

# HOUSE BILL NO. 1298

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES RIBACK WILSON (25) (Sponsor), CURLS, DAVIS (122), BLAND, DAUS, SKAGGS, ZWEIFEL, YAEGER, DONNELLY, FRASER, WALKER, PAGE, WALTON, WILSON (42), BOYKINS, WALSH, SCHOEMEHL, DARROUGH, MEINERS AND ABEL (Co-sponsors).

Read 1<sup>st</sup> time January 28, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2925L.011

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### AN ACT

To amend chapter 571, RSMo, by adding thereto three new sections relating to limitations on firearms possession for domestic violence offenses.

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

Section A. Chapter 571, RSMo, is amended by adding thereto three new sections, to be known as sections 571.300, 571.305, and 571.310, to read as follows:

**571.300. 1. When responding to the scene of an alleged act of domestic violence, a law enforcement officer may remove a firearm from the scene if:**

**(1) The law enforcement officer has probable cause to believe that an act of domestic violence has occurred; and**

**(2) The law enforcement officer has observed the firearm on the scene during the response.**

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

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

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

**3. At the conclusion of a proceeding on the alleged act of domestic violence, the owner of the firearm may retake possession of the firearm unless ordered to surrender the firearm under section 571.300.**

**571.305. A sheriff shall deny an application for or revoke a permit issued or registration filed under section 571.090 if the sheriff finds that the applicant, or a person**

3 **who was issued a permit or has registered a firearm:**

4 **(1) Is subject to an existing order of protection prohibiting him or her from**  
5 **possessing a firearm;**

6 **(2) Has been convicted of or pled guilty or nolo contendere to domestic assault; or**

7 **(3) Has been convicted of or pled guilty or nolo contendere to a violation of an**  
8 **order of protection in which a firearm was used or possessed.**

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10 **The provisions of this section shall apply to persons who obtained a permit and/or**  
11 **registered a firearm under section 571.090 prior to the effective date of this section.**

**571.310. It shall be unlawful for any person to ship or transport in intrastate,**  
2 **interstate, or foreign commerce, or possess in or affecting commerce, any firearm or**  
3 **ammunition, or to receive any firearm or ammunition which has been shipped or**  
4 **transported in intrastate, interstate, or foreign commerce if such person:**

5 **(1) Is subject to a court order that:**

6 **(a) Was issued after a hearing of which such person received actual notice, and at**  
7 **which such person had an opportunity to participate;**

8 **(b) Restrains such person from harassing, stalking, or threatening an intimate**  
9 **partner of such person or child of such intimate partner or person, or engaging in other**  
10 **conduct that would place an intimate partner in reasonable fear of bodily injury to the**  
11 **partner or child; and**

12 **(c) a. Includes a finding that such person represents a credible threat to the**  
13 **physical safety of such intimate partner or child; or**

14 **b. By its terms explicitly prohibits the use, attempted use, or threatened use of**  
15 **physical force against such intimate partner or child that would reasonably be expected**  
16 **to cause bodily injury; or**

17 **(2) Has been convicted in any court of a misdemeanor crime of domestic violence.**