

SECOND REGULAR SESSION

HOUSE BILL NO. 1857

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RAZER.

3458H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 542.271, RSMo, and to enact in lieu thereof sixteen new sections relating to the firearm violence prevention act, with penalty provisions.

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

Section A. Section 542.271, RSMo, is repealed and sixteen new sections enacted in lieu thereof, to be known as sections 542.271, 571.801, 571.802, 571.803, 571.804, 571.805, 571.806, 571.807, 571.808, 571.809, 571.810, 571.811, 571.812, 571.813, 571.814, and 571.815, to read as follows:

542.271. 1. A warrant may be issued to search for and seize, or photograph, copy or record any of the following:

(1) Property, article, material, or substance that constitutes evidence of the commission of a criminal offense; or

(2) Property which has been stolen or acquired in any other manner declared an offense by chapters 569 and 570; or

(3) Property owned by any person furnishing public communications services to the general public subject to the regulations of the public service commission if such person has failed to remove the property within a reasonable time after receipt of a written notice from a peace officer stating that such property is being used as an instrumentality in the commission of an offense; or

(4) Property for which possession is an offense under the law of this state; or

(5) Property for which seizure is authorized or directed by any statute of this state; or

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.

14 (6) Property which has been used by the owner or used with his acquiescence or consent
15 as a raw material or as an instrument to manufacture or produce any thing for which possession
16 is an offense under the laws of this state.

17 2. A warrant may be issued to search for and rescue a kidnapped person.

18 3. A warrant may be issued to search for any person for whom a valid felony arrest
19 warrant is outstanding.

20 4. A warrant may be issued to search for and seize any deceased human fetus or corpse,
21 or part thereof.

22 5. **A warrant may be issued to search for and seize any firearm in the possession**
23 **of a person subject to an extreme risk protection order or temporary extreme risk**
24 **protection order if there is probable cause to believe the person is in possession of one or**
25 **more firearms.**

26 6. The provisions of sections 542.261 to 542.296 and section 542.301 shall prevail over
27 any rules and regulations promulgated by any state governmental agency, commission or board,
28 to the contrary notwithstanding.

571.801. Sections 571.801 to 571.815 shall be known and may be cited as the
2 **"Firearm Violence Prevention Act".**

571.802. As used in sections 571.801 to 571.815, the following terms mean:

2 (1) **"Extreme risk protection order", either a temporary order or a continuing**
3 **order granted under sections 571.801 to 571.815;**

4 (2) **"Family or household member", with respect to a respondent, any:**

5 (a) **Person related by blood, marriage, or adoption to the respondent;**

6 (b) **Person who has a child in common with the respondent, regardless of whether**
7 **such person has been married to the respondent or has lived together with the respondent**
8 **at any time;**

9 (c) **Person who regularly resides with the respondent or regularly resided with the**
10 **respondent within the last six months;**

11 (d) **Domestic partner of the respondent;**

12 (e) **Person who has a biological or legal parent-child relationship with the**
13 **respondent, including stepparents and stepchildren and grandparents and grandchildren;**

14 (f) **Dating partner of the respondent; or**

15 (g) **Person who is acting or has acted as the respondent's legal guardian;**

16 (3) **"Fire arm", any handgun, automatic, revolver, pistol, rifle, shotgun, or other**
17 **instrument or device capable or intended to be capable of discharging bullets, cartridges,**
18 **or other explosive charges;**

19 (4) "Petitioner", the person who petitions for an extreme risk protection order
20 under sections 571.801 to 571.815;

21 (5) "Respondent", the person who is identified as the respondent in a petition filed
22 under sections 571.801 to 571.815.

571.803. 1. A family or household member of the respondent or a law enforcement
2 officer or agency may request a temporary extreme risk protection order without notice
3 to the respondent by including in the petition for an extreme risk protection order an
4 affidavit, signed under oath and penalty of perjury, supporting the issuance of a temporary
5 extreme risk protection order that sets forth the facts to establish the grounds of the
6 petition or the reason for believing the grounds exist. The petition shall comply with the
7 requirements of subsection 3 of section 571.804. If a petition described under section
8 552.020 is also filed against the respondent, the court may hear that petition at the same
9 time as the hearing for a temporary extreme risk protection order or the hearing for
10 extending an extreme risk protection order.

