

SENATE BILL NO. 1327

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR MCCREERY.

4678S.02I

KRISTINA MARTIN, Secretary

AN ACT

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

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

Section A. Section 571.014, RSMo, is repealed and three
2 new sections enacted in lieu thereof, to be known as sections
3 571.014, 571.835, and 571.840, to read as follows:

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

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

9 3. Notwithstanding any other provision of law to the
10 contrary, **other than the provisions of sections 571.835 and**
11 **571.840**, no federal firearms dealer licensed under 18 U.S.C.
12 Section 923 who engages in the sale of firearms within this
13 state shall fail or refuse to complete the sale of a firearm
14 to a customer in every case in which the sale is authorized
15 by federal law.

16 4. The provisions of this section shall not apply to
17 any individual federal firearms license holder, his **or her**
18 agents, or employees to the extent they chose in their

19 individual judgment to not complete the sale or transfer of
20 a firearm for articulable reasons specific to that
21 transaction, so long as those reasons are not based on the
22 race, gender, religion, or creed of the buyer.

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

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

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

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

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

- 15 (a) Name;
- 16 (b) Address;
- 17 (c) Date of birth;
- 18 (d) Contact information;
- 19 (e) The signature of the individual; and

20 (f) An acknowledgment of the relevant statement in
21 subsection 9 of this section.

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

25 3. (1) An individual requesting inclusion on a
26 restricted list shall deliver the completed form
27 electronically or in person to the circuit court of the
28 county in which the individual resides. The individual
29 shall specify whether the request is for inclusion on the
30 temporary restricted list or for inclusion on the
31 indefinitely restricted list.

32 (2) The circuit court described in subdivision (1) of
33 this subsection:

34 (a) Shall verify the individual's identity before
35 accepting the form; and

36 (b) Shall not accept a form from someone other than
37 the individual named on the form.

38 4. Upon receipt of a verified form requesting
39 inclusion on a restricted list, the circuit court shall,
40 within twenty-four hours, add the individual's name to the
41 restricted list requested by entering the information in the
42 National Instant Criminal Background Check System Indices,
43 including:

44 (1) The date of the entry;

45 (2) Whether the individual is added to the temporary
46 restricted list or indefinitely restricted list; and

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

50 5. (1) If the circuit court adds an individual to the
51 temporary restricted list and does not receive a request for

52 extension before the removal date, the circuit court shall
53 remove the individual from the temporary restricted list.

54 (2) If the circuit court adds an individual to the
55 indefinitely restricted list, the circuit court shall not
56 remove the individual from the indefinitely restricted list
57 unless the individual requests removal in accordance with
58 the provisions of this section.

59 6. (1) An individual who is added to the temporary
60 restricted list shall not request removal from the list
61 unless the individual has been on the list for at least
62 thirty days.

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

67 7. (1) The circuit court shall remove an individual
68 from the temporary restricted list one hundred eighty days
69 after the individual was added to the list unless the
70 individual requests to remain on the list.

71 (2) Requests for extensions shall be made in the same
72 manner as the original request.

73 (3) An individual may continue to request extensions
74 every one hundred fifty days.

75 8. If an individual restricted under this section has
76 a valid concealed carry endorsement issued prior to August
77 28, 2013, or a valid concealed carry permit under this
78 chapter, the individual's endorsement or permit shall be:

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

80 (2) Reinstated upon removal from the list unless:

81 (a) The endorsement or permit has been revoked, been
82 suspended for a reason other than under this section, or has
83 expired; or

84 (b) The individual has become an individual who is
85 prohibited from possessing a firearm under section 571.070.

86 9. (1) The form for inclusion on the temporary
87 restricted list shall have the following language
88 prominently displayed before the signature:

89 ACKNOWLEDGMENT

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

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

117 ACKNOWLEDGMENT

118 By presenting this completed form to the circuit
119 court, I understand that I am requesting that my
120 name be placed on a list that restricts my ability

121 to purchase firearms for a minimum of ninety days,
122 and up to my lifetime. I understand that by
123 voluntarily making myself a restricted person, any
124 attempt to purchase a firearm while I am on the
125 list will be declined. I also understand that any
126 time after ninety days, I may request removal from
127 the indefinitely restricted list and all previous
128 rights will be restored. In addition, if I am in
129 possession of a valid concealed carry endorsement
130 issued prior to August 28, 2013, or a valid
131 concealed carry permit under chapter 571, RSMo, my
132 endorsement or permit will be suspended during the
133 time I am on the list, but will be reinstated upon
134 my removal, unless the endorsement or permit has
135 expired, been revoked, been suspended for another
136 reason, or I become ineligible to possess a
137 firearm. Additionally, I acknowledge that if I
138 attempt to purchase a firearm while outside
139 Missouri, I will be subject to the law of that
140 location regarding restricted persons.

141 10. (1) An individual requesting removal from a
142 restricted list shall deliver a completed removal form
143 electronically or in person to the circuit court that
144 processed the inclusion form under subsection 3 of this
145 section.

146 (2) The circuit court described in subdivision (1) of
147 this subsection:

148 (a) Shall verify the individual's identity before
149 accepting the form; and

150 (b) Shall not accept a form from someone other than
151 the individual named on the form.

152 11. Upon receipt of a verified removal form, the
153 circuit court shall, within twenty-four hours, remove the
154 individual from the restricted list by removing the
155 information from the National Instant Criminal Background
156 Check System Indices.

157 12. Within thirty days before the one-hundred-eighty-
158 day removal deadline applicable to individuals on the
159 temporary restricted list, the circuit court shall notify
160 the individual on the temporary restricted list at the
161 address listed on the form that the individual is due to be
162 removed from the temporary list, and of the date on which
163 the removal will occur, unless the individual requests an
164 extension of up to one hundred eighty days.

165 13. (1) A circuit court that receives a request for
166 inclusion shall maintain the form and all subsequent forms
167 in a separate file.

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

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

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

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

181 14. It shall be unlawful for any individual to
182 knowingly make any false statement or give any false
183 information with the intent of adding any other individual
184 to a restricted list under this section or removing any
185 other individual from a restricted list under this section.

186 15. It shall be unlawful for any individual to inquire
187 as to whether another individual has been added to a
188 restricted list under this section for any purpose other

189 than to determine such individual's eligibility to purchase
190 a firearm.

191 16. The office of state courts administrator may
192 promulgate rules to develop the process and standard forms
193 to implement this section and section 571.835. Any rule or
194 portion of a rule, as that term is defined in section
195 536.010, that is created under the authority delegated in
196 this section shall become effective only if it complies with
197 and is subject to all of the provisions of chapter 536 and,
198 if applicable, section 536.028. This section and chapter
199 536 are nonseverable and if any of the powers vested with
200 the general assembly pursuant to chapter 536 to review, to
201 delay the effective date, or to disapprove and annul a rule
202 are subsequently held unconstitutional, then the grant of
203 rulemaking authority and any rule proposed or adopted after
204 August 28, 2024, shall be invalid and void.

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