

SECOND REGULAR SESSION

HOUSE BILL NO. 2554

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NEWMAN.

6499H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 568.045, 571.060, and 571.070, RSMo, and to enact in lieu thereof eighteen new sections relating to public safety, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 568.045, 571.060, and 571.070, RSMo, are repealed and eighteen
2 new sections enacted in lieu thereof, to be known as sections 568.045, 571.011, 571.060,
3 571.070, 571.200, 571.202, 571.515, 571.600, 571.605, 571.610, 571.615, 571.620, 571.635,
4 571.640, 574.127, 574.128, 574.129, and 1, to read as follows:

568.045. 1. A person commits the offense of endangering the welfare of a child in the
2 first degree if he or she:

3 (1) Knowingly acts in a manner that creates a substantial risk to the life, body, or health
4 of a child less than seventeen years of age; ~~[or]~~

5 (2) Knowingly engages in sexual conduct with a person under the age of seventeen years
6 over whom the person is a parent, guardian, or otherwise charged with the care and custody;

7 (3) Knowingly encourages, aids, or causes a child less than seventeen years of age to
8 engage in any conduct which violates the provisions of chapter 579;

9 (4) In the presence of a child less than seventeen years of age or in a residence where a
10 child less than seventeen years of age resides, unlawfully manufactures, or attempts to
11 manufacture, compounds, possesses, produces, prepares, sells, transports, tests, or analyzes
12 amphetamine or methamphetamine or any of their analogues; **or**

13 (5) **Knowingly fails to secure a readily available firearm, as defined in section**
14 **571.010, in the presence of a child under seventeen years of age or in a residence where a**
15 **child under seventeen years of age resides. For the purposes of this subdivision, the term**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **"secure" means storing a firearm in a locked safe, cabinet, gun vault, or storage case;**
17 **storing a firearm unloaded of ammunition; or using a firearm locking device. It shall not**
18 **be an affirmative defense to a charge under this subdivision if the offense results in the**
19 **death of a child and the death is determined to be the result of a suicide.**

20 2. The offense of endangering the welfare of a child in the first degree is a class D felony
21 unless the offense:

22 (1) Is committed as part of an act or series of acts performed by two or more persons as
23 part of an established or prescribed pattern of activity, or where physical injury to the child
24 results, or the offense is a second or subsequent offense under this section, in which case the
25 offense is a class C felony;

26 (2) Results in serious physical injury to the child, in which case the offense is a class B
27 felony; or

28 (3) Results in the death of a child, in which case the offense is a class A felony.

571.011. 1. In order to purchase a firearm in the state, a person shall first obtain
2 **a firearms purchase permit issued by the sheriff's department in the county in which he**
3 **or she resides. Permit applications shall be available in each county sheriff's department**
4 **and the secretary of state shall administer a website allowing for electronic submission of**
5 **application materials. Firearms purchase permits issued under this section shall be valid**
6 **for a period of ten years.**

7 2. Applications shall require the submission of the following:

8 (1) The applicant's name, social security number, and address of residence;

9 (2) The applicant's criminal history; and

10 (3) The number of persons and dependents living in the applicant's residence.

11 3. The sheriff of any county may elect to also require an applicant to submit the
12 following additional information to the department at the time of his or her application:

13 (1) The applicant's psychiatric history; and

14 (2) Character references.

15 4. Any person who moves from one county to another county within this state shall
16 alert the sheriff's department of the county to which he or she is moving that he or she has
17 a firearms purchase permit.

18 5. The following persons shall not be issued a firearms purchase permit:

19 (1) Any person ineligible to own a firearm under existing Missouri law;

20 (2) Any person who is under an existing order of protection due to domestic
21 violence, stalking, or a sexual offense;

22 (3) Any person having multiple charges for violent felonies or misdemeanors, at the
23 discretion of the sheriff;

24 **(4) Any person on the Federal Bureau of Investigation's domestic terrorist watch**
25 **list;**

26 **(5) Any person listed by the Federal Bureau of Investigation as a member of a**
27 **violent criminal gang;**

28 **(6) Any person who has not completed a certified firearms safety course;**

29 **(7) Any person having a persistent history of aggressive or self-destructive behavior**
30 **as documented by a psychiatrist, psychologist, counselor, or social worker; or**