11 2. In considering whether to issue a temporary extreme risk protection order under
12 this section, the court shall consider all relevant evidence, including the evidence described
13 under subsection 3 of section 571.805.

14 3. If a court finds by a preponderance of the evidence that, based on the evidence
15 presented under subsection 3 of section 571.805, the respondent poses a significant risk of
16 causing personal injury to self or others by having in his or her custody or control a
17 firearm or by purchasing, possessing, or receiving a firearm, the court shall issue a
18 temporary extreme risk protection order.

19 4. The court shall hold a temporary extreme risk protection order hearing in
20 person or by telephone on the day the petition is filed or on the court day immediately
21 following the day the petition is filed.

22 5. (1) In accordance with subsection 1 of section 571.805, the court shall schedule
23 a hearing within seven days after the issuance of a temporary extreme risk protection order
24 to determine if a one-hundred-eighty-two-day extreme risk protection order should be
25 issued. Notice of the hearing date shall be included with the temporary extreme risk
26 protection order served on the respondent. The court shall provide notice of the hearing
27 date to the petitioner. Either party may request a different date for the hearing that is
28 beyond the initial seven days but no later than an additional seven days from the issuance
29 of the temporary extreme risk protection order with good cause shown. If the court
30 reschedules the hearing, the court shall provide notice of the new date to the petitioner and
31 respondent, and the temporary extreme risk protection order shall stay in effect until the
32 new hearing date.

33 (2) Any issued temporary extreme risk protection order shall expire on the date and
34 time of the hearing on the extreme risk protection order petition or upon the withdrawal
35 of the petition.

36 6. A temporary extreme risk protection order shall include:

37 (1) A statement of the grounds asserted for the order;

38 (2) The date and time the order is issued;

39 (3) The date and time the order expires;

40 (4) The address of the court in which any responsive pleading shall be filed;

41 (5) The date and time of the scheduled hearing;

42 (6) The requirements for surrender of firearms under section 571.809; and

43 (7) The following statement:

44 To the subject of this temporary extreme risk protection order:

45 This order is valid until the date and time noted above. You shall not have
46 in your custody or control a firearm or purchase, possess, receive, or
47 attempt to purchase or receive a firearm while this order is in effect. You
48 must immediately surrender to the _____ (law enforcement agency in
49 the jurisdiction where the respondent resides) all firearms in your custody,
50 control, or possession, and any concealed carry permit issued to you. A
51 hearing will be held on the date and at the time noted above to determine if
52 a full extreme risk protection order should be issued. Failure to appear at
53 that hearing may result in a court entering an order against you that is valid
54 for one hundred eighty-two days. You may seek the advice of an attorney
55 as to any matter connected with this order.

56 7. A law enforcement officer shall serve a temporary extreme risk protection order
57 concurrently with the notice of hearing and petition in the same manner as under section
58 571.805 for service of the notice of hearing where the respondent resides or where the
59 firearms of concern are located.

60 8. (1) If the court issues a temporary extreme risk protection order, the court shall
61 state the particular reasons for the court's issuance.

62 (2) If the court declines to issue a temporary extreme risk protection order, the
63 court shall state the particular reasons for the court's denial.

571.804. 1. A petition for an extreme risk protection order may be filed by a family
2 or household member of the respondent or a law enforcement officer or agency. If the
3 petition is filed by a law enforcement officer or agency, the officer or agency shall be
4 represented in any judicial proceeding by a county or city attorney upon request. If the
5 petition is filed by a family or household member, the petitioner, to the best of his or her

6 ability, shall notify the law enforcement agency in the jurisdiction where the respondent
7 resides or where the firearms are located of the petition and the hearing date with enough
8 advance notice to allow for participation or attendance.

9 2. A petition for an extreme risk protection order shall be filed with a court in the
10 county where the respondent resides or where the firearms are located.

