

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Senate Bill 244 would create a new crime of unlawful transfer of firearm to a minor. There are number of exceptions in the bill centered around family transferring the firearm to a minor or a minor using a firearm for hunting and other recreational activities. The crime would also be a predict felony for racketeering charges. The new crime would be a second-degree felony.

FISCAL IMPLICATIONS

Additional resources for district attorneys' offices, law office of the public defender, and judiciary.

SIGNIFICANT ISSUES

Under SB244 section (F)(3) "minor" is defined as a person under the age of nineteen. Typical definition of minor is under the age of eighteen. SB244 would in violation of Second Amendment of the United States Constitution if the definition of minor is at nineteen. An eighteen year has a connotational right to obtain a firearm. Plus, under the statute the United States military would be in violation for given a gun to a "minor."

The "knowingly" definition would conflict with the mistake of fact the minor's age is not a defense. Under knowingly means a person who knew or should have known would mostly likely eliminate the defense of mistaken age.

TECHNICAL ISSUES