

SECOND REGULAR SESSION

HOUSE BILL NO. 1872

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LEWIS (25).

3722H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 571.014, RSMo, and to enact in lieu thereof three new sections relating to firearms.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 571.014, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 571.014, 571.835, and 571.840, to read as follows:

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

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

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

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

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

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.

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

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

4 **2. (1) Each circuit court in this state shall develop a process and forms for**
5 **inclusion on, and removal from, a temporary restricted list and an indefinitely restricted**
6 **list.**

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

10 **(a) Name;**

11 **(b) Address;**

12 **(c) Date of birth;**

13 **(d) Contact information;**

14 **(e) The signature of the individual; and**

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

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

18 **3. (1) An individual requesting inclusion on a restricted list shall deliver the**
19 **completed form electronically or in person to the circuit court of the county in which the**
20 **individual resides. The individual shall specify whether the request is for inclusion on**
21 **the temporary restricted list or for inclusion on the indefinitely restricted list.**

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

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

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

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

30 **(1) The date of the entry;**

31 **(2) Whether the individual is added to the temporary restricted list or**
32 **indefinitely restricted list; and**

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

35 **5. (1) If the circuit court adds an individual to the temporary restricted list and**
36 **does not receive a request for extension before the removal date, the circuit court shall**
37 **remove the individual from the temporary restricted list.**

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

41 **6. (1) An individual who is added to the temporary restricted list shall not**
42 **request removal from the list unless the individual has been on the list for at least thirty**
43 **days.**

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

46 **7. (1) The circuit court shall remove an individual from the temporary**
47 **restricted list one hundred eighty days after the individual was added to the list unless**
48 **the individual requests to remain on the list.**

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

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

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

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

57 **(2) Reinstated upon removal from the list unless:**

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

60 **(b) The individual has become an individual who is prohibited from possessing a**
61 **firearm under section 571.070.**

62 **9. (1) The form for inclusion on the temporary restricted list shall have the**
63 **following language prominently displayed before the signature:**

64

ACKNOWLEDGMENT

65 **By presenting this completed form to the circuit court, I**
66 **understand that I am requesting that my name be placed on a list**
67 **that restricts my ability to purchase firearms for a minimum of**
68 **thirty days, and up to six months. I understand that by**

69 voluntarily making myself a temporarily restricted person, any
70 attempt to purchase a firearm while I am on the list will be
71 declined. I also understand that any time after thirty days, I may
72 request removal from the temporary restricted list and all
73 previous rights will be restored. In addition, if I am in possession
74 of a valid concealed carry endorsement issued prior to August 28,
75 2013, or a valid concealed carry permit under chapter 571,
76 RSMo, my endorsement or permit will be suspended during the
77 time I am on the list, but will be reinstated upon my removal,
78 unless the endorsement or permit has expired, been revoked, been
79 suspended for another reason, or I become ineligible to possess a
80 firearm. Additionally, I acknowledge that if I attempt to
81 purchase a firearm while outside Missouri, I will be subject to the
82 law of that location regarding restricted persons.

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

85 **ACKNOWLEDGMENT**

86 By presenting this completed form to the circuit court, I
87 understand that I am requesting that my name be placed on a list
88 that restricts my ability to purchase firearms for a minimum of
89 ninety days, and up to my lifetime. I understand that by
90 voluntarily making myself a restricted person, any attempt to
91 purchase a firearm while I am on the list will be declined. I also
92 understand that any time after ninety days, I may request
93 removal from the indefinitely restricted list and all previous
94 rights will be restored. In addition, if I am in possession of a valid
95 concealed carry endorsement issued prior to August 28, 2013, or a
96 valid concealed carry permit under chapter 571, RSMo, my
97 endorsement or permit will be suspended during the time I am on
98 the list, but will be reinstated upon my removal, unless the
99 endorsement or permit has expired, been revoked, been
100 suspended for another reason, or I become ineligible to possess a
101 firearm. Additionally, I acknowledge that if I attempt to
102 purchase a firearm while outside Missouri, I will be subject to the
103 law of that location regarding restricted persons.

104 **10. (1) An individual requesting removal from a restricted list shall deliver a**
105 **completed removal form electronically or in person to the circuit court that processed**
106 **the inclusion form under subsection 3 of this section.**

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

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

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

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

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

120 **13. (1) A circuit court that receives a request for inclusion shall maintain the**
121 **form and all subsequent forms in a separate file.**

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

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

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

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

131 **14. It shall be unlawful for any individual to knowingly make any false statement**
132 **or give any false information with the intent of adding any other individual to a**
133 **restricted list under this section or removing any other individual from a restricted list**
134 **under this section.**

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

138 **16. The office of state courts administrator may promulgate rules to develop the**
139 **process and standard forms to implement this section and section 571.835. Any rule or**
140 **portion of a rule, as that term is defined in section 536.010, that is created under the**

141 **authority delegated in this section shall become effective only if it complies with and is**
142 **subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This**
143 **section and chapter 536 are nonseverable and if any of the powers vested with the**
144 **general assembly pursuant to chapter 536 to review, to delay the effective date, or to**
145 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**
146 **rulemaking authority and any rule proposed or adopted after August 28, 2024, shall be**
147 **invalid and void.**

✓