

118TH CONGRESS  
1ST SESSION

# H. R. 715

To require a background check for every firearm sale.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2023

Mr. FITZPATRICK (for himself, Mr. THOMPSON of California, Ms. BONAMICI, Mrs. BEATTY, Mrs. TORRES of California, Mr. PETERS, Mr. GARCÍA of Illinois, Mr. DAVID SCOTT of Georgia, Ms. KELLY of Illinois, Mr. ESPAILLAT, Mr. TONKO, Mr. PANETTA, Ms. STEVENS, Ms. CASTOR of Florida, Mr. SCHNEIDER, Mr. GARAMENDI, Ms. DAVIDS of Kansas, Mr. HIGGINS of New York, Mr. COSTA, Ms. MOORE of Wisconsin, Mr. CÁRDENAS, Ms. JACOBS, Ms. NORTON, Ms. MCCOLLUM, Mrs. NAPOLITANO, Ms. KAMLAGER-DOVE, Ms. SCANLON, Mr. SMITH of Washington, Mr. SWALWELL, Mr. STANTON, Mr. CONNOLLY, Ms. GARCIA of Texas, Ms. HOULAHAN, Mr. LARSEN of Washington, Ms. TITUS, Mrs. FLETCHER, Mr. GRIJALVA, Mr. LARSON of Connecticut, Mr. NORCROSS, Mr. DESAULNIER, Mrs. WATSON COLEMAN, Mr. CARBAJAL, Mr. CASE, Mr. ROBERT GARCIA of California, Mr. CORREA, Mr. PHILLIPS, Mr. QUIGLEY, Mr. HUFFMAN, Ms. WEXTON, Mr. NEGUSE, Mr. DAVIS of Illinois, Ms. UNDERWOOD, Mrs. FOUSHEE, Mr. BEYER, Mrs. HAYES, Mr. PAPPAS, Mr. MORELLE, Ms. MENG, Mr. AUCHINCLOSS, Mr. TRONE, Ms. DELBENE, Ms. LEE of California, Mr. CASTEN, Mr. SHERMAN, Mrs. DINGELL, Mr. SCHIFF, Mr. SARBANES, Mr. DOGGETT, Mr. NADLER, Mr. MOULTON, Ms. WILLIAMS of Georgia, Mr. RASKIN, Ms. SÁNCHEZ, Ms. TOKUDA, Mr. PAYNE, Mr. HIMES, Ms. BROWNLEY, Mr. PALLONE, Ms. ADAMS, Mr. GOLDMAN of New York, Mr. NICKEL, Ms. ROSS, Ms. ESHOO, Mr. MCGOVERN, Mr. CARTWRIGHT, Mr. LYNCH, Ms. WILD, Mr. GOMEZ, Ms. PINGREE, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. CHU, Mr. VARGAS, Mr. MULLIN, Ms. SCHAKOWSKY, Mr. FOSTER, Mr. CASTRO of Texas, Mr. LEVIN, Ms. KAPTUR, Ms. TLAIB, Mr. BLUMENAUER, Mr. KILMER, Mrs. MCBATH, Mr. EVANS, Mr. BOYLE of Pennsylvania, Mr. MFUME, Mr. KRISHNAMOORTHY, Ms. PLASKETT, Ms. SALINAS, Mr. BERA, Ms. ESCOBAR, Mr. LANDSMAN, Ms. OMAR, Mr. BISHOP of Georgia, Ms. DELAURO, Mrs. TRAHAN, Ms. SEWELL, Ms. CLARKE of New York, Mr. TAKANO, Ms. PETERSEN, Mrs. CHERFILUS-MCCORMICK, Mr. CLEAVER, Ms. DEAN of Pennsylvania, Ms. WILSON of Florida, Mr. KILDEE, Mr. IVEY, Mr. KHANNA, Ms. LEGER FERNANDEZ, Ms. CRAIG, Ms. BROWN, Ms. PRESSLEY, Ms. CROCKETT, Mr. GOTTHEIMER, Ms. MATSUI, Ms. PORTER, Ms. BARRAGÁN, Mr. MEEKS, Ms. JAYAPAL, Mr.

POCAN, Ms. OCASIO-CORTEZ, Mr. MCGARVEY, Mr. RUIZ, Ms. SCHOLTEN, Mr. TORRES of New York, Ms. BALINT, Mr. BOWMAN, Mr. JOHNSON of Georgia, Mr. KIM of New Jersey, Ms. HOYLE of Oregon, Mr. DELUZIO, Mr. COHEN, Mr. GALLEG0, Mrs. LEE of Nevada, Mr. AGUILAR, Mr. KEATING, Mr. RUPPERSBERGER, Ms. BLUNT ROCHESTER, Mr. COURTNEY, Mr. SCOTT of Virginia, Ms. STRICKLAND, Ms. LOIS FRANKEL of Florida, Ms. LOFGREN, Mr. CROW, Ms. SPANBERGER, Ms. JACKSON LEE, Mr. SOTO, Ms. SHERRILL, Mr. MAGAZINER, Mr. CARTER of Louisiana, Mr. ALLRED, Ms. SLOTKIN, Mr. FROST, and Mr. MOSKOWITZ) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To require a background check for every firearm sale.

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 “Bipartisan Back-  
 5       ground Checks Act of 2023”.

