

SECOND REGULAR SESSION

# HOUSE BILL NO. 2631

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MURRAY.

6389H.011

JOSEPH ENGLER, Chief Clerk

## AN ACT

To repeal section 571.095, RSMo, and to enact in lieu thereof two new sections relating to unlawful possession of a firearm by a minor, with penalty provisions.

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

Section A. Section 571.095, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 571.068 and 571.095, to read as follows:

**571.068. 1. A person who is under eighteen years of age commits the offense of unlawful possession of a firearm by a minor if such person knowingly possesses a handgun or ammunition that is suitable only for a handgun.**

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

**3. This offense shall not apply to:**

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

**(a) In the course of employment;**

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

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

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.

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

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

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

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

32 **4. As used in this section, the term "handgun" shall mean a firearm that has a**  
33 **short stock and is designed to be held and fired by the use of a single hand. The term**  
34 **"handgun" shall not include an antique firearm.**

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

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

14 **3. The proceeds of any sale or gains from trade shall be the property of the police**  
15 **department or sheriff's department responsible for the defendant's arrest or the confiscation of**  
16 **the firearms and ammunition. If such firearms or ammunition are not the property of the**  
17 **convicted felon, they shall be returned to their rightful owner if he or she is known and was**  
18 **not a participant in the crime. Any proceeds collected under this section shall be deposited**

19 with the municipality or by the county treasurer into the county sheriff's revolving fund  
20 established in section 50.535.

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