

SECOND REGULAR SESSION

# HOUSE BILL NO. 1767

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE PAGE.

Read 1<sup>st</sup> time April 29, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5088L.011

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### AN ACT

To amend chapter 571, RSMo, by adding thereto one new section relating to criminally negligent storage of a firearm, with penalty provisions.

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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 one new section, to be known as section 571.023, to read as follows:

**571.023. 1. A person commits the crime of criminally negligent storage of a firearm if:**

**(1) Such person stores or keeps any loaded firearm or unloaded firearm and ammunition for that firearm on any premises under his or her custody and control;**

**(2) Such person knows or reasonably should know that a minor is capable of gaining access to the loaded firearm or unloaded firearm and ammunition; and**

**(3) A minor obtains the loaded firearm or unloaded firearm and ammunition and uses it to cause the death of or serious injury to any person or exhibits the firearm in a public place or uses it to threaten injury or death to any person.**

**2. The provisions of subsection 1 of this section shall not apply if:**

**(1) Such person keeps:**

**(a) The loaded firearm or unloaded firearm and ammunition in a securely locked box or other locked container;**

**(b) The loaded or unloaded firearm secured by a locking mechanism that renders the firearm inoperable;**

**(c) The loaded or unloaded firearm in a dismantled state that renders the firearm inoperable and stores the dismantled part separate from the rest of the firearm in a securely locked box or other locked container; or**

19           (d) The ammunition for an unloaded firearm stored separate from that unloaded  
20 firearm in a securely locked box or other locked container;

21           (2) The person is a peace officer, member of the armed forces, or a member of the  
22 national guard and the minor obtains the firearm during, or incidental to, that person  
23 performing his or her official duties;

24           (3) The minor obtains and discharges the firearm in a lawful act of self-defense or  
25 defense of one or more persons;

26           (4) The minor obtains the firearm as the result of an unlawful entry;

27           (5) The minor was supervised by a person twenty-one years of age or older and was  
28 engaging in hunting, sporting, or another lawful purpose; or

29           (6) The minor was engaged in an agricultural enterprise.

30           3. As used in this section the term "minor" means any person eighteen years of age  
31 or younger.

32           4. Firearms dealers shall be required to provide purchasers with a written warning  
33 about the provisions of this section and to place a conspicuous warning sign at the place  
34 where their firearms are sold. The warning shall read as follows:

35 "It is unlawful and a violation of section 571.023, RSMo, to store, transport, or abandon  
36 a loaded firearm or an unloaded firearm and ammunition for that firearm in a place where  
37 minors are likely to be and can obtain access to the loaded firearm or unloaded firearm  
38 and ammunition."

39           5. All persons who engage in the transfer of firearms at retail in this state shall  
40 display conspicuously within the place of business a sign which contains the following:  
41 "Warning: Firearms must be stored safely away from children. Criminally negligent  
42 storage of a firearm is a class A misdemeanor and may also result in civil liability.". Any  
43 person who transfers firearms at retail who does not conspicuously display the sign  
44 required by this section is guilty of a misdemeanor and may be incarcerated up to thirty  
45 days in jail and fines not to exceed one thousand dollars.

46           6. Criminally negligent storage of a firearm is a class A misdemeanor.