

HB 1190 -- FIREARM VIOLENCE PREVENTION ACT

SPONSOR: Lewis (25)

This bill establishes the "Firearm Violence Prevention Act".

The bill allows a family or household member or a law enforcement officer to petition the court for an Extreme Risk Protection order (ERPO). A warrant may be issued to search and seize a firearm from a person subject to an ERPO if there is probable cause that the person possesses a firearm.

A family member of the person subject to the protection order may request a temporary ERPO without notice to the person by including relevant evidence in the petition. The court must hold a temporary ERPO hearing in person or by telephone on the day the petition is filed or on the court day immediately following the day the petition is filed. If the court finds that the respondent is a significant risk of causing personal injury to his or herself or others by having a firearm, the court must issue a temporary ERPO. The court must then schedule a hearing within seven days of the issuance of the temporary order to determine if an 182 day ERPO should be issued.

The ERPO must include a statement of the ground for the order, the date and time the order is issued and expires, and the requirements for the surrender of firearms.

Upon issuance of the ERPO, the respondent shall surrender all of his or her firearms and his or her concealed carry permit if the respondent has one. The respondent may surrender his or her firearms either to a law enforcement agency or a federally licensed firearms dealer. If a person other than the respondent claims title to any firearms surrendered to law enforcement, the firearm shall be returned to him or her.

The Peace Officer Standards and Training (POST) Commission may develop model rules for acceptance, storage, and return of firearm for law enforcement agencies. If an order is terminated or expires, then law enforcement or a dealer shall return firearms after verification that a respondent may lawfully possess such weapons. Unclaimed firearms may be disposed of after at least one year in accordance with policy.

The bill also requires the State Court Administrator to develop and prepare standard petitions and ERPO forms. Court clerks shall ensure that orders are entered into the National Instant Criminal Background Check System (NICS system) and the Missouri Uniform Law Enforcement System (MULES system) for the duration of the order and

the bill specifies procedures for removing expired orders from such computer systems.

This bill is similar to HB 1857 (2020).