

REFERENCE TITLE: **firearm sales; transfers; background checks.**

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

## **HB 2248**

Introduced by  
Representatives Friese: Cano, Epstein, Gabaldón, Hernandez A, Hernandez D,  
Longdon, Pawlik, Powers Hannley, Rodriguez, Sierra, Terán, Senator  
Dalessandro

**AN ACT**

**AMENDING TITLE 13, CHAPTER 31, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3123; 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. Title 13, chapter 31, Arizona Revised Statutes, is  
3 amended by adding section 13-3123, to read:

4 13-3123. Licensed firearm dealer sales or transfers:  
5 background checks; exceptions; classification

6 A. A PERSON MAY NOT SELL OR TRANSFER A FIREARM UNLESS THE PERSON IS  
7 A LICENSED FIREARMS DEALER, THE PURCHASER OR TRANSFEREE IS A LICENSED  
8 FIREARMS DEALER OR A LICENSED FIREARMS DEALER FACILITATES THE TRANSFER  
9 PURSUANT TO SUBSECTION B OF THIS SECTION.

10 B. IF NEITHER PARTY TO A PROSPECTIVE FIREARMS SALE OR TRANSFER IS A  
11 LICENSED FIREARMS DEALER, THE PARTIES TO THE TRANSACTION SHALL COMPLETE  
12 THE SALE OR TRANSFER THROUGH A LICENSED FIREARMS DEALER IN THE FOLLOWING  
13 MANNER:

14 1. THE SELLER OR OTHER TRANSFEROR SHALL DELIVER THE FIREARM TO THE  
15 DEALER WHO SHALL RETAIN POSSESSION OF THE FIREARM UNTIL ALL LEGAL  
16 REQUIREMENTS FOR THE SALE OR TRANSFER HAVE BEEN MET. THE DEALER SHALL  
17 PROCESS THE SALE OR TRANSFER AS IF THE DEALER WERE THE SELLER OR  
18 TRANSFEROR. THE DEALER SHALL COMPLY WITH ALL REQUIREMENTS OF FEDERAL,  
19 STATE AND LOCAL LAW THAT WOULD APPLY IF THE DEALER WAS THE SELLER OR  
20 TRANSFEROR OF THE FIREARM.

21 2. THE DEALER SHALL CONDUCT A BACKGROUND CHECK ON THE PURCHASER OR  
22 TRANSFEREE PURSUANT TO 18 UNITED STATES CODE SECTION 922(t) AND STATE AND  
23 LOCAL LAW. IF THE TRANSACTION IS NOT PROHIBITED, THE DEALER SHALL DELIVER  
24 THE FIREARM TO THE PURCHASER OR TRANSFEREE AFTER ALL OTHER LEGAL  
25 REQUIREMENTS ARE MET.

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

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

33 5. THE DEALER MAY REQUIRE THE PURCHASER OR TRANSFEREE TO PAY A FEE  
34 OF NOT TO EXCEED \$20 THAT COVERS THE ADMINISTRATIVE COSTS INCURRED BY THE  
35 DEALER FOR FACILITATING THE TRANSFER OF THE FIREARM, INCLUDING ANY  
36 APPLICABLE FEES PURSUANT TO FEDERAL, STATE OR LOCAL LAW.

