

FIRST REGULAR SESSION

# HOUSE BILL NO. 492

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MCCREERY.

1242L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 571, RSMo, by adding thereto two new sections relating to firearms and domestic violence, with a penalty provision.

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

Section A. Chapter 571, RSMo, is amended by adding thereto two new sections, to be known as sections 571.635 and 571.640, to read as follows:

**571.635. 1. When a law enforcement officer is at the scene of a domestic violence incident involving a threat to human life or a physical assault, or is serving a protective order under chapter 455, such officer shall take temporary custody of any firearm or other deadly weapon in plain sight or discovered under a consensual or other lawful search as necessary for the protection of the law enforcement officer or other persons present if the law enforcement officer has probable cause to believe that an act of domestic violence has occurred.**

**2. If a firearm is removed from the scene under subsection 1 of this section, the law enforcement officer shall:**

**(1) Provide to the owner of the firearm information on the process for retaking possession of the firearm; and**

**(2) Provide for the safe storage of the firearm during the pendency of any proceeding related to the alleged act of domestic violence.**

**3. Within fourteen days of the conclusion of a proceeding on the alleged act of domestic violence, the owner of the firearm may retake possession of the firearm unless ordered to surrender the firearm under section 571.095.**

**571.640. 1. It shall be unlawful to possess a firearm for a person who:**

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.

- 2           **(1) Is subject to a court order that:**
- 3           **(a) Was issued after a hearing of which such person received actual notice, and at**
- 4 **which such person had an opportunity to participate;**
- 5           **(b) Restrains such person from harassing, stalking, or threatening a family or**
- 6 **household member of such person or a child of such family or household member or**
- 7 **person, or engaging in other conduct that would place a family or household member in**
- 8 **reasonable fear of bodily injury to the family or household member or child; and**
- 9           **(c) Includes a finding that such person represents a credible threat to the physical**
- 10 **safety of such family or household member or a child; or by its terms explicitly prohibits**
- 11 **the use, attempted use, or threatened use of physical force against such family or household**
- 12 **member or child that would reasonably be expected to cause bodily injury; or**
- 13           **(2) Has been found guilty of or pled guilty to a misdemeanor crime of domestic**
- 14 **assault in a court of competent jurisdiction.**
- 15           **2. For the purposes of this section, the term "family" or "household member" shall**
- 16 **be defined as such term is defined in section 455.010.**
- 17           **3. Any person who violates the provisions of this section is guilty of a class D felony**
- 18 **until December 31, 2016, and a class E felony beginning January 1, 2017.**

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