31 **(8) Any person who has not passed a federal background check.**

571.060. 1. **Except as provided in subsection 4 of this section,** a person commits the
2 offense of unlawful transfer of weapons if he **or she**:

3 (1) Knowingly sells, leases, loans, gives away, or delivers a firearm or ammunition for
4 a firearm to any person who, under the provisions of section 571.070, is not lawfully entitled to
5 possess such;

6 (2) Knowingly sells, leases, loans, gives away, or delivers a blackjack to a person less
7 than eighteen years old without the consent of the child's custodial parent or guardian, or
8 recklessly, as defined in section 562.016, sells, leases, loans, gives away, or delivers any firearm
9 to a person less than eighteen years old without the consent of the child's custodial parent or
10 guardian; provided[;] that, this does not prohibit the delivery of such weapons to any peace
11 officer or member of the Armed Forces or National Guard while performing his **or her** official
12 duty; [ø]

13 **(3) Knowingly sells, leases, loans, gives away, or delivers a fully automatic weapon**
14 **to any person; provided that, this does not prohibit the delivery of such weapons to any**
15 **peace officer or member of the Armed Forces or National Guard while performing his or**
16 **her official duty;**

17 **(4) Knowingly sells, leases, loans, gives away, or delivers any device for a weapon**
18 **that increases the rate of fire achievable with such weapon by using energy from the recoil**
19 **of the weapon to generate a reciprocating action that facilitates repeated activation of the**
20 **trigger to any person; provided that, this does not prohibit the delivery of such device to**
21 **any peace officer or member of the Armed Forces or National Guard while performing his**
22 **or her official duty;**

23 **(5) Knowingly sells, leases, loans, gives away, or delivers any device to be attached**
24 **to a weapon that repeatedly activates the trigger of the weapon through the use of a lever**
25 **or other part that is turned in a circular motion, not including any weapon initially**
26 **designed and manufactured to fire through the use of a crank or lever, to any person;**
27 **provided that, this does not prohibit the delivery of such device to any peace officer or**
28 **member of the Armed Forces or National Guard while performing his or her official duty;**

29 **(6) Knowingly sells, leases, loans, gives away, or delivers any magazine capable of**
30 **firing more than ten bullets to any person; provided that, this does not prohibit the**
31 **delivery of such magazine to any peace officer or member of the Armed Forces or National**
32 **Guard while performing his or her official duty;**

33 **(7) Knowingly sells, leases, loans, gives away, or delivers any grenade or rocket**
34 **launcher to any person; provided that, this does not prohibit the delivery of such weapons**
35 **to any peace officer or member of the Armed Forces or National Guard while performing**
36 **his or her official duty;**

37 **(8) Knowingly sells, leases, loans, gives away, or delivers any shotgun with rotating**
38 **cylinders to any person; provided that, this does not prohibit the delivery of such shotguns**
39 **to any peace officer or member of the Armed Forces or National Guard while performing**
40 **his or her official duty;**

41 **(9) Knowingly sells, leases, loans, gives away, or delivers the following rifle models,**
42 **identified as follows:**

43 **(a) All AK series including, but not limited to, the models:**

44 **a. Made in China AK, AKM, AKS, AK47, AK47S, AK56, AK56S, AK84S, and**
45 **AK86S;**

46 **b. Norinco 56, 56S, 84S, and 86S;**

47 **c. Poly Technologies AKS and AK47;**

48 **d. MAADI AK47 and ARM;**

49 **(b) IMI UZI and Galil;**

50 **(c) Beretta AR-70;**

51 **(d) CETME Sporter;**

52 **(e) Colt AR-15 series;**

53 **(f) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and AR110C;**

54 **(g) Fabrique Nationale FAL, LAR, FNC, 308 Match, and Sporter;**

55 **(h) MAS 223;**

56 **(i) Heckler & Koch HK-91, HK-93, HK-94, and HK-PSG-1;**

57 **(j) The following MAC types:**

58 **a. RPB Industries Inc, sM10 and sM11;**

59 **b. SWD Incorporated M11;**

60 **(k) SKS with detachable magazine;**

61 **(l) SIG AMT, PE-57, SG 550, and SG 551;**

62 **(m) Springfield Armory BM59 and SAR-48;**

63 **(n) Sterling MK-6;**

64 **(o) Steyr AUG;**

- 65 **(p) Valmet M62S, M71S, and M78S;**
66 **(q) Armalite AR-180;**
67 **(r) Bushmaster Assault Rifle;**
68 **(s) Calico M-900;**
69 **(t) J&R ENG M-68;**
70 **(u) Weaver Arms Nighthawk;**