11 3. A petition shall:

12 (1) Allege that the respondent poses a significant risk of causing personal injury to
13 self or others by having in his or her custody or control a firearm or by purchasing,
14 possessing, or receiving a firearm. The allegation shall be accompanied by an affidavit,
15 signed under oath and penalty of perjury, stating the specific statements, actions, or facts
16 that give rise to a reasonable fear of future dangerous acts by the respondent;

17 (2) Identify the number, types, and locations of any firearms the petitioner believes
18 to be in the respondent's current ownership, possession, custody, or control;

19 (3) Identify whether the respondent is a party to an existing domestic abuse
20 protection order; and

21 (4) Identify any pending lawsuit, complaint, petition, or other action between the
22 parties to the petition pursuant to Missouri law or federal law.

23 4. The court shall verify the terms of any existing order identified under
24 subdivision (3) of subsection 3 of this section governing the parties. The court shall not
25 delay granting relief because of the existence of a pending action between the parties or the
26 necessity of verifying the terms of an existing order. A petition for an extreme risk
27 protection order may be granted regardless of a pending action between the parties.

28 5. If the petitioner is a law enforcement officer or agency, the petitioner shall make
29 a good faith effort to provide notice to a family or household member of the respondent
30 and to any known third party who may be at risk of violence. The notice shall state that
31 the petitioner intends to file, or has already so filed, a petition for an extreme risk
32 protection order and shall include referrals to appropriate resources, including mental
33 health, domestic violence, and counseling resources. The petitioner shall attest in the
34 petition to having provided the notice or attest to the steps that will be taken to provide the
35 notice.

36 6. If the petition states that disclosure of the petitioner's address would risk harm
37 to the petitioner or any family or household member of the petitioner, the petitioner's
38 address may be omitted from all documents filed with the court. If the petitioner has not
39 disclosed an address pursuant to this subsection, the petitioner shall designate an
40 alternative address at which the respondent may serve notice of any motions. If the

41 petitioner is a law enforcement officer or agency, the address of record shall be that of the
42 law enforcement agency.

43 7. A court or public agency shall not charge a fee for filing or service of process to
44 a petitioner seeking relief under sections 571.801 to 571.815. A petitioner shall be provided
45 the necessary number of certified copies, forms, and instructional brochures free of charge.

46 8. A person shall not be required to post a bond to obtain relief in any proceeding
47 under this section.

48 9. The associate circuit court and circuit courts of the state of Missouri shall have
49 jurisdiction over proceedings under sections 571.801 to 571.815.

571.805. 1. (1) Upon receipt of the petition, the court shall order a hearing and
2 issue a notice to the respondent. The court shall provide the notice of the hearing no later
3 than one court day after the date of the extreme risk protection order petition. The court
4 may schedule a hearing by telephone to reasonably accommodate a disability or, in
5 exceptional circumstances, to protect a petitioner from potential harm. The court shall
6 require assurances of the petitioner's identity before conducting a telephonic hearing.

7 (2) On or before the next court day, the court clerk shall forward a copy of the
8 notice of the hearing and petition to the law enforcement agency in the jurisdiction where
9 the respondent resides or where the firearms are located for service upon the respondent.

10 (3) A copy of the notice of hearing and petition shall be served upon the respondent.
11 Service issued under this section shall take precedence over the service of other documents,
12 unless the other documents are of a similar emergency nature.

13 (4) The court may, as provided under section 571.803, issue a temporary extreme
14 risk protection order pending the hearing ordered under subdivision (1) of this section.
15 The temporary extreme risk protection order shall be served concurrently with the notice
16 of hearing and petition.

17 2. Upon hearing the matter, if the court finds by clear and convincing evidence,
18 based on the evidence presented under subsection 3 of this section, that the respondent
19 poses a significant risk of causing personal injury to self or others by having in his or her
20 custody or control a firearm or by purchasing, possessing, or receiving a firearm, the court
21 shall issue an extreme risk protection order for a period of one hundred eighty-two days.

