

HB 1894 -- EXTREME RISK PROTECTION ORDER

SPONSOR: Hein

This bill establishes the "Firearm Violence Prevention Act".

The bill allows a family or household member or a law enforcement officer to petition the court for an Extreme Risk Protection Order (ERPO). A warrant may be issued to search and seize a firearm from a person subject to an ERPO if there is probable cause that the person possesses a firearm.

A family member of the person subject to the protection order may request a temporary ERPO without notice to the respondent by including relevant evidence in the petition. The court must hold a temporary ERPO hearing in person or by telephone on the day the petition is filed or on the court day immediately following the day the petition is filed. If the court finds by a preponderance of the evidence that the respondent is a significant risk of causing personal injury to his or herself or others by having a firearm, the court must issue a temporary ERPO. The court must then schedule a hearing within seven days of the issuance of the temporary order to determine if a 182 day ERPO should be issued.

If the court finds by clear and convincing evidence that the respondent poses a significant risk of causing personal injury to his or herself or others by having a firearm, the court shall issue the ERPO. The ERPO must include a statement of the grounds for the order, the date and time the order is issued and expires, and the requirements for the surrender of firearms.

The bill also requires the Office of State Courts Administrator to develop and prepare standard petitions and ERPO forms. Court clerks shall forward a copy of an ERPO the same day the order is issued to the State Highway Patrol and the law enforcement agency specified in the order. The State Highway Patrol shall ensure that orders are entered into the National Instant Criminal Background Check System (NICS) and the Missouri Uniform Law Enforcement System (MULES) for the duration of the order. The bill specifies procedures for removing expired orders from such computer systems.

Upon issuance of an ERPO, the respondent shall surrender all of his or her firearms and his or her concealed carry permit if the respondent has one. The respondent may surrender his or her firearms either to a law enforcement agency or a federally licensed firearms dealer. If a person other than the respondent claims title to any firearms surrendered to law enforcement, the firearm shall be returned to him or her.

The Peace Officer Standards and Training (POST) Commission shall develop model rules for acceptance, storage, sale, and return of firearms for law enforcement agencies. If an order is terminated or expires, then law enforcement shall return firearms after verification that a respondent may lawfully possess such weapons. Unclaimed firearms may be disposed of after at least one year in accordance with policy.

Any person who retains possession of, or purchases or receives, a firearm when he or she is prohibited from doing so by an ERPO or temporary ERPO will be guilty of a class B misdemeanor, or a class E felony if he or she has two or more previous convictions for violating an ERPO.

Before March first of each year, the Office of State Courts Administrator shall publish statistics related to ERPOs, including the number of petitions filed for ERPOs and temporary ERPOs, and the number of such orders issued, denied, terminated, and renewed, for the preceding calendar year.

This bill is similar to HB 421 (2023).