

SECOND REGULAR SESSION

# HOUSE BILL NO. 2266

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MANN.

3145H.02I

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 571.014, RSMo, and to enact in lieu thereof three new sections relating to firearms.

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

Section A. Section 571.014, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 571.014, 571.835, and 571.840, to read as follows:

571.014. 1. A person commits the crime of unlawful refusal to transfer by denying sale of a firearm to a nonlicensee, who is otherwise not prohibited from possessing a firearm under state or federal law, solely on the basis that the nonlicensee purchased a firearm that was later the subject of a trace request by law enforcement.

2. Violation of subsection 1 of this section shall be a class A misdemeanor.

3. Notwithstanding any other provision of law to the contrary, **other than the provisions of sections 571.835 and 571.840**, no federal firearms dealer licensed under 18 U.S.C. Section 923 who engages in the sale of firearms within this state shall fail or refuse to complete the sale of a firearm to a customer in every case in which the sale is authorized by federal law.

4. The provisions of this section shall not apply to any individual federal firearms license holder, his **or her** agents, or employees to the extent they chose in their individual judgment to not complete the sale or transfer of a firearm for articulable reasons specific to that transaction, so long as those reasons are not based on the race, gender, religion, **or** creed of the buyer.

**571.835. 1. As used in this section, the term "licensed dealer" has the same meaning given to the term in section 571.063.**

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.

3           **2. Notwithstanding any other provision of law, a licensed dealer shall not sell or**  
4 **transfer a firearm to an individual until the dealer has verified, through an inquiry of**  
5 **the National Instant Criminal Background Check System, that the individual is not on**  
6 **the temporary restricted list described in section 571.840.**

**571.840. 1. Notwithstanding any other provision of law, an individual who is not**  
2 **prohibited from possessing a firearm under section 571.070 may be restricted from the**  
3 **purchase and possession of firearms through a voluntary process under this section.**

4           **2. (1) Each circuit court in this state shall develop a process and forms for**  
5 **inclusion on, and removal from, a temporary restricted list.**

6           **(2) Each circuit court shall make the forms for inclusion and removal available**  
7 **by download through the court's website and require, at a minimum, the following**  
8 **information for the individual described in subsection 1 of this section:**

9           **(a) Name;**

10          **(b) Address;**

11          **(c) Date of birth;**

12          **(d) Contact information;**

13          **(e) The signature of the individual; and**

14          **(f) An acknowledgment of the statement in subsection 8 of this section.**

15          **3. (1) An individual requesting inclusion on the temporary restricted list shall**  
16 **deliver the completed form in person to the circuit court of the county in which the**  
17 **individual resides.**

18          **(2) The circuit court described in subdivision (1) of this subsection:**

19           **(a) Shall verify the individual's identity before accepting the form; and**

20           **(b) Shall not accept a form from someone other than the individual named on**  
21 **the form.**

22          **4. Upon receipt of a verified form requesting inclusion on the temporary**  
23 **restricted list, the circuit court shall, within twenty-four hours, add the individual's**  
24 **name to the temporary restricted list by entering the information in the National Instant**  
25 **Criminal Background Check System Indices, including:**

26           **(1) The date of the entry; and**

27           **(2) A statement that the restriction ends one hundred eighty days after the date**  
28 **of the entry.**

29          **5. If the circuit court does not receive a request for extension before the removal**  
30 **date, the circuit court shall remove the individual from the temporary restricted list.**

31          **6. (1) An individual who is added to the temporary restricted list shall not**  
32 **request removal from the list unless the individual has been on the list for at least thirty**  
33 **days.**

34           **(2) The circuit court shall remove an individual from the list one hundred eighty**  
35 **days after the individual was added to the list unless the individual requests to remain**  
36 **on the list.**

37           **(3) Requests for extension shall be made in the same manner as the original**  
38 **request.**

39           **(4) An individual may continue to request an extension every one hundred eighty**  
40 **days.**

