

116TH CONGRESS
2D SESSION

H. R. 8821

To provide an incentive for firearm owners to sell their firearms safely
and responsibly.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 27, 2020

Mr. BEYER introduced the following bill; which was referred to the Committee
on the Judiciary

A BILL

To provide an incentive for firearm owners to sell their
firearms safely and responsibly.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Keeping Guns From
5 Criminals Act”.

1 **SEC. 2. PROHIBITION ON SALE OR OTHER DISPOSITION OF**
2 **A FIREARM TO A PROHIBITED PERSON MADE**
3 **INTO A STRICT LIABILITY CRIME WITH AF-**
4 **FIRMATIVE DEFENSES.**

5 (a) IN GENERAL.—Section 922(d) of title 18, United
6 States Code, is amended—

7 (1) in the first sentence—

8 (A) in the matter preceding paragraph (1),
9 by striking “any person knowing or having rea-
10 sonable cause to believe that such person” and
11 inserting “another person who”;

12 (B) in each of paragraphs (5) and (7), by
13 striking “who,”; and

14 (C) in paragraph (6), by striking “who”;
15 and

16 (2) by adding at the end the following: “It shall
17 be an affirmative defense to a prosecution under this
18 subsection that the defendant can prove by a pre-
19 ponderance of the evidence that, at the time of the
20 sale or other disposition of the firearm, the National
21 Instant Criminal Background Check System estab-
22 lished under section 103 of the Brady Handgun Vio-
23 lence Prevention Act had indicated to any person
24 that a sale or other disposition of a firearm to the
25 recipient would not be unlawful, or the recipient pos-
26 sessed a valid permit, issued to the recipient by the

1 State in which the sale or other disposition occurred,
2 which authorizes the carrying of a concealed weapon,
3 unless the defendant knew or had reasonable cause
4 to believe that this subsection prohibited the sale or
5 disposition of a firearm or ammunition to the recipi-
6 ent or that subsection (g) prohibited the recipient
7 from receiving a firearm or ammunition which has
8 been shipped or transported in interstate or foreign
9 commerce.”.

10 (b) CONFORMING AMENDMENTS.—Section 924(a)(2)
11 of such title is amended—

12 (1) by striking “(d),”; and

13 (2) by inserting “, or violates subsection (d),”
14 before “of section 922”.

15 **SEC. 3. EFFECTIVE DATE.**

16 The amendments made by this Act shall apply to con-
17 duct engaged in after the 90-day period that begins with
18 the date of the enactment of this Act.

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