

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 57, Page 8, Section 571.030, Line 178, by
2 inserting after all of said section and line the following:

3
4 "571.070. 1. A person commits the offense of unlawful possession of a firearm if such
5 person knowingly has any firearm in his or her possession and:

6 (1) Such person has been convicted of a felony under the laws of this state, or of a crime
7 under the laws of any state or of the United States which, if committed within this state, would be a
8 felony, or has been convicted in any court of a misdemeanor crime of domestic violence; [or]

9 (2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged
10 condition, or is currently adjudged mentally incompetent, is illegally or unlawfully in the United
11 States, has been discharged from the armed forces under dishonorable conditions, or having been a
12 citizen of the United States, has renounced United States citizenship; or

13 (3) Such person is subject to a court order that:

14 (a) Was issued after a hearing of which such person received actual notice, and at which
15 such person had an opportunity to participate;

16 (b) Restrains such person from harassing, stalking, or threatening a petitioner, as defined in
17 subdivision (11) of section 455.010, or a child of such petitioner, or engaging in other conduct that
18 would place such petitioner in reasonable fear of bodily injury to the petitioner or child; and:

19 a. Includes a finding that such person represents a credible threat to the physical safety of
20 such petitioner or child; or

21 b. By its terms explicitly prohibits the use, attempted use, or threatened use of physical
22 force against such petitioner or child that would reasonably be expected to cause bodily injury.

23 2. Unlawful possession of a firearm is a class D felony.

24 3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to the
25 possession of an antique firearm.

26 571.550. 1. When a law enforcement officer is at the scene of a domestic violence incident
27 involving a threat to human life or a physical assault, or is serving a protective order under chapter
28 455, such officer shall take temporary custody of any firearm or other deadly weapon in plain sight
29 or discovered under a consensual or other lawful search as necessary for the protection of the law
30 enforcement officer or other persons present if the law enforcement officer has probable cause to
31 believe that an act of domestic violence has occurred.

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

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

36 (2) Provide for the safe storage of the firearm during the pendency of any proceeding

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1 related to the alleged act of domestic violence.

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

5 571.555. 1. It shall be unlawful to possess a firearm for a person who:

6 (1) Is subject to a court order that:

7 (a) Was issued after a hearing of which such person received actual notice and at which such
8 person had an opportunity to participate;

9 (b) Restrains such person from harassing, stalking, or threatening a family or household
10 member of such person or a child of such family or household member or person, or engaging in
11 other conduct that would place a family or household member in reasonable fear of bodily injury to
12 the family or household member or child; and

13 (c) Includes a finding that such person represents a credible threat to the physical safety of
14 such family or household member or a child; or by its terms explicitly prohibits the use, attempted
15 use, or threatened use of physical force against such family or household member or child that
16 would reasonably be expected to cause bodily injury; or

17 (2) Is currently on probation or parole after having been found guilty of or pled guilty to a
18 misdemeanor crime of domestic assault in a court of competent jurisdiction. In all cases, the
19 prohibition on possession of firearms under this subdivision shall terminate no later than three years
20 after release from incarceration or parole or from the ending of a probation period, whichever event
21 occurs sooner.

22 2. For the purposes of this section, the term "family" or "household member" shall be
23 defined as such term is defined in section 455.010.

24 3. Any person who violates the provisions of this section is guilty of a class E felony."; and
25

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