all of the following:

37 1. Issue an appropriate order containing statements of the conditions
38 imposed.

39 2. Inform the person of the penalties that apply to any violation of
40 the conditions of release.

41 3. Advise the person that a warrant for his arrest may be issued
42 immediately on any violation of the conditions of release, including the
43 failure to submit to deoxyribonucleic acid testing ordered pursuant to
44 paragraph 4 of this subsection.

1 4. If the person is charged with a felony or misdemeanor offense
2 listed in section 13-610, subsection 0, paragraph 3 and is summoned to
3 appear, order the person to report within five days to the law enforcement
4 agency that arrested the person or to the agency's designee and submit a
5 sufficient sample of buccal cells or other bodily substances for
6 deoxyribonucleic acid testing and extraction. If a person does not comply
7 with an order issued pursuant to this ~~subsection~~ PARAGRAPH, the court shall
8 revoke the person's release.

9 G. At any time after providing notice to the victim pursuant to
10 section 13-4406, the judicial officer who orders the release of a person on
11 any condition specified in this section or the court in which a prosecution
12 is pending may amend the order to employ additional or different conditions
13 of release, including either an increase or reduction in the amount of
14 bail. On application, the defendant shall be entitled to have the conditions
15 of release reviewed by the judicial officer who imposed them or by the court
16 in which the prosecution is pending. Reasonable notice of the application
17 shall be given to the county attorney and the victim.

18 H. Any information that is stated or offered in connection with any
19 order pursuant to this section need not conform to the rules pertaining to
20 admissibility of evidence in a court of law.

21 I. This section does not prevent the disposition of any case or class
22 of cases by forfeiture of bail or collateral security if such disposition is
23 authorized by the court.

24 J. A judicial officer who orders the release of a juvenile who has
25 been transferred to the criminal division of the superior court pursuant to
26 section 8-327 or who has been charged as an adult pursuant to section 13-501
27 shall notify the appropriate school district on the release of the juvenile
28 from custody.

29 K. For the purposes of this section and section 13-3968, "judicial
30 officer" means any person or court authorized pursuant to the constitution or
31 laws of this state to bail or otherwise release a person before trial or
32 sentencing or pending appeal.

33 Sec. 4. Title 44, Arizona Revised Statutes, is amended by adding
34 chapter 36, to read:

35 CHAPTER 36

36 FIREARM SHOWS

37 ARTICLE 1. GENERAL PROVISIONS

38 44-7851. Definitions

39 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

40 1. "FIREARM" MEANS ANY LOADED OR UNLOADED HANDGUN, PISTOL, REVOLVER,
41 RIFLE, SHOTGUN OR OTHER WEAPON THAT WILL OR IS DESIGNED TO OR THAT MAY
42 READILY BE CONVERTED TO EXPEL A PROJECTILE BY THE ACTION OF AN EXPLOSIVE.
43 FIREARM DOES NOT INCLUDE A FIREARM IN PERMANENTLY INOPERABLE CONDITION.

44 2. "FIREARM EXHIBITOR" MEANS ANY PERSON WHO EXHIBITS, SELLS, OFFERS
45 FOR SALE, TRANSFERS OR EXCHANGES FIREARMS.

1 3. "FIREARM SHOW" MEANS AN EVENT SPONSORED, WHETHER FOR PROFIT OR NOT,
2 BY AN INDIVIDUAL OR A NATIONAL, STATE OR LOCAL ORGANIZATION, ASSOCIATION OR
3 OTHER ENTITY DEVOTED TO THE COLLECTION, COMPETITIVE USE, SPORTING USE OR ANY
4 OTHER LEGAL USE OF FIREARMS AND INCLUDES ANY BUILDING, STRUCTURE OR FACILITY
5 WHERE FIREARMS ARE OFFERED FOR SALE OR TRANSFER AND ANY GROUNDS USED IN
6 CONNECTION WITH THE EVENT. FIREARM SHOW ALSO INCLUDES AN EVENT AT WHICH ANY
7 OF THE FOLLOWING APPLIES:

8 (a) TWENTY PERCENT OR MORE OF THE TOTAL NUMBER OF EXHIBITORS ARE
9 FIREARM EXHIBITORS.

10 (b) TEN OR MORE FIREARM EXHIBITORS ARE PARTICIPATING.

11 (c) A TOTAL OF TWENTY-FIVE OR MORE PISTOLS OR REVOLVERS ARE OFFERED
12 FOR SALE OR TRANSFER.

13 (d) A TOTAL OF FIFTY OR MORE FIREARMS ARE OFFERED FOR SALE OR
14 TRANSFER.

15 4. "FIREARM SHOW OPERATOR" MEANS A PERSON WHO ORGANIZES, PRODUCES,
16 SPONSORS OR OPERATES A FIREARM SHOW.