6       **SEC. 2. PURPOSE.**

7       The purpose of this Act is to utilize the current back-  
 8       ground checks process in the United States to ensure indi-  
 9       viduals prohibited from gun purchase or possession are  
 10      not able to obtain firearms.

11      **SEC. 3. FIREARMS TRANSFERS.**

12      (a) IN GENERAL.—Section 922 of title 18, United  
 13      States Code, is amended by adding at the end the fol-  
 14      lowing:

1       “(aa)(1)(A) It shall be unlawful for any person who  
2 is not a licensed importer, licensed manufacturer, or li-  
3 censed dealer to transfer a firearm to any other person  
4 who is not so licensed, unless a licensed importer, licensed  
5 manufacturer, or licensed dealer has first taken possession  
6 of the firearm for the purpose of complying with sub-  
7 section (t).

8       “(B) Upon taking possession of a firearm under sub-  
9 paragraph (A), a licensee shall comply with all require-  
10 ments of this chapter as if the licensee were transferring  
11 the firearm from the inventory of the licensee to the unli-  
12 censed transferee.

13       “(C) If a transfer of a firearm described in subpara-  
14 graph (A) will not be completed for any reason after a  
15 licensee takes possession of the firearm (including because  
16 the transfer of the firearm to, or receipt of the firearm  
17 by, the transferee would violate this chapter), the return  
18 of the firearm to the transferor by the licensee shall not  
19 constitute the transfer of a firearm for purposes of this  
20 chapter.

21       “(2) Paragraph (1) shall not apply to—

22               “(A) a law enforcement agency or any law en-  
23               forcement officer, armed private security profes-  
24               sional, or member of the Armed Forces, to the ex-  
25               tent the officer, professional, or member is acting

1 the course and scope of employment and official du-  
2 ties;

3 “(B) a transfer or exchange (which, for pur-  
4 poses of this subsection, means an in-kind transfer  
5 of a firearm of the same type or value) that is a loan  
6 or bona fide gift between spouses, between domestic  
7 partners, between parents and their children, includ-  
8 ing step-parents and their step-children, between sib-  
9 lings, between aunts or uncles and their nieces or  
10 nephews, or between grandparents and their grand-  
11 children, if the transferor has no reason to believe  
12 that the transferee will use or intends to use the  
13 firearm in a crime or is prohibited from possessing  
14 firearms under State or Federal law;

15 “(C) a transfer to an executor, administrator,  
16 trustee, or personal representative of an estate or a  
17 trust that occurs by operation of law upon the death  
18 of another person;

19 “(D) a temporary transfer that is necessary to  
20 prevent imminent death or great bodily harm, in-  
21 cluding harm to self, family, household members, or  
22 others, if the possession by the transferee lasts only  
23 as long as immediately necessary to prevent the im-  
24 minent death or great bodily harm, including harm  
25 to self, and the harm of domestic violence, dating

1 partner violence, sexual assault, stalking, and do-  
2 mestic abuse;

3 “(E) a transfer that is approved by the Attor-  
4 ney General under section 5812 of the Internal Rev-  
5 enue Code of 1986; or

6 “(F) a temporary transfer if the transferor has  
7 no reason to believe that the transferee will use or  
8 intends to use the firearm in a crime or is prohibited  
9 from possessing firearms under State or Federal  
10 law, and the transfer takes place and the trans-  
11 feree’s possession of the firearm is exclusively—

12 “(i) at a shooting range or in a shooting  
13 gallery or other area designated for the purpose  
14 of target shooting;

15 “(ii) while reasonably necessary for the  
16 purposes of hunting, trapping, pest control on  
17 a farm or ranch, or fishing, if the transferor—

18 “(I) has no reason to believe that the  
19 transferee intends to use the firearm in a  
20 place where it is illegal; and

21 “(II) has reason to believe that the  
22 transferee will comply with all licensing  
23 and permit requirements for such hunting,  
24 trapping, pest control on a farm or ranch,  
25 or fishing; or

1                   “(iii) while in the presence of the trans-  
2                   feror.

3           “(3) It shall be unlawful for a licensed importer, li-  
4           censed manufacturer, or licensed dealer to transfer posses-  
5           sion of, or title to, a firearm to another person who is  
6           not so licensed unless the importer, manufacturer, or deal-  
7           er has provided such other person with a notice of the  
8           prohibition under paragraph (1), and such other person  
9           has certified that such other person has been provided  
10          with this notice on a form prescribed by the Attorney Gen-  
11          eral.

12          “(4) The Attorney General shall make available to  
13          any person licensed under this chapter both Spanish and  
14          English versions of the form required for the conduct of  
15          a background check under subsection (t) and this sub-  
16          section, and the notice and form required under paragraph  
17          (3) of this subsection.”.

18          (b) AMENDMENT TO SECTION 924(a).—Section  
19          924(a)(5) of title 18, United States Code, is amended by  
20          striking “(s) or (t)” and inserting “(s), (t), or (aa)”.

21          (c) RULES OF INTERPRETATION.—Nothing in this  
22          Act, or any amendment made by this Act, shall be con-  
23          strued to—

24                  (1) authorize the establishment, directly or indi-  
25          rectly, of a national firearms registry; or

1           (2) interfere with the authority of a State,  
2           under section 927 of title 18, United States Code,  
3           to enact a law on the same subject matter as this  
4           Act.

5           (d) EFFECTIVE DATE.—The amendment made by  
6           subsections (a) and (b) shall take effect 180 days after  
7           the date of enactment of this Act.

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