

HB 341 -- Firearms Disqualification Petitions

Sponsor: Riddle

This bill repeals the provisions regarding the filing of a petition for the removal of a disqualification for certain individuals from purchasing, possessing, or transferring a firearm and establishes new provisions regarding the petition. An individual 18 years of age or older who has been adjudicated incapacitated under Chapter 475, RSMo, has been involuntarily committed under Chapter 632, or has had a Missouri adjudication or commitment that results in a firearms disqualification pursuant to 18 U.S.C. Section 922(d)(4) or (g)(4) is allowed to file a petition for the removal of the disqualification to ship, transport, receive, purchase, possess, or transfer a firearm. The procedures for filing the petition and the rules of evidence are specified in the bill.

The circuit court must grant a removal of the disqualification if there is a finding by a preponderance of the evidence that the petitioner will not be likely to act in a manner dangerous to public safety and that granting the removal is not contrary to the public interest. If a petition is granted, the county clerk must forward a copy of the order to the State Highway Patrol so the patrol can contact the Federal Bureau of Investigation for updating the petitioner's record with the National Instant Criminal Background Check System within 21 days of the receipt of the order. If a petition is denied, the individual may appeal, and the review of a circuit court ruling will be de novo.