71

72 **provided that, this does not prevent the delivery of such weapons to any peace officer or**
73 **member of the Armed Forces or National Guard while performing his or her official duty;**

74 **(10) Directly or indirectly sells, delivers, or otherwise transfers any firearm**
75 **ammunition or accessories to a person he or she knows or has reasonable cause to believe**
76 **is less than eighteen years of age; or**

77 **(11) Recklessly, as defined in section 562.016, sells, leases, loans, gives away, or**
78 **delivers a firearm or ammunition for a firearm to a person who is intoxicated.**

79 **2. For purposes of this section, "fully automatic weapon" means any weapon that**
80 **continuously fires rounds as long as the trigger is pressed or held and there is ammunition**
81 **in the magazine or chamber.**

82 **3. Unlawful transfer of weapons under [subdivision] subdivisions (1), (3), (4), (5), (6),**
83 **(7), (8), (9), and (10) of subsection 1 of this section is a class E felony; unlawful transfer of**
84 **weapons under subdivisions (2) and [(3)] (11) of subsection 1 of this section is a class A**
85 **misdemeanor.**

86 **4. The provisions of this section shall not prohibit the transfer of any weapon or**
87 **accessory described in subdivisions (3) to (9) of subsection 1 of this section under the**
88 **following conditions:**

89 **(1) When transferred upon death through a legal will to any person who is not**
90 **prohibited from possessing a firearm under section 571.070;**

91 **(2) When transferred to a person who has power of attorney for a person who has**
92 **been adjudged mentally incompetent; or**

93 **(3) When voluntarily surrendered to a local law enforcement agency or to the**
94 **highway patrol when the owner determines that he or she no longer wants to own the**
95 **weapon or accessory.**

571.070. 1. A person commits the offense of unlawful possession of a firearm if such
2 person knowingly has any firearm in his or her possession and:

3 (1) Such person has been convicted of a felony under the laws of this state, or of a crime
4 under the laws of any state or of the United States which, if committed within this state, would
5 be a felony; [Ø]

6 (2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged
7 condition, or is currently adjudged mentally incompetent;

8 (3) Such person is under an existing order of protection due to domestic violence,
9 stalking, or a sexual offense;

10 (4) Such person is currently on the Federal Bureau of Investigation's domestic
11 terrorist watch list;

12 (5) Such person is currently listed by the Federal Bureau of Investigation as a
13 member of a violent criminal gang;

14 (6) Such person has not completed a certified firearms safety course;

15 (7) Such person has a persistent history of aggressive or self-destructive behavior
16 as documented by a psychiatrist, psychologist, counselor, or social worker; or

17 (8) Such person has not passed a federal background check.

18 2. Unlawful possession of a firearm is a class D felony.

19 3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to the
20 possession of an antique firearm.

571.200. As used in section 571.202, the following terms shall mean:

2 (1) "Law enforcement officer", any person employed by the United States, or a
3 state, county, city, municipality, village, township, or other political subdivision as a police
4 officer, peace officer, or in some like position involving the enforcement of the law and
5 protection of the public interest;

6 (2) "Licensed firearms dealer", "licensed dealer", or "dealer", a person who has
7 a valid federal firearms dealer license, and all additional licenses required by state or local
8 law to engage in the business of selling or transferring firearms;

9 (3) "Person", any individual, corporation, company, association, firm, partnership,
10 club, organization, society, joint stock company, or other entity.

