

SECOND REGULAR SESSION

# HOUSE BILL NO. 2159

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES ELLINGTON (Sponsor), MIMS,  
PETERS AND DUNN (Co-sponsors).

6364L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 571, RSMo, by adding thereto two new sections relating to firearms, 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 two new sections, to be  
2 known as sections 571.058 and 571.098, to read as follows:

**571.058. 1. No sale or transfer of a firearm shall occur in this state unless a**  
2 **national and state criminal record review for the prospective purchaser or transferee has**  
3 **been conducted in accordance with this section, and such review indicates no felony**  
4 **convictions for the prospective purchaser or transferee. The person selling or transferring**  
5 **a firearm shall keep a written bill of sale or written documentation of the transfer of such**  
6 **firearm for five years after the sale or transfer of the firearm.**

7       **2. The department of public safety shall establish a procedure for accepting**  
8 **applications for and conducting national and state criminal record reviews for persons**  
9 **selling or transferring a firearm to another individual. Such procedure may be in**  
10 **accordance with section 43.540, but shall include:**

11       **(1) An inquiry of the National Instant Criminal Background Check System;**

12       **(2) Notification of the requester of the results of the background check as to**  
13 **whether it includes any felony convictions under the laws of this state or for a crime under**  
14 **the laws of any other state or the United States which, if committed in this state, would be**  
15 **a felony; and**

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.

16           (3) Payment of a reasonable fee for conducting such national and state criminal  
17 record review.

18           3. The department shall promulgate rules to implement the provisions of this  
19 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
20 created under the authority delegated in this section shall become effective only if it  
21 complies with and is subject to all of the provisions of chapter 536 and, if applicable,  
22 section 536.028. This section and chapter 536 are nonseverable and if any of the powers  
23 vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
24 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the  
25 grant of rulemaking authority and any rule proposed or adopted after August 28, 2014,  
26 shall be invalid and void.

27           4. Any person who violates the provisions of this section is guilty of a class A  
28 misdemeanor and shall be civilly liable for any damages resulting from the use of any  
29 firearm sold or transferred in violation of this section.

          571.098. 1. Any owner of a firearm who knows or should have known that the  
2 owner's firearm has been lost or stolen shall report the loss or theft of such firearm within  
3 seventy-two hours of becoming aware, or when the owner should have become aware, of  
4 the loss or the ft of such firearm to the local law enforcement agency in the city, town, or  
5 village, or sheriff's office in the county in which the loss or theft occurs.

6           2. Any owner of a firearm who violates the provisions of this section is guilty of an  
7 infraction. Any second or subsequent violation of this section is a class A misdemeanor.

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