

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1708, Page 5, Section 70.441, Line 154,
2 insert after all of said section and line the following:

3
4 "571.014. 1. A person commits the crime of unlawful refusal to transfer by denying sale of
5 a firearm to a nonlicensee, who is otherwise not prohibited from possessing a firearm under state or
6 federal law, solely on the basis that the nonlicensee purchased a firearm that was later the subject of
7 a trace request by law enforcement.

8 2. Violation of subsection 1 of this section shall be a class A misdemeanor.

9 3. Notwithstanding any other provision of law to the contrary, other than the provisions of
10 sections 571.835 and 571.840, no federal firearms dealer licensed under 18 U.S.C. Section 923 who
11 engages in the sale of firearms within this state shall fail or refuse to complete the sale of a firearm
12 to a customer in every case in which the sale is authorized by federal law.

13 4. The provisions of this section shall not apply to any individual federal firearms license
14 holder, his or her agents, or employees to the extent they chose in their individual judgment to not
15 complete the sale or transfer of a firearm for articulable reasons specific to that transaction, so long
16 as those reasons are not based on the race, gender, religion, or creed of the buyer."; and

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18 Further amend said bill, Page 42, Section 571.225, Line 124, by inserting after all of the said section
19 and line the following:

20
21 "571.835. 1. As used in this section, the term "licensed dealer" has the same meaning given
22 to the term in section 571.063.

23 2. Notwithstanding any other provision of law, a licensed dealer shall not sell or transfer a
24 firearm to an individual until the dealer has verified, through an inquiry of the National Instant
25 Criminal Background Check System, that the individual is not on a restricted list described in
26 section 571.840.

27 571.840. 1. Notwithstanding any other provision of law, an individual who is not prohibited
28 from possessing a firearm under section 571.070 may be restricted from the purchase of firearms
29 through a voluntary process under this section.

Action Taken _____ Date _____

1 2. (1) Each circuit court in this state shall develop a process and forms for inclusion on, and
2 removal from, a temporary restricted list and an indefinitely restricted list.

3 (2) Each circuit court shall make the forms for inclusion and removal available by download
4 through the court's website and require, at a minimum, the following information for the individual
5 described in subsection 1 of this section:

6 (a) Name;

7 (b) Address;

8 (c) Date of birth;

9 (d) Contact information;

10 (e) The signature of the individual; and

11 (f) An acknowledgment of the relevant statement in subsection 9 of this section.

12 (3) No fingerprints or any other biometric data shall be collected from an individual
13 requesting inclusion on a restricted list under this section.

14 3. (1) An individual requesting inclusion on a restricted list shall deliver the completed
15 form electronically or in person to the circuit court of the county in which the individual resides.
16 The individual shall specify whether the request is for inclusion on the temporary restricted list or
17 for inclusion on the indefinitely restricted list.

18 (2) The circuit court described in subdivision (1) of this subsection:

19 (a) Shall verify the individual's identity before accepting the form; and

20 (b) Shall not accept a form from someone other than the individual named on the form.

21 4. Upon receipt of a verified form requesting inclusion on a restricted list, the circuit court
22 shall, within twenty-four hours, add the individual's name to the restricted list requested by entering
23 the information in the National Instant Criminal Background Check System Indices, including:

24 (1) The date of the entry;

25 (2) Whether the individual is added to the temporary restricted list or indefinitely restricted
26 list; and

27 (3) If the individual is being added to the temporary restricted list, a statement that the
28 restriction ends one hundred eighty days after the date of the entry.

29 5. (1) If the circuit court adds an individual to the temporary restricted list and does not
30 receive a request for extension before the removal date, the circuit court shall remove the individual
31 from the temporary restricted list.

32 (2) If the circuit court adds an individual to the indefinitely restricted list, the circuit court
33 shall not remove the individual from the indefinitely restricted list unless the individual requests
34 removal in accordance with the provisions of this section.

35 6. (1) An individual who is added to the temporary restricted list shall not request removal
36 from the list unless the individual has been on the list for at least thirty days.

37 (2) An individual who is added to the indefinitely restricted list shall not request removal
38 from the list unless the individual has been on the list for at least ninety days.

1 7. (1) The circuit court shall remove an individual from the temporary restricted list one
 2 hundred eighty days after the individual was added to the list unless the individual requests to
 3 remain on the list.

4 (2) Requests for extensions shall be made in the same manner as the original request.

5 (3) An individual may continue to request extensions every one hundred fifty days.

