

SENATE BILL NO. 790

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROBERTS.

3083S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 571.095, RSMo, and to enact in lieu thereof two new sections relating to unlawful possession of a firearm by a minor, with penalty provisions.

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

Section A. Section 571.095, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 571.068 and 571.095, to read as follows:

571.068. 1. A person who is less than eighteen years of age commits the offense of unlawful possession of a firearm by a minor if such person knowingly possesses a handgun or ammunition that is only suitable for a handgun.

2. The offense of unlawful possession of a firearm by a minor is a class A misdemeanor.

3. This offense shall not apply to:

(1) A temporary transfer of a handgun or ammunition to a person under the age of eighteen or the possession or use of a handgun or ammunition by a person under the age of eighteen if the handgun and ammunition are possessed and used by such person in accordance with state law and any ordinances of a political subdivision:

(a) In the course of employment;

(b) In the course of ranching or farming related to activities at the residence of the person or on property used for ranching or farming at which the person, with the

18 permission of the property owner or lessee, is performing
19 activities related to the operation of the farm or ranch; or

20 (c) In the course of target practice, hunting, or
21 during instruction in the safe and lawful use of a handgun.

22 The person under the age of eighteen shall have the prior
23 written consent of the person's parent or guardian who is
24 not prohibited by federal or state law or any ordinance from
25 processing a firearm and shall transport the handgun
26 unloaded and in a locked container directly from the place
27 of transfer to the place at which the activity in this
28 subdivision is to take place;

29 (2) A person under the age of eighteen who is a member
30 of the Armed Forces of the United States or the National
31 Guard who possesses or is armed with a handgun in the line
32 of duty;

33 (3) A transfer by inheritance of title of a handgun or
34 ammunition to a person under the age of eighteen; or

35 (4) The possession of a handgun or ammunition by a
36 person under the age of eighteen taken in defense of the
37 person or other persons against an intruder into the
38 residence of the person or a residence in which the person
39 is invited as a guest.

40 4. As used in this section, "handgun" shall mean a
41 firearm which has a short stock and is designed to be held
42 and fired by the use of a single hand, and shall not include
43 an antique firearm as defined in section 571.010.

571.095. 1. Upon conviction for or attempting to
2 commit a felony in violation of any law perpetrated in whole
3 or in part by the use of a firearm, the court may, in
4 addition to the penalty provided by law for such offense,
5 order the confiscation and disposal or sale or trade to a

6 licensed firearms dealer of firearms and ammunition used in
7 the commission of the crime or found in the possession or
8 under the immediate control of the defendant at the time of
9 his or her arrest.

10 **2. A firearm or ammunition which is in the possession**
11 **of a minor in violation of section 571.068, the possession**
12 **of which is transferred to the minor in circumstances in**
13 **which the transferor is not in violation of section 571.060**
14 **or section 571.080, shall not be subject to permanent**
15 **confiscation if its possession by the minor subsequently**
16 **becomes unlawful because of the conduct of the minor, but**
17 **shall be returned to the lawful owner when such firearm is**
18 **no longer required for the purposes of investigation or**
19 **prosecution.**

20 **3.** The proceeds of any sale or gains from trade shall
21 be the property of the police department or sheriff's
22 department responsible for the defendant's arrest or the
23 confiscation of the firearms and ammunition. If such
24 firearms or ammunition are not the property of the convicted
25 felon, they shall be returned to their rightful owner if he
26 or she is known and was not a participant in the crime. Any
27 proceeds collected under this section shall be deposited
28 with the municipality or by the county treasurer into the
29 county sheriff's revolving fund established in section
30 50.535.

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