

HOUSE

AMENDMENT NO. ____

Offered by

of

AMEND Senate Substitute for Senate Bill No. 745, Page 11, Section 571.030, Line 193, by inserting after all of said line the following:

"571.070. 1. A person commits the crime of unlawful purchase, ownership, possession, or control of a firearm if such person knowingly purchases or owns a firearm or has any firearm in his or her possession or under his or her control and:

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

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

(3) Such person has, on or after August 28, 2014, been committed for a mental disorder to any hospital, or mental institution, unless such person can demonstrate that he or she is no longer prohibited from possessing a firearm under the provisions of section 571.071 or 571.092; or

(4) Such person has, on or after August 28, 2014, been found not guilty by reason of insanity of a crime of violence, including any juvenile who has not been adjudicated delinquent by reason of insanity of a crime of violence; or

(5) Such person has, on or after August 28, 2014, been found mentally incompetent to stand trial for a crime of violence, including any juvenile who has been found mentally incompetent to be adjudicated for a crime of violence; or

(6) Such person has been the subject of an order of

Action Taken _____ Date _____

1 relinquishment issued by the circuit court under section 571.071,
2 unless such person can demonstrate that he or she is no longer
3 prohibited from purchasing, owning, possessing, or controlling a
4 firearm under the provisions of section 571.071 or 571.092.

5 2. As used in this section "crime of violence" means any
6 crime which involves the threat or use of physical force.

7 [2.] 3. Unlawful possession of a firearm is a class C
8 felony.

9 [3.] 4. The provisions of subdivision (1) of subsection 1
10 of this section shall not apply to the possession of an antique
11 firearm.

12 5. On or after August 28, 2014, any judge who:

13 (1) Orders a person committed for a mental disorder;

14 (2) Finds a person not guilty by reason of insanity for a
15 crime of violence or finds a juvenile not delinquent by reason of
16 insanity for a crime of violence; or

17 (3) Finds a person mentally incompetent to stand trial for
18 a crime of violence or finds a juvenile mentally incompetent to
19 be adjudicated for a crime of violence;

20
21 Shall notify the appropriate law enforcement agency of the order
22 or finding, order that law enforcement agency to investigate the
23 person who is the subject of that order to determine if such
24 person's firearms should be relinquished, and order that law
25 enforcement agency to enter that person's name into the Missouri
26 Uniform Law Enforcement System (MULES) as a person who is
27 prohibited from purchasing, owning, possessing, or controlling a
28 firearm.

29 571.071. 1. Any person who on or after August 28, 2014, is
30 prohibited from purchasing, owning, possessing, or controlling a
31 firearm under subsection 1 of section 571.070 shall be
32 investigated by the appropriate law enforcement agency to
33 determine if such person's firearms should be relinquished. If
34 such agency determines that firearms should be relinquished, the
35 law enforcement agency shall refer the matter to the attorney
36 general's office. The attorney general may, upon review of the
37 matter, request an order from a circuit court prohibiting the

1 purchase, ownership, possession, or control of a firearm and the
2 relinquishment of any firearms.

3 2. The attorney general shall have the burden of proving by
4 a preponderance of the evidence that the respondent's firearms
5 should be relinquished because the respondent is dangerous to
6 self or others. The respondent shall have the right to present
7 evidence and be heard in any such proceedings. In the event the
8 court makes such a finding, the court shall issue an order to the
9 respondent to relinquish his or her firearms and such order shall
10 be reported to the Missouri Uniform Law Enforcement System
11 (MULES) for purposes of establishing that such person is a person
12 prohibited from the purchase, ownership, possession or control of
13 firearms.

14 3. The court may include in any order that such person
15 shall relinquish to a law enforcement officer any firearms
16 purchased, owned, possessed, or controlled by such person.
17 Alternatively, the court may, in its discretion, allow such
18 person to voluntarily relinquish to a law enforcement officer any
19 firearms purchased, owned, possessed, or controlled by such
20 person. The court may also, in its discretion, direct any law
21 enforcement agency to immediately search for and seize any
22 firearms purchased, owned, possessed, or controlled by such
23 person, upon a showing by the petitioner that such person
24 purchased or has ownership, possession, or control of such
25 firearms.

26 4. Any person subject to an order of relinquishment under
27 the provisions of this section may petition the court for an
28 order to return the firearms ordered relinquished under the
29 procedures established under section 571.092.

30 5. If the basis for relinquishment is removed by the court,
31 any firearms taken from the person shall be restored in a timely
32 fashion.

33 6. Any person aggrieved by a decision of the court under
34 the provisions of this section may appeal such decision to the
35 supreme court of Missouri.

36 7. The attorney general shall work with local law
37 enforcement agencies and the department of mental health to

1 develop appropriate internal policies and regulations to ensure
2 that personnel who process such procedures under the provisions
3 of this section are trained on appropriate mental health risk-
4 assessment procedures and also are trained to look for histories
5 of violence."; and

6
7 Further amend said title, enacting clause and intersectional
8 references accordingly.