

HOUSE

AMENDMENT NO. ___

Offered by

of

1 AMEND House Bill No. 1539, Page 1, In the Title, Line 3, by
2 deleting the words "training requirements for a concealed carry
3 permit, with existing penalty provisions" and inserting in lieu
4 thereof the words "firearms, with penalty provisions"; and
5

6 Further amend said bill, Page 1, Section A, Line 2, by
7 inserting after all of said line the following:

8 "571.070. 1. A person commits the crime of unlawful
9 purchase, ownership, possession, or control of a firearm if such
10 person knowingly purchases or owns a firearm or has any firearm
11 in his or her possession or under his or her control and:

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

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

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

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

28 (5) Such person has, on or after August 28, 2014, been
29 found mentally incompetent to stand trial for a crime of

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1 violence, including any juvenile who has been found mentally
2 incompetent to be adjudicated for a crime of violence; or

3 (6) Such person has been the subject of an order of
4 relinquishment issued by the circuit court under section 571.071,
5 unless such person can demonstrate that he or she is no longer
6 prohibited from purchasing, owning, possessing, or controlling a
7 firearm under the provisions of section 571.071 or 571.092.

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

10 [2.] 3. Unlawful possession of a firearm is a class C
11 felony.

12 [3.] 4. The provisions of subdivision (1) of subsection 1
13 of this section shall not apply to the possession of an antique
14 firearm.

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

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

17 (2) Finds a person not guilty by reason of insanity for a
18 crime of violence or finds a juvenile not delinquent by reason of
19 insanity for a crime of violence; or

20 (3) Finds a person mentally incompetent to stand trial for
21 a crime of violence or finds a juvenile mentally incompetent to
22 be adjudicated for a crime of violence;

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

32 571.071. 1. Any person who on or after August 28, 2014, is
33 prohibited from purchasing, owning, possessing, or controlling a
34 firearm under subsection 1 of section 571.070 shall be
35 investigated by the appropriate law enforcement agency to
36 determine if such person's firearms should be relinquished. If
37 such agency determines that firearms should be relinquished, the

1 law enforcement agency shall refer the matter to the attorney
2 general's office. The attorney general may, upon review of the
3 matter, request an order from a circuit court prohibiting the
4 purchase, ownership, possession, or control of a firearm and the
5 relinquishment of any firearms.

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

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

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

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

36 6. Any person aggrieved by a decision of the court under
37 the provisions of this section may appeal such decision to the

1 supreme court of Missouri.

2 7. The attorney general shall work with local law
3 enforcement agencies and the department of mental health to
4 develop appropriate internal policies and regulations to ensure
5 that personnel who process such procedures under the provisions
6 of this section are trained on appropriate mental health risk-
7 assessment procedures and also are trained to look for histories
8 of violence."; and

9
10 Further amend said title, enacting clause and intersectional
11 references accordingly.