

SB 94 – Transfers of Firearms

This bill creates s. 790.0653, F.S., stating that “a person may not sell or otherwise transfer a firearm, including selling or transferring a firearm via the Internet, unless” that person is a licensed dealer or the purchaser/other transferee is a licensed dealer, and “if neither party to a prospective firearm transaction is a licensed dealer, the parties to the transaction must complete the sale or other transfer through a licensed dealer.” Additional details are also included regarding handling of the firearm during this process with exceptions to the paragraph. It also creates an **unranked, 3rd degree felony (Level 1 by default)** for a person who violates this section.

Per DOC, in FY 17-18, the incarceration rate for a Level 1, 3rd degree felony was 8.7%. Also, though this is a new statute, there are multiple felonies listed under s. 790.065, F.S. which could be impacted by this change in language (i.e. dealer requesting criminal history information under false pretenses or willfully disseminating such information, a dealer violating s. 790.065(1), F.S., a buyer providing false information, etc.) Per DOC, in FY 18-19, there were no new commitments to prison for any of the felonies described in s. 790.065, F.S. Although the impact of the language cannot be quantified due to lack of data, it is expected that the increased restrictiveness by requiring a licensed dealer as intermediary for the movement of a gun between two different people, in addition to a felony for not following these procedures, could increase the pool of potential offenders for the felonies listed in the statute.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: Senate