22 3. In determining whether grounds for an extreme risk protection order exist, the
23 court may consider any relevant evidence including, but not limited to:

24 (1) A recent act or credible threat of violence by the respondent against self or
25 others, regardless of whether such violence or credible threat of violence involved a
26 firearm;

- 27 (2) A pattern of acts or credible threats of violence by the respondent within the
28 past year including, but not limited to, acts or credible threats of violence by the
29 respondent against self or others;
- 30 (3) Any relevant mental health issues of the respondent;
- 31 (4) A restraining order violation by the respondent;
- 32 (5) A previous or existing extreme risk protection order issued against the
33 respondent and any violation of a previous or existing extreme risk protection order;
- 34 (6) A conviction of the respondent for a crime that includes an underlying factual
35 basis of domestic violence as defined under section 455.010;
- 36 (7) The respondent's ownership, access to, or intent to possess a firearm;
- 37 (8) A credible threat of or the unlawful or reckless use of a firearm by the
38 respondent;
- 39 (9) The history of use, attempted use, or threatened use of unlawful physical force
40 by the respondent against another person, or the respondent's history of stalking under
41 section 565.225 or 565.227;
- 42 (10) Any prior arrest of the respondent for a crime listed under chapter 565 or 566
43 or section 578.012;
- 44 (11) Corroborated evidence of the abuse of controlled substances or alcohol by the
45 respondent; and
- 46 (12) Evidence of recent acquisition of a firearm or ammunition by the respondent.
- 47 4. The court may:
- 48 (1) Examine under oath the petitioner, the respondent, and any witnesses they may
49 produce or, in lieu of examination, consider sworn affidavits of the petitioner, the
50 respondent, and any witnesses they may produce; and
- 51 (2) Request a probation officer to conduct a criminal history record check related
52 to the respondent and provide the results to the court under seal.
- 53 5. The court shall allow the petitioner and respondent to present evidence,
54 cross-examine witnesses, and be represented by an attorney at the hearing.
- 55 6. In a hearing under sections 571.801 to 571.815, the rules of evidence shall apply
56 to the same extent as in a restraining order proceeding.
- 57 7. During the hearing, the court shall consider any available mental health
58 evaluation or chemical dependency evaluation provided to the court.
- 59 8. An extreme risk protection order shall include:
- 60 (1) A statement of the grounds supporting the issuance of the order;
- 61 (2) The date and time the order is issued;
- 62 (3) The date and time the order expires;

- 63 (4) The address of the court in which any responsive pleading shall be filed;
64 (5) The requirements for relinquishment of firearms under section 571.809; and
65 (6) The following statement:

66 To the subject of this extreme risk protection order:

67 This order will last until the date and time noted above. If you have not
68 done so already, you must immediately surrender any firearms in your
69 custody, control, or possession and any concealed carry permit issued to you.
70 You shall not have in your custody or control a firearm or purchase, possess,
71 receive, or attempt to purchase or receive a firearm while this order is in
72 effect. You have the right to request one hearing to terminate this order
73 during the period that this order is in effect, starting from the date of this
74 order and continuing through any renewals. You may seek the advice of an
75 attorney as to any matter connected with this order.

76 9. If the court issues an extreme risk protection order, the court shall inform the
77 respondent that he or she may request termination of the order in the manner prescribed
78 under section 571.808. The court shall provide the respondent with a form to request a
79 termination hearing.

80 10. (1) If the court issues an extreme risk protection order, the court shall state the
81 particular reasons for the court's issuance.

82 (2) If the court denies the issuance of an extreme risk protection order, the court
83 shall state the particular reasons for the court's denial.

571.806. 1. An extreme risk protection order issued under section 571.805 shall be
2 served personally upon the respondent, except as otherwise provided under sections
3 571.801 to 571.815.

4 2. The law enforcement agency in the jurisdiction where the respondent resides or
5 where the firearms are located shall serve the respondent personally.

6 3. The court clerk shall forward a copy of the extreme risk protection order no later
7 than the next court day to the law enforcement agency specified in the order for service.
8 Service of an extreme risk protection order shall take precedence over the service of other
9 documents, unless the other documents are of a similar emergency nature.

10 4. If the law enforcement agency cannot complete service upon the respondent
11 within five days, the law enforcement agency shall notify the petitioner. The petitioner
12 shall then provide any additional information regarding the respondent's whereabouts to
13 the law enforcement agency to effect service. The law enforcement agency may request
14 additional time to allow for the proper and safe planning and execution of the court order.

