

FIRST REGULAR SESSION

HOUSE BILL NO. 249

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PARKER.

Read 1st time January 18, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1012L.011

AN ACT

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

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
2 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
2 law enforcement officer may remove a firearm from the scene if:**

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

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

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

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

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

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

571.305. A sheriff shall deny an application for or revoke a permit issued or

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.

2 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.

9

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.