**571.202. 1. It is the purpose and intent of the general assembly that all firearms
2 sales and transfers in this state be processed through a licensed firearms dealer, who will
3 conduct a background check and create a record of each sale. The general assembly
4 believes this law will protect public safety by helping to keep guns out of the hands of
5 felons, domestic abusers, the mentally ill, and other prohibited persons, and by aiding law
6 enforcement efforts to solve gun crimes.**

7 **2. No person shall sell or otherwise transfer a firearm, including selling or
8 transferring a firearm via the internet, unless:**

9 (1) Such person is a licensed firearms dealer;

10 (2) The purchaser or other transferee is a licensed firearms dealer; or

11 (3) The requirements of subsection 3 of this section are met.

12 **3. If neither party to a prospective firearms transaction is a licensed firearms**
13 **dealer, the parties to the transaction shall complete the sale or other transfer through a**
14 **licensed firearms dealer as follows:**

15 **(1) The seller or other transferor shall deliver the firearm to the dealer, who shall**
16 **retain possession of the firearm until all legal requirements for the sale or other transfer**
17 **have been met, including compliance with any state or local waiting periods;**

18 **(2) The dealer shall process the sale or other transfer as if he or she were the seller**
19 **or other transferor. The dealer shall comply with all requirements of federal, state, and**
20 **local law that would apply if he or she were the seller or other transferor of the firearm;**

21 **(3) The dealer shall conduct a background check on the purchaser or other**
22 **transferee in accordance with 18 U.S.C. Section 922(t), and state and local law and, if the**
23 **transaction is not prohibited, deliver the firearm to that person after all other legal**
24 **requirements are met;**

25 **(4) If the dealer cannot legally deliver the firearm to the purchaser or other**
26 **transferee, the dealer shall conduct a background check on the seller or other transferor**
27 **in accordance with 18 U.S.C. Section 922(t) and state and local law and if the return is not**
28 **prohibited, return the firearm to that person;**

29 **(5) If the dealer cannot legally return the firearm to the seller or other transferor,**
30 **the dealer shall deliver the firearm to the sheriff of the county in which the dealer is located**
31 **within twenty-four hours; and**

32 **(6) The dealer may require the purchaser or other transferee to pay a fee covering**
33 **the administrative costs incurred by the dealer for facilitating the transfer of the firearm,**
34 **plus applicable fees under federal, state, and local law.**

35 **4. The provisions of subsections 2 and 3 of this section shall not apply to:**

36 **(1) Any law enforcement or corrections agency, or law enforcement or corrections**
37 **officer acting within the course and scope of his or her employment or official duties;**

38 **(2) A United States Marshal or member of the Armed Forces of the United States**
39 **or the National Guard, or a federal official transferring or receiving a firearm as required**
40 **in the operation of his or her official duties;**

41 **(3) A gunsmith who receives a firearm solely for the purposes of service or repair,**
42 **or the return of the firearm to its owner by the gunsmith;**

43 **(4) A common carrier, warehouseman, or other person engaged in the business of**
44 **transportation or storage, to the extent that the receipt of any firearm is in the ordinary**
45 **course of business and not for the personal use of any such person;**

46 **(5) A person who is loaned a firearm solely for the purpose of shooting at targets,**
47 **if the loan occurs on the premises of a properly licensed target facility, and the firearm is**
48 **at all times kept within the premises of the target range;**

49 **(6) A person who is under eighteen years of age who is loaned a firearm for lawful**
50 **hunting or sporting purposes or for any other lawful recreational activity while under the**
51 **direct supervision and control of a responsible adult;**

52 **(7) A person who is eighteen years of age or older who is loaned a firearm while the**
53 **person is accompanying the lawful owner and using the firearm for lawful hunting or**
54 **sporting purposes or for any other lawful recreational activity;**

55 **(8) A person who acquired the firearm by operation of law upon the death of the**
56 **former owner of the firearm within the preceding sixty days. At the end of the sixty-day**
57 **period, the person shall either have lawfully transferred the firearm or shall have**
58 **contacted the attorney general's office to notify the attorney general that he or she has**
59 **possession of the firearm and intends to retain possession of the firearm in compliance with**
60 **all federal, state, and local laws; or**