15 **5. If an extreme risk protection order entered by the court states that the**
16 **respondent appeared in person before the court, the necessity for further service is waived,**
17 **and proof of service of the order shall not be necessary.**

18 **6. If the court previously entered an order allowing service of the notice of hearing**
19 **and petition or a temporary extreme risk protection order by publication under section**
20 **571.807, or if the court finds there are now grounds to allow such alternate service, the**
21 **court may permit service by publication of the extreme risk protection order as provided**
22 **under section 571.807. The court order shall state whether the court permitted service by**
23 **publication.**

24 **7. Returns of service under sections 571.801 to 571.815 shall be made in accordance**
25 **with the applicable court rules.**

571.807. 1. The court may order service by publication under the circumstances
2 **permitted for the service under Missouri supreme court rules. The summons shall be**
3 **substantively in the following form:**

4 **In the (Associate) Circuit Court of the State of Missouri for the County of**

5 _____

6 _____, petitioner

7 vs.

8 _____, respondent

9 **The State of Missouri to _____ (respondent):**

10 **You are hereby summoned to appear on the ____ day of _____**
11 **(month), ____ (year), at ____ (A.M./P.M.), and respond to the petition. If**
12 **you fail to respond, an extreme risk protection order may be issued against**
13 **you under the provisions of 571.801 to 571.815, RSMo, for one hundred**
14 **eighty-two days from the date you are required to appear. (A temporary**
15 **extreme risk protection order has been issued against you, restraining you**
16 **from having in your custody or control any firearms or from purchasing,**
17 **possessing, or receiving or attempting to purchase or receive any firearms.**
18 **You must surrender to the _____ (name of law enforcement agency in**
19 **the jurisdiction where the respondent resides or where the firearms are**
20 **located) within twenty-four hours all firearms in your custody, control, or**
21 **possession and any concealed carry permit issued.) Copies of the notice of**
22 **hearing (and/,) petition (, and temporary extreme risk protection order)**
23 **have been filed with the clerk of this court.**

24 _____

25 **Petitioner**

26 **2. If the court orders service by publication for notice of an extreme risk protection**
27 **order hearing, it shall also reissue the temporary extreme risk protection order under**
28 **section 571.803, if issued, to expire on the date of the extreme risk protection order hearing.**

29 **3. Following completion of service by publication for notice of an extreme risk**
30 **protection order hearing, if the respondent fails to appear at the hearing, the court may**
31 **issue an extreme risk protection order under section 571.805.**

571.808. 1. The respondent may submit one written request for a hearing to
2 **terminate an extreme risk protection order for the period that the order is in effect. Upon**
3 **receipt of the request for a hearing to terminate an extreme risk protection order, the court**
4 **shall set a date for a hearing. Notice of the request shall be served on the petitioner. The**
5 **hearing shall occur no sooner than fourteen days and no later than twenty-eight days after**
6 **the date of service of the request upon the petitioner. The court shall terminate the**
7 **extreme risk protection order if the respondent establishes by clear and convincing**
8 **evidence that the respondent does not continue to pose a significant risk of personal injury**
9 **to self or others by having in his or her custody or control a firearm or by purchasing,**
10 **possessing, or receiving a firearm. The court may consider any relevant evidence,**
11 **including evidence of the considerations listed under subsection 3 of section 571.805.**

12 **2. (1) The court shall notify the petitioner of the impending expiration of an**
13 **extreme risk protection order sixty-three calendar days before the date that the order**
14 **expires.**

15 **(2) A petitioner, a family or household member of a respondent, or a law**
16 **enforcement officer or agency may, by motion, request a renewal of an extreme risk**
17 **protection order at any time within sixty-three calendar days before the expiration of the**
18 **order.**

19 **(3) Upon receipt of the motion to renew, the court shall order that a hearing be held**
20 **no later than fourteen days after the filing of the motion to renew. The court may schedule**
21 **a hearing by telephone in the manner prescribed under subdivision (1) of subsection 1 of**
22 **section 571.805. The respondent shall be personally served in the same manner prescribed**
23 **under subdivisions (2) to (3) of subsection 1 of section 571.805.**

24 **(4) In determining whether to renew an extreme risk protection order, the court**
25 **shall consider all relevant evidence and follow the same procedure as provided under**
26 **section 571.805.**

27 **(5) If the court finds by clear and convincing evidence that, based on the evidence**
28 **presented under subsection 3 of section 571.805, the respondent continues to pose a**
29 **significant risk of personal injury to self or others by having in his or her custody or**
30 **control a firearm or by purchasing, possessing, or receiving a firearm, the court shall**

31 renew the order for a period of time the court deems appropriate, not to exceed one year.
32 In the order, the court shall set a return date to review the order no later than thirty-five
33 days prior to the expiration of the order. However, if, after notice, the motion for renewal
34 is uncontested and the petitioner seeks no modification of the order, the order may be
35 renewed on the basis of the petitioner's motion or affidavit, signed under oath and penalty
36 of perjury, stating that there has been no material change in relevant circumstances since
37 the entry of the order and stating the reason for the requested renewal.

