

**HOUSE**

**AMENDMENT NO. \_\_\_\_**

**Offered by**

**of**

AMEND House Bill No. 1562, Page 6, Section 571.030, Line 164, 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 relinquishment issued by the circuit court under section 571.071,

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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

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

6 [2.] 3. Unlawful possession of a firearm is a class C  
7 felony.

8 [3.] 4. The provisions of subdivision (1) of subsection 1  
9 of this section shall not apply to the possession of an antique  
10 firearm.

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

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

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

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

19  
20 Shall notify the appropriate law enforcement agency of the order  
21 or finding, order that law enforcement agency to investigate the  
22 person who is the subject of that order to determine if such  
23 person's firearms should be relinquished, and order that law  
24 enforcement agency to enter that person's name into the Missouri  
25 Uniform Law Enforcement System (MULES) as a person who is  
26 prohibited from purchasing, owning, possessing, or controlling a  
27 firearm.

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

1 relinquishment of any firearms.

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

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

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

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

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

35 7. The attorney general shall work with local law  
36 enforcement agencies and the department of mental health to  
37 develop appropriate internal policies and regulations to ensure

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

5  
6 Further amend said title, enacting clause and intersectional  
7 references accordingly.