61 **(9) An adult family member of the lawful owner of the firearm if the owner resides**
62 **with the family member but is not currently present in the residence; provided that, the**
63 **family member does not maintain control over the firearm for more than fourteen**
64 **consecutive days. This exception shall not apply if the owner or the family member knows**
65 **or has reasonable cause to believe that federal, state, or local law prohibits the family**
66 **member from purchasing or possessing firearms, or the owner knows or has reasonable**
67 **cause to believe that the family member is likely to use the firearm for unlawful purposes.**

68 **5. Any person violating any of the provisions of this section shall be guilty of a**
69 **misdemeanor, punishable by a fine of not more than one thousand dollars or by**
70 **imprisonment for a period not exceeding six months, or both. Such person shall be guilty**
71 **of a separate offense for each and every day during any portion of which a violation of any**
72 **provision of this section is committed or continued by such person and shall be punished**
73 **accordingly.**

74 **6. In addition to any other penalty or remedy, the investigating law enforcement**
75 **agency shall report any violation of this section committed by a licensed firearms dealer**
76 **to the attorney general who shall, in turn, report the violation to the Bureau of Alcohol,**
77 **Tobacco, Firearms and Explosives within the United States Department of Justice.**

571.515. Notwithstanding any other provision of law, no financial institution
2 **including, but not limited to, a bank, trust company, loan and investment company, savings**
3 **and loan association, or licensed sales finance company shall finance any firearms**
4 **purchase.**

571.600. As used in sections 571.600 to 571.640, the following terms shall mean:

2 **(1) "Extreme risk protection order", a court order prohibiting a person from**
3 **purchasing, owning, possessing, or controlling a firearm, rifle, or shotgun for a period of**
4 **up to one year;**

5 **(2) "Gun seizure warrant", a court order regarding a person who is subject to an**
6 **extreme risk protection order and who is known to own or possess one or more firearms,**
7 **rifles, or shotguns that directs a law enforcement officer to seize any firearms, rifles, or**
8 **shotguns in the possession of such person and to bring the unloaded firearms, rifles, or**
9 **shotguns before the judge issuing the order.**

571.605. 1. Any person may file a petition with the court setting forth the facts and
2 **circumstances necessitating the issuance of an extreme risk protection order. The court**
3 **may prescribe the manner and form of the petition.**

4 **2. An extreme risk protection order shall be issued to prohibit a person from**
5 **possessing a firearm, rifle, or shotgun if an affidavit signed by the petitioner under oath**
6 **and any additional information provided to the court demonstrate to the satisfaction of the**
7 **court that the person poses a significant risk of personal injury to himself or herself, or**
8 **others, by possessing a firearm, rifle, or shotgun.**

9 **3. (1) In determining whether to issue an extreme risk protection order, the court**
10 **may examine under oath the petitioner and any witnesses the petitioner produces.**

11 **(2) In determining whether grounds for an extreme risk protection order exist, the**
12 **court shall consider all of the following:**

13 **(a) Any recent threat or act of violence by the person directed toward others;**

14 **(b) Any recent threat or act of violence by the person directed toward himself or**
15 **herself;**

16 **(c) Any recent violation of a restraining order; and**

17 **(d) Any conviction for a weapons offense.**

18 **(3) In determining whether grounds for an extreme risk protection order exist, the**
19 **court may consider any of the following:**

20 **(a) The reckless use, display, or brandishing of a firearm, rifle, or shotgun by the**
21 **person;**

22 **(b) The history of use, attempted use, or threatened use of physical force by the**
23 **person against another person;**

24 **(c) Any prior arrest of the person for a felony offense;**

25 **(d) Any history of violation by the person of a protective order under chapter 455;**

26 **(e) Evidence of recent or ongoing abuse of controlled substances or alcohol by the**
27 **person; or**

28 (f) Evidence of recent acquisition of firearms, rifles, shotguns, or other deadly
29 weapons.

30 (4) The affidavit shall set forth the facts establishing the grounds of the petition or
31 probable cause for believing that they exist. In lieu of a written affidavit, the court may
32 take an oral statement under oath.

33 4. If the court finds that the grounds of the petition exist or that there is probable
34 cause to believe in their existence, the court shall issue an extreme risk protection order.