571.809. 1. (1) Upon issuance of an extreme risk protection order under sections
2 571.801 to 571.815, including a temporary extreme risk protection order, the court shall
3 order the respondent to surrender all firearms by either:

4 (a) Selling or transferring possession of a firearm to a federally licensed firearms
5 dealer described under 18 U.S.C. Section 923, as amended. However, this paragraph shall
6 not be interpreted to require any federally-licensed firearms dealer to purchase or accept
7 possession of any firearm; or

8 (b) Arranging for the storage of a firearm by a law enforcement agency.

9 (2) The court shall order the respondent to surrender any concealed carry permit
10 to the law enforcement officer serving the extreme risk protection order.

11 2. (1) The law enforcement agency serving an extreme risk protection order,
12 including a temporary extreme risk protection order, in which the petitioner is not a law
13 enforcement agency or officer, shall request that the respondent immediately surrender all
14 firearms in his or her custody, control, or possession and any concealed carry permit issued
15 to the respondent and shall conduct any search permitted by law for such firearms or
16 permit. After the law enforcement agency or officer has custody of the firearms, the
17 respondent may inform the law enforcement officer of his or her preference for sale,
18 transfer, or storage of the firearms as specified under subsection 1 of this section. If the
19 respondent elects to sell or transfer the firearms to a federally-licensed firearms dealer
20 described under 18 U.S.C. Section 923, as amended, the law enforcement officer or agency
21 shall maintain custody of the firearms until they are sold or transferred. The law
22 enforcement officer shall take possession of all firearms and any such permit belonging to
23 the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful
24 search. Alternatively, if personal service by the law enforcement agency is not possible or
25 not required because the respondent was present at the extreme risk protection order
26 hearing, the respondent shall surrender the firearms and any concealed carry permit
27 within twenty-four hours after being served with the order by alternate service or within
28 twenty-four hours after the hearing at which the respondent was present.

29 (2) If the petitioner for an extreme risk protection order is a law enforcement
30 agency or officer, the law enforcement officer serving the extreme risk protection order
31 shall take custody of the respondent's firearms pursuant to the search warrant for firearms
32 possessed by a dangerous person if a warrant is obtained. If the law enforcement agency
33 obtains a search warrant for firearms possessed by a dangerous person, the law
34 enforcement officer shall request that the respondent immediately surrender all firearms
35 in his or her custody, control, or possession and any concealed carry permit issued to the
36 respondent and conduct any search permitted by law for such firearms or permit. After
37 the law enforcement agency or officer has custody of the firearms, the respondent may
38 inform the law enforcement officer of his or her preference for sale, transfer, or storage of
39 the firearms. The law enforcement officer shall request that the respondent immediately
40 surrender any concealed carry permit issued to the respondent and conduct any search
41 permitted by law for the permit.

42 3. At the time of surrender or taking custody, a law enforcement officer taking
43 possession of a firearm or a concealed carry permit shall issue a receipt identifying all
44 firearms and any permit that is surrendered or seized and provide a copy of the receipt to
45 the respondent. Within seventy-two hours after service of the order, the officer serving the
46 order shall file the original receipt with the court and shall ensure that his or her law
47 enforcement agency retains a copy of the receipt or, if the officer does not take custody of
48 any firearms, shall file a statement to that effect with the court.

49 4. Upon the sworn statement or testimony of the petitioner or of any law
50 enforcement officer alleging probable cause that the respondent has failed to comply with
51 the surrender of firearms as required by an extreme risk protection order, the court shall
52 determine whether probable cause exists to believe that the respondent failed to surrender
53 all firearms in his or her custody, control, or possession. If probable cause exists, the court
54 shall issue a search warrant that states with particularity the places to be searched and the
55 items to be seized.