17 44-7852. Firearm show operation; signage; national instant
18 criminal background checks; form maintenance

19 A. DURING A FIREARM SHOW, A FIREARM SHOW OPERATOR SHALL DO ALL OF THE
20 FOLLOWING:

21 1. CONSPICUOUSLY POST AND MAINTAIN SIGNS STATING THAT A NATIONAL
22 INSTANT CRIMINAL BACKGROUND CHECK SHALL BE COMPLETED BEFORE ALL FIREARM SALES
23 OR TRANSFERS. SIGNS SHALL BE POSTED AT ALL OF THE FOLLOWING LOCATIONS:

24 (a) ALL ENTRANCES TO THE FIREARM SHOW.

25 (b) ALL PLACES WHERE ADMISSION TICKETS TO THE FIREARM SHOW ARE SOLD.

26 (c) NOT LESS THAN FOUR LOCATIONS WITHIN THE GROUNDS OF THE FIREARM
27 SHOW, NOT INCLUDING THE PLACES PRESCRIBED BY SUBDIVISIONS (a) AND (b) OF THIS
28 PARAGRAPH.

29 2. NOTIFY ALL FIREARM EXHIBITORS IN WRITING THAT A NATIONAL INSTANT
30 CRIMINAL BACKGROUND CHECK SHALL BE COMPLETED BEFORE EACH FIREARM SALE OR
31 TRANSFER.

32 3. PROVIDE ACCESS AT THE FIREARM SHOW TO A FIREARM DEALER LICENSED
33 UNDER FEDERAL LAW WHO IS AUTHORIZED TO PERFORM A NATIONAL INSTANT CRIMINAL
34 BACKGROUND CHECK IF THE SELLER OR TRANSFEROR OF A FIREARM IS NOT AUTHORIZED
35 TO CONDUCT A NATIONAL INSTANT CRIMINAL BACKGROUND CHECK. THE FIREARM SHOW
36 OPERATOR SHALL DO EITHER OF THE FOLLOWING:

37 (a) REQUIRE A FIREARM EXHIBITOR WHO IS A FIREARM DEALER LICENSED UNDER
38 FEDERAL LAW AND WHO IS AUTHORIZED TO CONDUCT A NATIONAL INSTANT CRIMINAL
39 BACKGROUND CHECK TO PROVIDE THE CHECK AT COST.

40 (b) DESIGNATE A LOCATION AT THE FIREARM SHOW WHERE THE FIREARM DEALER
41 PRESCRIBED BY SUBDIVISION (a) OF THIS PARAGRAPH WILL BE PRESENT TO PERFORM
42 THE CHECK.

43 B. A FIREARM DEALER LICENSED UNDER FEDERAL LAW WHO PERFORMS A NATIONAL
44 INSTANT CRIMINAL BACKGROUND CHECK PURSUANT TO SUBSECTION A, PARAGRAPH 3 OF
45 THIS SECTION SHALL PROVIDE THE SELLER OR TRANSFEROR OF THE FIREARM WITH A

1 COPY OF THE UNITED STATES DEPARTMENT OF THE TREASURY, BUREAU OF ALCOHOL,
2 TOBACCO AND FIREARMS FORM ATF F 4473 AND THE DEALER SHALL MAINTAIN THE FORM
3 AND MAKE THE FORM AVAILABLE FOR INSPECTION BY LAW ENFORCEMENT AGENCIES FOR A
4 PERIOD OF TEN YEARS.

5 44-7853. Violation; civil penalty; enforcement

6 A. EXCEPT AS PROVIDED IN SECTION 44-7854, A PERSON WHO KNOWINGLY
7 VIOLATES THIS CHAPTER IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN TEN
8 THOUSAND DOLLARS PER VIOLATION.

9 B. THE ATTORNEY GENERAL SHALL ENFORCE THIS CHAPTER.

10 44-7854. Sales of firearms at firearm shows; violation;
11 classification

12 A. IF A PERSON SELLS OR TRANSFERS A FIREARM AT A FIREARM SHOW, THE
13 PERSON SHALL:

14 1. ONLY SELL TO A PERSON WHO HAS HAD A NATIONAL INSTANT CRIMINAL
15 BACKGROUND CHECK CONDUCTED PURSUANT TO SECTION 44-7852.

16 2. COMPLY WITH 18 UNITED STATES CODE SECTION 922(t).

17 B. A PERSON MAY NOT OFFER OR AGREE TO SELL OR TRANSFER A FIREARM TO
18 ANOTHER PERSON AT A FIREARM SHOW AND TRANSFER OR DELIVER THE FIREARM TO THE
19 PERSON OR A PERSON ACTING ON THE PERSON'S BEHALF AT A LOCATION OTHER THAN THE
20 FIREARM SHOW FOR THE PURPOSE OF AVOIDING COMPLIANCE WITH THIS SECTION.

21 C. A PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY OF A CLASS 1
22 MISDEMEANOR.