

City of Missoula, Montana
Item to be Referred to City Council Committee

Committee: Public Safety & Health

Agenda item title: Background Checks on Gun Sales and Transfers

Date: 9/11/15

Sponsor/Contact: Bryan von Lossberg, Marilyn Marler, Emily Bentley

Prepared by: Bryan von Lossberg

Ward(s) affected: All

Action Required: Set a public hearing regarding adoption/rejection of an ordinance requiring criminal background checks on all gun sales and transfers with certain exceptions in the City of Missoula

Recommended Motion: Set a first reading and public hearing for October 5, 2015, regarding an ordinance requiring criminal background checks on all gun sales and transfers with certain exceptions in the City of Missoula.

Timeline:

Referred to committee:	9/11/15
Committee discussion:	9/16/15
Public hearing (if necessary):	10/4/15
Deadline:	NA

Background and Alternatives Explored: There is a broad, national consensus that felons, minors, and people adjudicated as mentally ill by a court should not possess firearms, and in fact federal law has long prohibited such people from doing so. Although federal (and state) laws require background checks on persons buying guns from licensed firearms dealers, there is no federal or state law requiring background checks for sales and transfers from persons who are not licensed firearms dealers. This loophole means that criminals, minors, and people adjudicated as mentally ill are able to purchase and receive firearms despite the legal prohibition.

This draft ordinance aims to close that loophole within the City of Missoula, such that sale or transfer of a firearm shall take within the city limits unless and until the person purchasing or otherwise receiving the firearm passes a national instant criminal background check, even if the sale or transfer is from a private citizen or any other entity that is not a licensed dealer.

Similar laws have been adopted in other states.

Background checks shall not be required for transfers between immediate family members, for transfers of curio and relic firearms between collectors or for transfers of antique firearms, for temporary transfers while hunting or target-shooting or for

competitions, or for temporary transfers for emergency self-defense or while in the presence of the transferee.

Parties to a transfer made by any person who is not a licensed firearm dealer will meet at a licensed dealer, where the buyer or transferee will pass a background check before the sale or transfer may be completed.

Financial Implications: Undetermined costs and revenue from enforcement.