56 5. If a person other than the respondent claims title to any firearms surrendered
57 or seized under this section and the law enforcement agency determines the person is the
58 lawful owner of the firearm, the firearm shall be returned to the person if:

59 (1) The firearm is removed from the respondent's custody, control, or possession
60 and the lawful owner agrees to store the firearm so that the respondent does not have
61 access to or control of the firearm; and

62 (2) The firearm is not otherwise unlawfully possessed by the lawful owner.

63 6. (1) Within forty-eight hours of the issuance of an extreme risk protection order,
64 a respondent shall either:

65 (a) File proof with the court that issued the order showing that the respondent has
66 relinquished or removed all firearms previously in the respondent's custody, control, or
67 possession and surrendered any concealed carry permit issued to the respondent. The
68 respondent shall attest to the court that no firearms are currently in the respondent's
69 custody, control, or possession and that the respondent does not currently have a concealed
70 carry permit; or

71 (b) Attest to the court that:

72 a. At the time the order was issued, the respondent did not have any firearms in the
73 respondent's custody, control, or possession and did not have a concealed carry permit;
74 and

75 b. The respondent does not currently have any firearms in the respondent's
76 custody, control, or possession and does not currently have a concealed carry permit.

77 (2) If the respondent does not comply with the requirements of subdivision (1) of
78 this section within the forty-eight-hour period, the court clerk shall inform a law
79 enforcement agency in the county in which the court is located that the respondent has not
80 complied with subdivision (1) of this subsection. The law enforcement agency shall make
81 a good faith effort to determine whether the respondent has failed to relinquish any
82 firearms in the respondent's custody, control, or possession or failed to surrender a
83 concealed carry permit.

84 7. The POST commission, as defined under section 590.010, shall develop model
85 policies and procedures by December 1, 2020, regarding the acceptance, storage, and
86 return of firearms required to be surrendered under sections 571.801 to 571.815 or seized
87 under subsection 5 of section 542.271 and shall provide those model policies and
88 procedures to all law enforcement agencies within the state. Each law enforcement agency
89 shall adopt the model policies and procedures or adopt their own policies and procedures
90 before January 1, 2021.

571.810. 1. If an extreme risk protection order or temporary extreme risk
2 protection order is terminated or expires without renewal, any law enforcement agency
3 holding a firearm surrendered or seized under section 571.809 or seized under subsection
4 5 of section 542.271 and any federally-licensed firearms dealer described under 18 U.S.C.
5 Section 923, as amended, with custody of a firearm shall return the firearm requested by
6 a respondent only after confirming, through a criminal history record check, that the
7 respondent is currently eligible to own or possess a firearm under federal and state law and
8 after confirming with the court that the extreme risk protection order has terminated or
9 has expired without renewal.

10 **2. Any firearm surrendered or seized under section 571.809 or seized under**
11 **subsection 5 of section 542.271 that remains unclaimed by the lawful owner for at least one**
12 **year from the date the temporary extreme risk protection order or extreme risk protection**
13 **order expired, whichever is later, shall be disposed in accordance with the law enforcement**
14 **agency's policies and procedures for the disposal of firearms in police custody.**

571.811. 1. The court clerk shall enter an extreme risk protection order or
2 **temporary extreme risk protection order into a statewide judicial information system on**
3 **the same day the order is issued.**

4 **2. The court clerk shall forward a copy of an extreme risk protection order or**
5 **temporary extreme risk protection order the same day the order is issued to the highway**
6 **patrol and the law enforcement agency specified in the order. Upon receipt of the copy of**
7 **the order, the highway patrol shall enter the order into the National Instant Criminal**
8 **Background Check System (NICS), any other federal or state computer-based systems used**
9 **by law enforcement agencies or others to identify prohibited purchasers of firearms, and**
10 **the Missouri uniform law enforcement system (MULES). The order shall remain in each**
11 **system for the period stated in the order, and the law enforcement agency shall only**
12 **expunge orders from the systems that have expired or been terminated. Entry into the**
13 **computer-based criminal intelligence information system shall be notice to all law**
14 **enforcement agencies of the existence of the order. The order shall be fully enforceable**
15 **anywhere in the state.**

