

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Substitute No. 3 for Senate Bill No. 888, Page 87, Section 568.060, Line 117,
2 by inserting after all of said line and section the following:

3
4 "571.068. 1. A person who is less than eighteen years of age commits the offense of
5 unlawful possession of a firearm by a minor if such person knowingly possesses a handgun or
6 ammunition that is only suitable for a handgun.

7 2. The offense of unlawful possession of a firearm by a minor is a class A misdemeanor.

8 3. This offense shall not apply to:

9 (1) A temporary transfer of a handgun or ammunition to a person under the age of
10 eighteen or the possession or use of a handgun or ammunition by a person under the age of
11 eighteen if the handgun and ammunition are possessed and used by such person in accordance
12 with state law and any ordinances of a political subdivision:

13 (a) In the course of employment;

14 (b) In the course of ranching or farming related to activities at the residence of the
15 person or on property used for ranching or farming at which the person, with the permission of
16 the property owner or lessee, is performing activities related to the operation of the farm or
17 ranch; or

18 (c) In the course of target practice, hunting, or during instruction in the safe and lawful
19 use of a handgun.

20
21 The person under the age of eighteen shall have the prior written consent of the person's parent
22 or guardian who is not prohibited by federal or state law or any ordinance from possessing a
23 firearm and shall transport the handgun unloaded and in a locked container directly from the
24 place of transfer to the place at which the activity in this subdivision is to take place;

25 (2) A person under the age of eighteen who is a member of the Armed Forces of the
26 United States or the National Guard who possesses or is armed with a handgun in the line of
27 duty;

28 (3) A transfer by inheritance of title of a handgun or ammunition to a person under the
29 age of eighteen; or

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1 (4) The possession of a handgun or ammunition by a person under the age of eighteen
2 taken in defense of the person or other persons against an intruder into the residence of the
3 person or a residence in which the person is invited as a guest.

4 4. As used in this section, "handgun" shall mean a firearm which has a short stock and is
5 designed to be held and fired by the use of a single hand, and shall not include an antique firearm
6 as defined in section 571.010.

7 571.095. 1. Upon conviction for or attempting to commit a felony in violation of any
8 law perpetrated in whole or in part by the use of a firearm, the court may, in addition to the
9 penalty provided by law for such offense, order the confiscation and disposal or sale or trade to a
10 licensed firearms dealer of firearms and ammunition used in the commission of the crime or
11 found in the possession or under the immediate control of the defendant at the time of his or her
12 arrest.

13 2. A firearm or ammunition which is in the possession of a minor in violation of section
14 571.068, the possession of which is transferred to the minor in circumstances in which the
15 transferor is not in violation of section 571.060 or section 571.080, shall not be subject to
16 permanent confiscation if its possession by the minor subsequently becomes unlawful because of
17 the conduct of the minor, but shall be returned to the lawful owner when such firearm is no
18 longer required for the purposes of investigation or prosecution.

19 3. The proceeds of any sale or gains from trade shall be the property of the police
20 department or sheriff's department responsible for the defendant's arrest or the confiscation of the
21 firearms and ammunition. If such firearms or ammunition are not the property of the convicted
22 felon, they shall be returned to their rightful owner if he or she is known and was not a
23 participant in the crime. Any proceeds collected under this section shall be deposited with the
24 municipality or by the county treasurer into the county sheriff's revolving fund established in
25 section 50.535."; and

26
27 Further amend said bill by amending the title, enacting clause, and intersectional references
28 accordingly.