

116TH CONGRESS  
2D SESSION

# H. R. 8821

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

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 27, 2020

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

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## 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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