35 5. An extreme risk protection order shall include:

36 (1) A statement of the grounds asserted for the order;

37 (2) The date and time the order expires;

38 (3) The address of the court for the county in which the restrained person resides;

39 and

40 (4) A statement to the restrained person stating:

41 (a) The time and date that the order expires;

42 (b) That the person shall not own, possess, purchase or receive, or attempt to
43 purchase or receive a firearm, rifle, or shotgun while such order is in effect;

44 (c) That the person is entitled to submit one written request for a hearing at any
45 time during the effective period of the order for an order permitting the person to own,
46 possess, purchase, or receive a firearm, rifle, or shotgun;

47 (d) That the person may seek legal advice from an attorney as to any matter
48 connected with the order; and

49 (e) That if legal advice is sought, the attorney should be consulted promptly so that
50 the attorney may assist the person in any matter connected with the order.

51 6. When serving an extreme risk protection order, the law enforcement officer shall
52 inform the person that he or she may submit one written request for a hearing under
53 subsection 8 of section 571.615 at any time during the effective period of the order and
54 provide the person with a form to request the hearing.

571.610. 1. If there is probable cause to believe that a person who has been issued
2 an extreme risk protection order possesses or owns a firearm, rifle, or shotgun, the court
3 shall issue a gun seizure warrant to the appropriate law enforcement agency directing the
4 agency to seize any specified firearm, rifle, or shotgun and to retain the firearm, rifle, or
5 shotgun subject to the order of the court.

6 2. A gun seizure warrant shall be issued upon probable cause, supported by an
7 affidavit, naming or describing with reasonable specificity the facts and circumstances
8 justifying the court order and listing any firearm, rifle, or shotgun to be seized under the
9 court order.

10 **3. A firearm, rifle, or shotgun described in the gun seizure warrant may be taken**
11 **from any place or from any person in whose possession the firearm, rifle, or shotgun may**
12 **be.**

13 **4. When a law enforcement officer takes property under a gun seizure warrant, the**
14 **officer shall give a receipt for the property taken, specifying it in detail, to the person from**
15 **whom it was taken. In the absence of a person, the officer shall leave the receipt in the**
16 **place where the property was found.**

17 **5. If the location to be searched during the execution of a gun seizure warrant is**
18 **jointly occupied by multiple parties and a firearm, rifle, or shotgun located during the**
19 **execution of a gun seizure warrant is owned by a person other than the person in the gun**
20 **seizure warrant, then the firearm, rifle, or shotgun shall not be seized if the firearm, rifle,**
21 **or shotgun is stored in a manner that the person named in the gun seizure warrant does**
22 **not have access to or control of the firearm, rifle, or shotgun, and there is no evidence of**
23 **unlawful possession of the firearm, rifle, or shotgun by the owner.**

24 **6. If the location to be searched during the execution of a gun seizure warrant is**
25 **jointly occupied by multiple parties and a gun safe that is owned by a person other than**
26 **the person named in the gun seizure warrant is located therein, then the contents of the gun**
27 **safe shall not be searched except in the owner's presence or with the owner's consent, or**
28 **unless a valid search warrant has been obtained.**

571.615. 1. Except as provided under subsection 7 of this section, the court that
2 **issued the order and seizure warrant shall hold a hearing within fourteen days of the**
3 **execution of such order and warrant to determine whether the person who is the subject**
4 **of the order may possess, own, purchase, or receive a firearm, rifle, or shotgun and, when**
5 **applicable, whether a seized firearm, rifle, or shotgun shall be returned to the person**
6 **named in the warrant.**

7 **2. At the hearing, the state shall have the burden of proving by clear and**
8 **convincing evidence that the person poses a significant risk of personal injury to himself**
9 **or herself, or others, by owning or possessing the firearm, rifle, or shotgun.**

10 **3. If at the hearing the person is found to pose a significant risk of personal injury**
11 **to himself or herself, or others, by purchasing, owning, possessing, or controlling a firearm,**
12 **rifle, or shotgun, then the firearm, rifle, or shotgun seized under the warrant shall be**
13 **retained by the law enforcement agency for a period not to exceed one year. The person**
14 **shall be prohibited from purchasing, owning, possessing, or controlling a firearm, rifle, or**
15 **shotgun for a period not to exceed one year.**

16 **4. The court shall notify the Missouri uniform law enforcement system (MULES)**
17 **of the extreme risk protection order no later than the next business day after issuing the**

18 order. The court also shall notify MULES of any order restoring the person's ability to
19 own or possess firearms no later than the next business day after issuing the order to
20 restore the person's right to own or possess any type of firearm that may be lawfully owned
21 and possessed. Any notice or report submitted under this subsection shall be in an
22 electronic format, in a manner prescribed by the Missouri state highway patrol.