41           **7. If an individual restricted under this section has a valid concealed carry**  
42 **endorsement issued prior to August 28, 2013, or a valid concealed carry permit under**  
43 **this chapter, the individual's endorsement or permit shall be:**

44           **(1) Suspended upon entry on the temporary restricted list; and**

45           **(2) Reinstated upon removal from the list unless:**

46           **(a) The endorsement or permit has been revoked, been suspended for a reason**  
47 **other than under this section, or has expired; or**

48           **(b) The individual has become prohibited from possessing a firearm under**  
49 **section 571.070.**

50           **8. The form shall have the following language prominently displayed before the**  
51 **signature:**

52

#### **ACKNOWLEDGMENT**

53           **By presenting this completed form to the circuit court, I**  
54 **understand that I am requesting that my name be placed on a list**  
55 **that restricts my ability to purchase or possess firearms for a**  
56 **minimum of thirty days, and up to six months. I understand that**  
57 **by voluntarily making myself a temporarily restricted person I**  
58 **may not have a firearm in my possession and any attempt to**  
59 **purchase a firearm while I am on the list will be declined. I also**  
60 **understand that any time after thirty days I may request removal**  
61 **from the temporary restricted list and all previous rights will be**  
62 **restored. In addition, if I am in possession of a valid concealed**  
63 **carry endorsement issued prior to August 28, 2013, or a valid**  
64 **concealed carry permit under chapter 571, RSMo, my**  
65 **endorsement or permit will be suspended during the time I am on**  
66 **the list but will be reinstated upon my removal, unless the**  
67 **endorsement or permit has expired, been revoked, been**  
68 **suspended for another reason, or I become ineligible to possess a**  
69 **firearm. Additionally, I acknowledge that if I possess a firearm or**

70 attempt to purchase a firearm while outside Missouri, I will be  
71 subject to the law of that location regarding restricted persons.

72 9. (1) An individual requesting removal from the temporary restricted list shall  
73 deliver a completed removal form in person to the circuit court that processed the  
74 inclusion form under subsection 3 of this section.

75 (2) The circuit court described in subdivision (1) of this subsection:

76 (a) Shall verify the individual's identity before accepting the form; and

77 (b) Shall not accept a form from someone other than the individual named on  
78 the form.

79 10. Upon receipt of a verified removal form, the circuit court shall, within  
80 twenty-four hours, remove the individual from the temporary restricted list by  
81 removing the information from the National Instant Criminal Background Check  
82 System Indices.

83 11. Within thirty days before the one-hundred-eighty-day removal deadline, the  
84 circuit court shall notify the individual at the address listed on the form that the  
85 individual is due to be removed from the temporary restricted list, and of the date on  
86 which the removal will occur, unless the individual requests an extension of up to one  
87 hundred eighty days.

88 12. (1) A circuit court that receives a request for inclusion shall maintain the  
89 form and all subsequent forms in a separate file.

90 (2) If the individual requests removal before the end of the one hundred eighty  
91 days, the circuit court shall destroy the entire file within five days after the date of the  
92 request.

93 (3) If the individual does not request an extension after notification in  
94 accordance with subsection 11 of this section, the circuit court shall destroy the entire  
95 file within five days after the date indicated in the notification.

96 (4) Upon removal of an individual from the temporary restricted list, the circuit  
97 court shall destroy all records related to the inclusion and removal of the individual.

98 (5) All forms and records created in accordance with this section shall be closed  
99 records under chapter 610.

100 13. The office of state courts administrator may promulgate rules to develop the  
101 process and standard forms to implement this section and section 571.835. Any rule or  
102 portion of a rule, as that term is defined in section 536.010, that is created under the  
103 authority delegated in this section shall become effective only if it complies with and is  
104 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This  
105 section and chapter 536 are nonseverable and if any of the powers vested with the

106 **general assembly pursuant to chapter 536 to review, to delay the effective date, or to**  
107 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**  
108 **rulemaking authority and any rule proposed or adopted after August 28, 2024, shall be**  
109 **invalid and void.**

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