

H.R. 8, THE “BIPARTISAN BACKGROUND CHECKS ACT OF 2021”

Why this bill is urgently needed: Current federal law requires that licensed gun dealers conduct background checks on prospective purchasers before completing the sale of firearms. However, this requirement does not apply to unlicensed sellers of guns, who frequently sell them without background checks in many different circumstances, such as online, at gun shows, and through unregulated person-to-person sales. This bill would address this problem by requiring a background check on every gun sale or transfer with limited exceptions, such as gifts to family members and transfers for hunting, target shooting, and self-defense.

Section-by-Section

SEC 1. SHORT TITLE. This section provides that the name of the legislation is the “Bipartisan Background Checks Act of 2021.”

SEC 2. PURPOSE. The purpose of this Act is to utilize the current background checks process in the United States to ensure individuals prohibited from gun possession are not able to obtain firearms.

SEC 3. FIREARMS TRANSFERS

- **(a)** Would make it illegal for any person who is not a licensed firearm importer, manufacturer, or dealer to transfer a firearm to any other person who is not so licensed without a background check. Individuals seeking to transfer a firearm under this section would be required to visit a licensed firearms dealer to run the necessary background check before the transfer is finalized.
- **(1)(B)** Upon taking possession of a firearm, the licensed firearms dealer would perform the background check as though the gun were part of the dealer’s own inventory.
- **(1)(C)** If for some reason a transfer under this section cannot be completed for any reason, the return of the firearm would not constitute a transfer and the dealer would be permitted to return the firearm to the seller without having to conduct a background check.

Exemptions:

- **(2)(A)** The legislation would not apply to transfers by a law enforcement agency or any law enforcement officer, armed private security professional, or member of the armed forces, to the extent the officer, professional, or member is acting within the course and scope of employment and official duties.
- **(2)(B)** The legislation would not apply to a transfer that is a loan or bona fide gift between spouses, between domestic partners, between parents and their children,

including step-parents and their step-children, between siblings, between aunts or uncles and their nieces or nephews, or between grandparents and their grandchildren.

- **(2)(C)** The legislation would not apply to a transfer to an executor, administrator, trustee, or personal representative of an estate or a trust that occurs by operation of law upon the death of another person.
- **(2)(D)** The legislation would not apply to a temporary transfer that is necessary to prevent imminent death or great bodily harm, if the possession by the transferee lasts only as long as immediately necessary to prevent the imminent death or great bodily harm.
- **(2)(E)** The legislation would not apply to National Firearms Act transfers. These are special weapons, such as automatic weapons, that require a permit issued by the ATF to own.
- **(2)(F)** The legislation would not apply to a temporary transfer if the transferor has no reason to believe that the transferee will use or intends to use the firearm in a crime or is prohibited from possessing firearms under State or Federal law, and the transfer takes place and the transferee's possession of the firearm is exclusively—
 - **(2)(F)(i)** at a shooting range or in a shooting gallery or other area designated for target shooting;
 - **(2)(F)(ii)** for hunting, trapping, or fishing so long as transferee has no reason to believe the firearm will be used in a place where it is illegal and has reason to believe all necessary licensing and permitting requirements will be followed; or
 - **(2)(F)(iii)** while in the presence of the transferor.
- **(3)** It would be unlawful for a licensed importer, manufacturer, or dealer to transfer a firearm to an unlicensed person unless the importer, manufacturer or dealer has provided the person with a notice of the background check requirement described above and the person has certified that they have received this notice.
- **(b) Technical and Conforming Amendments.** The legislation would conform violations of the background check requirement to current law, violations of which could lead to imprisonment of not more than a year and a fine.
- **(c)(1)** Prohibits the establishment of a national gun registry.
- **(c)(2)** Nothing in the Act shall be construed to interfere with the authority of a State.
- **(d)** This amendment takes effect 180 days after enactment.