23 5. If the court finds that the state has not met the required standard of proof, then
24 the firearm, rifle, or shotgun seized under the warrant shall be returned to the person.

25 6. If the person is prohibited by law from purchasing, owning, possessing, or
26 controlling a firearm, rifle, or shotgun for a period of one year or more by any other
27 provision of state or federal law, then a hearing under this section shall not be required
28 and the court shall issue an order to hold the firearm, rifle, or shotgun until either the
29 person is no longer prohibited from owning a firearm, rifle, or shotgun or the law
30 enforcement agency disposes of the firearm, rifle, or shotgun to a licensed firearms dealer
31 in accordance with section 571.095.

32 7. If any other person claims title to a firearm, rifle, or shotgun seized under the
33 warrant, then the firearm, rifle, or shotgun shall be returned to the lawful owner.

34 8. A person who is the subject of a court order under subsection 3 of this section
35 may submit one written request at any time during the effective period of the order for a
36 hearing for an order permitting such person to possess, own, purchase, or receive a
37 firearm, rifle, or shotgun. The request shall be submitted in a form and manner as
38 prescribed by the chief administrator of the courts.

 571.620. 1. (1) If a law enforcement agency has probable cause to believe that a
2 person subject to an extreme risk protection order continues to pose a significant risk of
3 personal injury to himself or herself, or others, by purchasing, owning, possessing, or
4 controlling a firearm, rifle, or shotgun, then the agency may initiate a request for a renewal
5 of the order, setting forth the facts and circumstances necessitating the request. The
6 request shall be submitted in a form and manner as prescribed by the court.

7 (2) A hearing held under this section shall be held in the same court that issued the
8 initial order to determine if a request for renewal of the order shall be issued.

9 (3) The person named in the protection order shall be given written notice and an
10 opportunity to be heard.

11 2. The court may, upon its own motion or upon request of another person, issue a
12 renewal of an extreme risk protection order if there is probable cause to believe that the
13 person subject to the order continues to pose a significant risk of personal injury to himself
14 or herself, or others, by purchasing, owning, possessing, or controlling a firearm, rifle, or

15 shotgun, after written notice to the person named in the protection order and after the
16 person has been given an opportunity for a hearing.

571.635. 1. When a law enforcement officer is at the scene of a domestic violence
2 incident involving a threat to human life or a physical assault, is serving a protective order
3 under chapter 455, or is serving an extreme risk protection order issued under sections
4 571.600 to 571.620, such officer shall take temporary custody of any firearm or other
5 deadly weapon in plain sight or discovered under a consensual or other lawful search as
6 necessary for the protection of the law enforcement officer or other persons present if the
7 law enforcement officer has probable cause to believe that an act of domestic violence has
8 occurred.

9 2. If a firearm is removed from the scene under subsection 1 of this section, the law
10 enforcement officer shall:

11 (1) Provide to the owner of the firearm information on the process for retaking
12 possession of the firearm; and

13 (2) Provide for the safe storage of the firearm during the pendency of any
14 proceeding related to the alleged act of domestic violence.

15 3. Within fourteen days of the conclusion of a proceeding on the alleged act of
16 domestic violence, the owner of the firearm may retake possession of the firearm unless
17 ordered to surrender the firearm under section 571.095.

571.640. 1. It shall be unlawful to possess a firearm for a person who:

2 (1) Is subject to a court order that:

3 (a) Was issued after a hearing of which such person received actual notice and at
4 which such person had an opportunity to participate;

5 (b) Restrains such person from harassing, stalking, or threatening a family or
6 household member of such person or a child of such family or household member or
7 person or engaging in other conduct that would place a family or household member in
8 reasonable fear of bodily injury to the family or household member or child; and

9 (c) Includes a finding that such person represents a credible threat to the physical
10 safety of such family or household member or a child; or by its terms explicitly prohibits
11 the use, attempted use, or threatened use of physical force against such family or household
12 member or child that would reasonably be expected to cause bodily injury;

13 (2) Is subject to an order of protection under chapter 455;

14 (3) Has been found guilty of or pleaded guilty to a misdemeanor offense involving
15 domestic violence in a court of competent jurisdiction; or

16 (4) Has been found guilty of or pleaded guilty to a misdemeanor sexual offense in
17 a court of competent jurisdiction.

