

§395. Background checks of firearms buyers

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- A. "Advertisement" means the presentation of a message regarding a firearm for sale by a seller that is:
- (1) Broadcast on television or radio;
 - (2) Broadly disseminated over the Internet;
 - (3) Printed in magazines or newspapers; or
 - (4) Displayed on a handbill, poster, sign or placard. [PL 2023, c. 675, §6 (NEW).]
- B. "Buy" means to acquire ownership for monetary or other consideration. [PL 2023, c. 675, §6 (NEW).]
- C. "Buyer" means a person who buys from a seller. [PL 2023, c. 675, §6 (NEW).]
- D. "Family member" means a spouse, domestic partner, parent, stepparent, foster parent, child, stepchild, foster child or person related by consanguinity within the 2nd degree. [PL 2023, c. 675, §6 (NEW).]
- E. "Federally licensed firearms dealer" or "dealer" means a person who is licensed or is required to be licensed as a dealer under 18 United States Code, Section 923(a)(3). [PL 2023, c. 675, §6 (NEW).]
- F. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A. [PL 2023, c. 675, §6 (NEW).]
- G. "Gun show" means any gathering or exhibition at which any firearm is displayed that is:
- (1) Open to the public;
 - (2) Not occurring on the permanent premises of a federally licensed firearms dealer; and
 - (3) Conducted principally for the purposes of transactions. [PL 2023, c. 675, §6 (NEW).]
- H. "Sell" means to transfer ownership for monetary or other consideration. [PL 2023, c. 675, §6 (NEW).]
- I. "Seller" means a person who sells to a buyer. [PL 2023, c. 675, §6 (NEW).]
- J. "Transaction" means the transfer of ownership of a firearm from a seller to a buyer. [PL 2023, c. 675, §6 (NEW).]
[PL 2023, c. 675, §6 (NEW).]

2. Transactions covered by this section. This section applies only to transactions in which:

- A. A seller sells to a buyer at a gun show; or [PL 2023, c. 675, §6 (NEW).]
- B. A seller sells to a buyer as a result of an advertisement. [PL 2023, c. 675, §6 (NEW).]
[PL 2023, c. 675, §6 (NEW).]

3. Transactions not covered by this section. This section does not apply to transactions in which:

- A. The buyer and seller are family members; or [PL 2023, c. 675, §6 (NEW).]
- B. The transaction is for a firearm that is:
- (1) A curio or relic, as defined in 27 Code of Federal Regulations, Section 478.11, as in effect on November 19, 2019, and the sale, transfer or exchange is between collectors as defined in 18 United States Code, Section 921(a)(13), as in effect on June 25, 2022, who each have in

their possession a valid collector of curios and relics license issued by the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives; or

(2) An antique firearm, as defined in 18 United States Code, Section 921(a)(16), as in effect on June 25, 2022. [PL 2023, c. 675, §6 (NEW).]

[PL 2023, c. 675, §6 (NEW).]

4. Requirement for transactions covered by this section. A seller who is not a federally licensed firearms dealer may not complete a transaction to which this section applies unless the seller facilitates the transaction through a federally licensed firearms dealer. The dealer shall perform a background check of the putative buyer by using the Federal Bureau of Investigation, National Instant Criminal Background Check System in the same manner as if the dealer were the seller of the firearm that is the subject of the transaction. If the background check reveals that the putative buyer is prohibited from purchasing a firearm, the dealer shall notify the seller of that fact and of the fact that the transaction may not proceed. The dealer may charge a reasonable fee for serving as the facilitator.

[PL 2023, c. 675, §6 (NEW).]

5. Violations. A person who sells a firearm in violation of this section commits a Class C crime. [PL 2023, c. 675, §6 (NEW).]

SECTION HISTORY

PL 2023, c. 675, §6 (NEW).

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