6 8. If an individual restricted under this section has a valid concealed carry endorsement
 7 issued prior to August 28, 2013, or a valid concealed carry permit under this chapter, the individual's
 8 endorsement or permit shall be:

9 (1) Suspended upon entry on a restricted list; and

10 (2) Reinstated upon removal from the list unless:

11 (a) The endorsement or permit has been revoked, been suspended for a reason other than
 12 under this section, or has expired; or

13 (b) The individual has become an individual who is prohibited from possessing a firearm
 14 under section 571.070.

15 9. (1) The form for inclusion on the temporary restricted list shall have the following
 16 language prominently displayed before the signature:

ACKNOWLEDGMENT

By presenting this completed form to the circuit court, I understand
that I am requesting that my name be placed on a list that restricts my
ability to purchase firearms for a minimum of thirty days, and up to
six months. I understand that by voluntarily making myself a
temporarily restricted person, any attempt to purchase a firearm while
I am on the list will be declined. I also understand that any time after
thirty days, I may request removal from the temporary restricted list
and all previous rights will be restored. In addition, if I am in
possession of a valid concealed carry endorsement issued prior to
August 28, 2013, or a valid concealed carry permit under chapter
571, RSMo, my endorsement or permit will be suspended during the
time I am on the list, but will be reinstated upon my removal, unless
the endorsement or permit has expired, been revoked, been
suspended for another reason, or I become ineligible to possess a
firearm. Additionally, I acknowledge that if I attempt to purchase a
firearm while outside Missouri, I will be subject to the law of that
location regarding restricted persons.

17 (2) The form for inclusion on the indefinitely restricted list shall have the following
 18 language prominently displayed before the signature:

ACKNOWLEDGMENT

By presenting this completed form to the circuit court, I understand
that I am requesting that my name be placed on a list that restricts my
ability to purchase firearms for a minimum of ninety days, and up to
my lifetime. I understand that by voluntarily making myself a

restricted person, any attempt to purchase a firearm while I am on the list will be declined. I also understand that any time after ninety days, I may request removal from the indefinitely restricted list and all previous rights will be restored. In addition, if I am in possession of a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit under chapter 571, RSMo, my endorsement or permit will be suspended during the time I am on the list, but will be reinstated upon my removal, unless the endorsement or permit has expired, been revoked, been suspended for another reason, or I become ineligible to possess a firearm. Additionally, I acknowledge that if I attempt to purchase a firearm while outside Missouri, I will be subject to the law of that location regarding restricted persons.

1 10. (1) An individual requesting removal from a restricted list shall deliver a completed
 2 removal form electronically or in person to the circuit court that processed the inclusion form under
 3 subsection 3 of this section.

4 (2) The circuit court described in subdivision (1) of this subsection:

5 (a) Shall verify the individual's identity before accepting the form; and

6 (b) Shall not accept a form from someone other than the individual named on the form.

7 11. Upon receipt of a verified removal form, the circuit court shall, within twenty-four
 8 hours, remove the individual from the restricted list by removing the information from the National
 9 Instant Criminal Background Check System Indices.

10 12. Within thirty days before the one-hundred-eighty-day removal deadline applicable to
 11 individuals on the temporary restricted list, the circuit court shall notify the individual on the
 12 temporary restricted list at the address listed on the form that the individual is due to be removed
 13 from the temporary list, and of the date on which the removal will occur, unless the individual
 14 requests an extension of up to one hundred eighty days.

15 13. (1) A circuit court that receives a request for inclusion shall maintain the form and all
 16 subsequent forms in a separate file.

17 (2) If an individual requests removal from a restricted list, the circuit court shall destroy the
 18 entire file within five days after the date of the request.

19 (3) If an individual on the temporary restricted list does not request an extension after
 20 notification in accordance with subsection 12 of this section, the circuit court shall destroy the entire
 21 file within five days after the date indicated in the notification.

22 (4) Upon removal of an individual from the voluntary restricted list, the circuit court shall
 23 destroy all records related to the inclusion and removal of the individual.

24 (5) All forms and records created in accordance with this section shall be closed records
 25 under chapter 610.

26 14. It shall be unlawful for any individual to knowingly make any false statement or give
 27 any false information with the intent of adding any other individual to a restricted list under this
 28 section or removing any other individual from a restricted list under this section.

1 15. It shall be unlawful for any individual to inquire as to whether another individual has
2 been added to a restricted list under this section for any purpose other than to determine such
3 individual's eligibility to purchase a firearm.

4 16. The office of state courts administrator may promulgate rules to develop the process and
5 standard forms to implement this section and section 571.835. Any rule or portion of a rule, as that
6 term is defined in section 536.010, that is created under the authority delegated in this section shall
7 become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
8 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers
9 vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to
10 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
11 authority and any rule proposed or adopted after August 28, 2024, shall be invalid and void."; and

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13 Further amend said bill by amending the title, enacting clause, and intersectional references
14 accordingly.