

HCS HB 1319, 1045 & 1369 -- WEAPONS

SPONSOR: Franz (Riddle)

COMMITTEE ACTION: Voted "do pass" by the Committee on General Laws by a vote of 9 to 4.

This substitute reenacts a provision that was repealed by House Bill 294 in 2011 which allows the use of certain otherwise unlawful weapons if the weapon is being dealt with as a curio, ornament, or keepsake.

The substitute lowers the age at which a person can obtain a concealed carry endorsement from 21 to 18 years of age if the person is a member of the United States Armed Forces, is a citizen of the United States, and has assumed residency or is stationed in Missouri.

Any person with a valid concealed carry endorsement is allowed to openly carry firearms on or about his or her person regardless of any other state law or local ordinance.

The substitute allows an individual over 18 years of age 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 substitute.

The circuit court must grant a removal of the disqualification if there is a finding by clear and convincing 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.

A person can receive a concealed carry endorsement without meeting the current requirements if he or she submits a copy of a certificate of firearms safety training course completion that was issued on or before August 27, 2011, if it met the requirements that were in effect on the date it was issued.

FISCAL NOTE: Estimated Net Cost on General Revenue Fund of Up to \$19,140 in FY 2013, \$0 in FY 2014, and \$0 in FY 2015. No impact on Other State Funds in FY 2013, FY 2014, and FY 2015.

PROPOSERS: Supporters of HB 1319 say that lowering the age for those individuals in the state who are serving in the armed forces to 18 years of age is proper because they are protecting us and should be allowed to carry a firearm if they so choose.

Supporters of HB 1045 say that there has been some confusion since changes were made last year by House Bill 294 regarding the training requirements for obtaining a concealed carry endorsement. The bill clarifies that the new training requirements only apply to those individuals receiving a new permit or those that have let their permit expire, which was the original intent when the law was changed.

Supporters of HB 1369 say that local ordinances can ban the open carrying of firearms. The bill allows anyone with a concealed carry endorsement to carry a firearm on his or her person regardless of any local ordinance. Those with a permit have already completed training and background checks and should not be worried about accidental exposure of their firearm while in public. Currently, the state is a patchwork of allowed and banned open carry areas.

Testifying for HB 1319 were Representative Riddle; Judicial Conference of Missouri; National Rifle Association of America; and Missourians for Personal Safety.

Testifying for HB 1045 were Representative Day; and National Rifle Association of America.

Testifying for HB 1369 were Representative Fitzwater; Scotty Eguire; Richard Lofftus, Jr.; and Marc Perez.

OPPONENTS: Those who oppose HB 1369 say that the ability of a local ordinance to ban the open carry of firearms should remain at the local level.

There was no opposition on HB 1045 and HB 1319.

Testifying against HB 1369 was Missouri Municipal League.