

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Federal and State Affairs** recommends **HB 2501** be amended on page 1, in line 13, by striking "transaction" and inserting "agreement"; in line 18, by striking "transaction" and inserting "agreement. If the firearm hold agreement does not provide for the disposition of a firearm abandoned by the owner, state law providing for the disposition of abandoned property applies"; following line 18, by inserting:

"(4) "Municipality" means any city, county and consolidated city-county.";

Also on page 1, in line 19, by striking "(1)"; also in line 19, before "Notwithstanding" by inserting "The individual firearms owner shall provide the make, model and serial number of each firearm to be held as part of the firearm hold agreement. The agreement shall also contain an option for the firearms owner to list a second person to contact in the event of the death or serious illness of the firearms owner.

(c)";

Also on page 1, also in line 19, after "of" by inserting "federal or state"; in line 21, by striking "civil" and inserting "any claim or cause of action of any kind under theory of"; in line 22, by striking all before the first "firearm" and inserting "including, but not limited to, statutory claims or common law claims arising from tort or contract for any act or omission concerning, arising out of or related to the temporary storage of the firearm on the federal firearm licensee's licensed business premises or the return of a firearm to the individual firearm owner pursuant to the firearm hold agreement, including, without limitation, claims related to personal injury or death of a person resulting from the return of a"; by striking all in lines 24 through 26; following

line 26, by inserting:

"(d) Nothing in this act shall be construed to require a federal firearm licensee to accept a firearm for temporary storage on the licensee's premises at the request of the owner as a condition of such licensee's license, thereby allowing federal firearm licensees to have complete discretion in refusing to enter into a firearm hold agreement.

(e) (1) Municipalities are preempted from imposing any regulation or additional terms on firearm hold agreements or from creating any civil course of action involving the parties to a firearm hold agreement.

(2) The provisions of this act preempt any local statutes, laws or regulations that require or impose obligations on a federal firearm licensee to receive a firearm by a lawful owner for temporary storage pursuant to a firearm hold agreement that are beyond the requirements of this act.

(f) A federal firearms licensee shall destroy and not retain in any form, including digital or electronic records, any firearm hold agreement, list of such agreements or identifying information related thereto, not later than 90 days after the termination of the agreement and return of the firearm to the owner, unless required to retain such records by federal law. Destruction shall be in a manner that prevents reconstruction of such records.

(g) The voluntary exercise by a firearm owner of the right to temporarily transfer possession of a lawfully owned firearm pursuant to a firearm hold agreement and the subsequent exercise of the right to reclaim possession of such firearm shall be deemed the lawful exercise of a property right and not give rise to:

(1) Any presumption of negligence, fault, recklessness or foreseeability;

(2) any inference that the firearm owner lacked the legal capacity or fitness to possess a firearm; or

(3) any duty, obligation or expectation that the firearm owner continue, extend or delay reclaiming possession of the firearm beyond the terms of the agreement.

(h) The existence of a firearm hold agreement, the decision to enter into such agreement or the timing of a firearm's return pursuant to the agreement shall not be used to diminish, condition or burden a firearm owner's lawful right to possess property and, standing alone, not be admissible to establish a standard of care, breach of duty or comparative fault in any civil action against the firearm owner.

(i) (1) Except as expressly agreed by the parties in a firearm hold agreement, a federal firearms licensee shall return the firearm to the firearm owner without unreasonable delay upon termination of the agreement and without any additional penalties and fees if the owner is not prohibited by law from possessing the firearm at the time of return.

(2) Nothing in this subsection shall be construed to impair, waive or limit a firearm owner's right to recover possession of property or pursue relief for wrongful retention under contract or property law.";

And the bill be passed as amended.

Chairperson