

HB 413 -- EXTREME RISK PROTECTION ORDERS

SPONSOR: Mackey

This bill establishes procedures for the application and issuance of "Extreme Risk Protection Orders" (ERPO) and "Firearm Seizure Warrants", and prohibits certain persons from possessing a firearm. The bill allows any individual to petition a court for an ERPO which bans the possession of firearms based on specified criteria. The court shall issue the order if the court finds probable cause that the respondent poses a significant risk of personal injury to himself or herself, or others by owning or possessing a firearm. The court shall notify the Missouri Uniform Law Enforcement System (MULES) of the issuance of any ERPO no later than one business day from issuing the order.

If there is probable cause to believe the respondent subject to an ERPO possess a firearm, the court shall also issue a Firearm Seizure Warrant. Criteria for determining whether jointly owned guns may be seized are provided in the bill.

A hearing is required no later than 14 days after the issuance of the ERPO and seizure warrant. If at the hearing the respondent is found by clear and convincing evidence to pose a significant risk of injury to himself or herself, or others by owning or possessing a firearm, any seized firearm will be retained by law enforcement for up to one year. An order prohibiting the individual from purchasing, owning, possessing, or controlling a firearm, rifle, or shotgun cannot be extended longer than one year unless it is renewed by a judge after a new hearing as specified in the bill.

The bill specifies criteria for seizing firearms discovered in plain sight during specified police investigations involving domestic violence or gun violence.

The bill further specifies that it is unlawful and a class E felony for certain individuals to possess a firearm.

This bill is the same as HB 126 (2021).