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

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

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

- 1           3. A GUNSMITH WHO RECEIVES A FIREARM SOLELY FOR THE PURPOSE OF  
2 SERVICE OR REPAIR.
- 3           4. A COMMON CARRIER, WAREHOUSEMAN OR OTHER PERSON WHO IS ENGAGED IN  
4 THE BUSINESS OF TRANSPORTATION OR STORAGE, TO THE EXTENT THAT THE RECEIPT  
5 OF ANY FIREARM IS IN THE ORDINARY COURSE OF BUSINESS AND NOT FOR PERSONAL  
6 USE BY THE PERSON.
- 7           5. A PERSON WHO IS LOANED A FIREARM SOLELY FOR THE PURPOSE OF  
8 TARGET SHOOTING IF THE LOAN OCCURS ON THE PREMISES OF A SHOOTING RANGE AND  
9 THE FIREARM IS AT ALL TIMES KEPT WITHIN THE PREMISES OF THE SHOOTING  
10 RANGE.
- 11           6. A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE, WHO IS LOANED A  
12 FIREARM FOR LAWFUL HUNTING OR SPORTING PURPOSES OR FOR ANY OTHER LAWFUL  
13 RECREATIONAL ACTIVITY AND WHO IS ALLOWED TO POSSESS A FIREARM PURSUANT TO  
14 SECTION 13-3111.
- 15           7. A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE AND WHO IS LOANED  
16 A FIREARM WHILE THE PERSON IS ACCOMPANYING THE LAWFUL OWNER AND USING THE  
17 FIREARM FOR LAWFUL HUNTING OR SPORTING PURPOSES OR FOR ANY OTHER LAWFUL  
18 RECREATIONAL ACTIVITY.
- 19           8. A PERSON WHO IS NOT A PROHIBITED POSSESSOR AND WHO ACQUIRES THE  
20 FIREARM BY OPERATION OF LAW ON THE DEATH OF THE FORMER OWNER OF THE  
21 FIREARM.
- 22           9. THE SALE OR TRANSFER OF AN ANTIQUE FIREARM. FOR THE PURPOSES OF  
23 THIS PARAGRAPH, "ANTIQUÉ FIREARM" MEANS A FIREARM OR REPLICÁ OF A FIREARM  
24 THAT WAS NOT DESIGNED OR REDESIGNED FOR USING RIM FIRE OR CONVENTIONAL  
25 CENTER FIRE IGNITION WITH FIXED AMMUNITION AND THAT WAS MANUFACTURED IN OR  
26 BEFORE 1898, INCLUDING ANY MATCHLOCK, FLINTLOCK, PERCUSSION CAP OR SIMILAR  
27 TYPE OF IGNITION SYSTEM AND ALSO ANY FIREARM USING FIXED AMMUNITION  
28 MANUFACTURED IN OR BEFORE 1898, FOR WHICH AMMUNITION IS NO LONGER  
29 MANUFACTURED IN THE UNITED STATES AND IS NOT READILY AVAILABLE IN THE  
30 ORDINARY CHANNELS OF COMMERCIAL TRADE.
- 31           10. A FIREARM TRANSFER THAT IS A BONA FIDE GIFT BETWEEN ANY  
32 COMBINATION OF IMMEDIATE FAMILY MEMBERS. FOR THE PURPOSES OF THIS  
33 PARAGRAPH, "IMMEDIATE FAMILY MEMBERS" MEANS SPOUSES, DOMESTIC PARTNERS,  
34 PARENTS, CHILDREN, SIBLINGS, GRANDPARENTS, GRANDCHILDREN, NIECES, NEPHEWS,  
35 FIRST COUSINS, AUNTS AND UNCLES.
- 36           11. A TEMPORARY TRANSFER OF A FIREARM IF THE TRANSFER IS NECESSARY  
37 TO PREVENT IMMINENT DEATH OR GREAT BODILY HARM TO THE PERSON TO WHOM THE  
38 FIREARM IS TRANSFERRED AND IF BOTH OF THE FOLLOWING APPLY:
- 39           (a) THE TEMPORARY TRANSFER ONLY LASTS AS LONG AS IMMEDIATELY  
40 NECESSARY TO PREVENT THE IMMINENT DEATH OR GREAT BODILY HARM.
- 41           (b) THE PERSON TO WHOM THE FIREARM IS TRANSFERRED IS NOT PROHIBITED  
42 FROM POSSESSING A FIREARM UNDER STATE OR FEDERAL LAW.
- 43           D. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 5  
44 FELONY.