16 **3. The issuing court shall, within three court days after issuance of an extreme risk**
17 **protection order or a temporary extreme risk protection order, forward all identifying**
18 **information the court has regarding the respondent, along with the date the order is issued,**
19 **to the county sheriff in the jurisdiction where the respondent resides. Upon receipt of the**
20 **information, the county sheriff shall determine if the respondent has a concealed carry**
21 **permit. If the respondent does have a concealed carry permit, the issuing county sheriff**
22 **shall immediately revoke the permit. The respondent may reapply for a concealed carry**
23 **permit after the temporary extreme risk protection order and extreme risk protection**
24 **order, if ordered, are no longer in effect.**

25 **4. If an extreme risk protection order is terminated before its expiration date, the**
26 **court clerk shall forward, on the same day as the termination order, a copy of the**
27 **termination order to the highway patrol and the law enforcement agency specified in the**
28 **termination order. Upon receipt of the order, the highway patrol and the law enforcement**
29 **agency shall promptly remove the order from any computer-based system in which it was**
30 **entered under subsection 2 of this section.**

2 **571.812. Any person who has in his or her custody or control a firearm or**
3 **purchases, possesses, or receives a firearm with knowledge that he or she is prohibited**
4 **from doing so by an extreme risk protection order or temporary extreme risk protection**
5 **order shall be guilty of a class B misdemeanor. However, such person shall be guilty of a**
6 **class E felony if the person has two or more previous convictions for violating an extreme**
risk protection order.

2 **571.813. Sections 571.801 to 571.815 shall not affect the ability of a law enforcement**
3 **officer to remove a firearm or concealed carry permit from a person or conduct a search**
4 **and seizure for any firearm pursuant to other lawful authority.**

2 **571.814. Except as provided under section 571.812, sections 571.801 to 571.815 shall**
3 **not impose criminal or civil liability on any person or entity for acts or omissions made in**
4 **good faith related to obtaining an extreme risk protection order or a temporary extreme**
5 **risk protection order including, but not limited to, reporting, declining to report,**
6 **investigating, declining to investigate, filing, or declining to file a petition under sections**
571.801 to 571.815.

2 **571.815. 1. (1) The office of state courts administrator shall develop standard**
3 **petitions, extreme risk protection order forms, and temporary extreme risk protection**
4 **order forms in more than one language consistent with state judicial department practices.**
5 **The standard petition and order forms shall be used after December 31, 2020, for all**
6 **extreme risk protection order petitions and extreme risk protection orders. The office of**
7 **state courts administrator may consult with interested parties in developing the petitions**
8 **and forms. The materials shall be available online consistent with state judicial branch**
9 **practices.**

10 **(2) The extreme risk protection order form shall include, in a conspicuous location,**
11 **notice of criminal penalties resulting from violation of the order and the following**
12 **statement:**

13 **You have the sole responsibility to avoid or refrain from violating this**
14 **extreme risk protection order's provisions. Only the court can change the**
15 **order and only upon written motion.**

16 **2. A court clerk for each judicial district shall create a community resource list of**
17 **crisis intervention, mental health, substance abuse, interpreter, counseling, and other**
18 **relevant resources serving the county in which the court is located. The court shall make**
19 **the community resource list available as part of or in addition to the materials described**
20 **under subdivision (1) of subsection 1 of this section.**

21 **3. The office of state courts administrator shall distribute a master copy of the**
standard petition and extreme risk protection order forms to all circuit courts.

- 22 **4. Before March first of each year, the office of state courts administrator shall**
23 **issue to the speaker of the house of representatives, president pro tempore of the senate,**
24 **chief justice of the supreme court, and governor statistics related to extreme risk protection**
25 **orders in the preceding calendar year. The statistics shall include, but not be limited to:**
- 26 **(1) The number of petitions filed for temporary extreme risk protection orders;**
 - 27 **(2) The number of petitions filed for extreme risk protection orders;**
 - 28 **(3) The number of temporary extreme risk protection orders issued and denied;**
 - 29 **(4) The number of extreme risk protection orders issued and denied;**
 - 30 **(5) The number of temporary extreme risk protection orders terminated;**
 - 31 **(6) The number of extreme risk protection orders terminated; and**
 - 32 **(7) The number of extreme risk protection orders renewed.**

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