18 **2. For the purposes of this section, the term "family" or "household member" shall**
19 **be defined as such term is defined in section 455.010.**

20 **3. Any person who violates the provisions of this section is guilty of a class E felony.**

574.127. 1. A person commits the offense of making a threat to the security of a
2 **public building or public school in the first degree if, being eighteen years of age or older,**
3 **such person communicates a knowingly false report that jeopardizes security procedures**
4 **or knowingly causes a false belief or fear that would cause the initiation of security**
5 **procedures, with the purpose of knowingly and deliberately causing a lockdown,**
6 **evacuation, quarantine, or closure of any portion of a public school, public building, public**
7 **inhabitable structure, public place of assembly, or public facility of transportation.**

8 **2. The offense of making a threat to the security of a public building or public**
9 **school in the first degree is a class D felony.**

10 **3. As used in this section, "lockdown" means a security procedure limiting the**
11 **movement of persons out of, into, or within a public school, public building, public**
12 **inhabitable structure, public place of assembly, or public facility of transportation.**

13 **4. For the purpose of this section, "threat" includes an express or implied threat**
14 **or withholding information that the threat is knowingly false.**

574.128. 1. A person commits the offense of making a threat to the security of a
2 **public building or public school in the second degree if, being eighteen years of age or**
3 **older, such person communicates a knowingly false report that jeopardizes security**
4 **procedures or knowingly causes a false belief or fear that would cause the initiation of**
5 **security procedures, with reckless disregard of the risk of causing a lockdown, evacuation,**
6 **quarantine, or closure of any portion of a public school, public building, public inhabitable**
7 **structure, public place of assembly, or public facility of transportation.**

8 **2. The offense of making a threat to the security of a public building or public**
9 **school in the second degree is a class E felony.**

10 **3. As used in this section, "lockdown" means a security procedure limiting the**
11 **movement of persons out of, into, or within a public school, public building, public**
12 **inhabitable structure, public place of assembly, or public facility of transportation.**

13 **4. For the purpose of this section, "threat" includes an express or implied threat**
14 **or withholding information that the threat is knowingly false.**

574.129. 1. A person commits the offense of making a threat to the security of a
2 **public building or public school in the third degree if, being eighteen years of age or older,**
3 **such person communicates a knowingly false report that jeopardizes security procedures**
4 **or knowingly causes a false belief or fear that would cause the initiation of security**
5 **procedures:**

6 **(1) With criminal negligence with regard to the risk of causing a lockdown,**
7 **evacuation, quarantine, or closure of any portion of a public school, public building, public**
8 **inhabitable structure, public place of assembly, or public facility of transportation;**

9 **(2) With reckless disregard to the pain and suffering of those involved in a**
10 **knowingly false threat; or**

11 **(3) With reckless disregard to exposing internal security procedures designed to**
12 **protect the inhabitants of the public school, public building, public inhabitable structure,**
13 **public place of assembly, or public facility of transportation.**

14 **2. The offense of making a threat to the security of a public building or public**
15 **school in the third degree is a class A misdemeanor.**

16 **3. As used in this section, "lockdown" means a security procedure limiting the**
17 **movement of persons out of, into, or within a public school, public building, public**
18 **inhabitable structure, public place of assembly, or public facility of transportation.**

19 **4. For the purpose of this section, "threat" includes an express or implied threat**
20 **or withholding information that the threat is knowingly false.**

Section 1. The provisions of sections 571.011, 571.200, 571.202, 571.515, 571.600,
2 **571.605, 571.610, 571.615, 571.620, 571.635, 571.640, 574.127, 574.128, and 574.129 shall**
3 **be known and may be cited as the "Save Our Kids Act".**

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