

§2016. Waiting period after sale of firearm

(REALLOCATED FROM TITLE 25, SECTION 2015)

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

A. "Agreement" means an agreement reached between a buyer and a seller for the purchase and the sale of a firearm. [PL 2023, c. 678, §1 (NEW); RR 2023, c. 2, Pt. A, §40 (RAL).]

B. "Buyer" means a person, not including a firearm dealer, who receives possession or ownership of a firearm through an agreement. [PL 2023, c. 678, §1 (NEW); RR 2023, c. 2, Pt. A, §40 (RAL).]

C. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A. [PL 2023, c. 678, §1 (NEW); RR 2023, c. 2, Pt. A, §40 (RAL).]

D. "Firearm dealer" means a person that is licensed as a dealer under 18 United States Code, Section 923(a)(3) or that is required to be licensed as a dealer under that section. [PL 2023, c. 678, §1 (NEW); RR 2023, c. 2, Pt. A, §40 (RAL).]

E. "Seller" means a person or firearm dealer that owns a firearm and that is transferring ownership of the firearm to a buyer pursuant to an agreement. [PL 2023, c. 678, §1 (NEW); RR 2023, c. 2, Pt. A, §40 (RAL).]

[PL 2023, c. 678, §1 (NEW); RR 2023, c. 2, Pt. A, §40 (RAL).]

2. Waiting period. A seller may not knowingly deliver a firearm to a buyer pursuant to an agreement sooner than 72 hours after the agreement. The 72-hour waiting period must be concurrent with any waiting period imposed by any background check process required by federal or state law.

[PL 2023, c. 678, §1 (NEW); RR 2023, c. 2, Pt. A, §40 (RAL).]

3. Penalty. This subsection applies to violations of subsection 2.

A. A seller who violates subsection 2 commits a civil violation for which a fine of not less than \$200 and not more than \$500 may be adjudged. [PL 2023, c. 678, §1 (NEW); RR 2023, c. 2, Pt. A, §40 (RAL).]

B. A seller who violates subsection 2 after having previously been adjudicated as violating subsection 2 commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 may be adjudged. [PL 2023, c. 678, §1 (NEW); RR 2023, c. 2, Pt. A, §40 (RAL).]

[PL 2023, c. 678, §1 (NEW); RR 2023, c. 2, Pt. A, §40 (RAL).]

4. Application. This section does not apply to:

A. The sale of a firearm if the seller knows that the person to whom the seller is selling the firearm is:

(1) A law enforcement officer as defined by Title 17-A, section 2, subsection 17;

(2) A corrections officer as defined by section 2801-A, subsection 2; or

(3) A person who is employed by a contract security company or proprietary security organization as defined by Title 32, section 9403 or a person who is licensed as a private security guard under Title 32, chapter 93; [PL 2023, c. 678, §1 (NEW); RR 2023, c. 2, Pt. A, §40 (RAL).]

B. The sale of a firearm to a firearm dealer; or [PL 2023, c. 678, §1 (NEW); RR 2023, c. 2, Pt. A, §40 (RAL).]

C. The sale of a firearm if:

(1) The buyer and seller are family members. For purposes of this subparagraph, "family member" means a spouse, domestic partner, parent, stepparent, foster parent, child, stepchild, foster child or person related by consanguinity within the 2nd degree;

(2) The transaction is for a firearm that is:

(a) A curio or relic, as defined in 27 Code of Federal Regulations, Section 478.11, and the sale, transfer or exchange is between collectors, as defined in 18 United States Code, Section 921(a)(13), 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

(b) An antique firearm, as defined in 18 United States Code, Section 921(a)(16); or

(3) A background check is not required under federal or state law. [PL 2023, c. 678, §1 (NEW); RR 2023, c. 2, Pt. A, §40 (RAL).]

[PL 2023, c. 678, §1 (NEW); RR 2023, c. 2, Pt. A, §40 (RAL).]

SECTION HISTORY

PL 2023, c. 678, §1 (NEW). RR 2023, c. 2, Pt. A, §40 (RAL).

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