

SENATE BILL NO. 1158

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEWIS.

4591S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 542.271, RSMo, and to enact in lieu thereof fifteen new sections relating to extreme risk protection orders, 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Section A. Section 542.271, RSMo, is repealed and fifteen
2 new sections enacted in lieu thereof, to be known as sections
3 542.271, 571.801, 571.802, 571.803, 571.804, 571.805, 571.806,
4 571.808, 571.809, 571.810, 571.811, 571.812, 571.813, 571.814,
5 and 571.815, to read as follows:

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

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

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

8 (3) Property owned by any person furnishing public
9 communications services to the general public subject to the
10 regulations of the public service commission if such person
11 has failed to remove the property within a reasonable time
12 after receipt of a written notice from a peace officer
13 stating that such property is being used as an
14 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

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

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

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

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

5. A warrant may be issued to search for and seize any firearm in the possession of a person subject to an extreme risk protection order or temporary extreme risk protection order under sections 571.801 to 571.815 if there is probable cause to believe the person is in possession of one or more firearms.

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

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

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

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

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

8 (a) Person related by blood, marriage, or adoption to
9 the respondent;

10 (b) Person who has a child in common with the
11 respondent, regardless of whether such person has been
12 married to the respondent or has lived together with the
13 respondent at any time;

14 (c) Person who regularly resides with the respondent
15 or regularly resided with the respondent within the last six
16 months;

17 (d) Domestic partner of the respondent;

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

21 (f) Dating partner of the respondent; or

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

24 (3) "Firearm", any handgun, rifle, shotgun, or other
25 instrument or device capable or intended to be capable of
26 discharging bullets, cartridges, or other explosive charges;

27 (4) "Petitioner", the person who petitions for an
28 extreme risk protection order under sections 571.801 to
29 571.815;

30 (5) "Respondent", the person who is identified as the
31 respondent in a petition filed under sections 571.801 to
32 571.815.

571.803. 1. A family or household member of the
2 respondent or a law enforcement officer or agency may
3 request a temporary extreme risk protection order without
4 notice to the respondent by including in the petition for an
5 extreme risk protection order an affidavit, signed under

6 oath and penalty of perjury, supporting the issuance of a
7 temporary extreme risk protection order that sets forth the
8 facts to establish the grounds of the petition or the reason
9 for believing the grounds exist. The petition shall comply
10 with the requirements of subsection 3 of section 571.804.
11 If an application described under section 632.305 is also
12 filed relating to the respondent, the court may hear that
13 application at the same time as a hearing for an extreme
14 risk protection order.

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

19 3. If a court finds by a preponderance of the evidence
20 that, based on the evidence presented under subsection 3 of
21 section 571.805, the respondent poses a significant risk of
22 causing personal injury to self or others by having in his
23 or her custody or control a firearm or by purchasing,
24 possessing, or receiving a firearm, the court shall issue a
25 temporary extreme risk protection order.

26 4. The court shall hold a temporary extreme risk
27 protection order hearing in person or by telephone on the
28 day the petition is filed or on the court day immediately
29 following the day the petition is filed.

30 5. (1) In accordance with subsection 1 of section
31 571.805, the court shall schedule a hearing within seven
32 days after the issuance of a temporary extreme risk
33 protection order to determine if a one-hundred-eighty-two-
34 day extreme risk protection order should be issued. Notice
35 of the hearing date shall be included with the temporary
36 extreme risk protection order served on the respondent. The
37 court shall provide notice of the hearing date to the

petitioner. Either party may request a different date for the hearing that is beyond the initial seven days but no later than an additional seven days from the issuance of the temporary extreme risk protection order with good cause shown. If the court reschedules the hearing, the court shall provide notice of the new date to the petitioner and respondent, and the temporary extreme risk protection order shall stay in effect until the new hearing date.

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

6. A temporary extreme risk protection order shall include:

- (1) A statement of the grounds asserted for the order;
- (2) The date and time the order is issued;
- (3) The date and time the order expires;
- (4) The address of the court in which any responsive pleading shall be filed;
- (5) The date and time of the scheduled hearing;
- (6) The requirements for surrender of firearms under section 571.809; and
- (7) The following statement:

To the subject of this temporary extreme risk protection order:

This order is valid until the date and time noted above. You shall not have in your custody or control a firearm or purchase, possess, receive, or attempt to purchase or receive a firearm while this order is in effect. You must immediately surrender to the _____ (law enforcement agency in the

jurisdiction where the respondent resides) all firearms in your custody, control, or possession, and any concealed carry permit issued to you. A hearing will be held on the date and at the time noted above to determine if a full extreme risk protection order should be issued. Failure to appear at that hearing may result in a court entering an order against you that is valid for one hundred eighty-two days. You may seek the advice of an attorney as to any matter connected with this order.

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

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

(2) If the court declines to issue a temporary extreme risk protection order, the 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 or household member of the respondent or a law enforcement officer or agency. If the petition is filed by a law enforcement officer or agency, the officer or agency shall be represented in any judicial proceeding by a county or city attorney upon request. If the petition is filed by a family or household member, the petitioner, to the best of his or her ability, shall notify the law enforcement agency in the jurisdiction where the

10 respondent resides or where the firearms are located of the
11 petition and of the hearing date with enough advance notice
12 to allow for participation or attendance.

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

16 3. A petition shall:

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

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

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

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

33 4. The court shall verify the terms of any existing
34 order identified under subdivision (3) of subsection 3 of
35 this section governing the parties. The court shall not
36 delay granting relief because of the existence of a pending
37 action between the parties or the necessity of verifying the
38 terms of an existing order. A petition for an extreme risk
39 protection order may be granted regardless of a pending
40 action between the parties.

41 5. If the petitioner is a law enforcement officer or
42 agency, the petitioner shall make a good-faith effort to
43 provide notice to a family or household member of the
44 respondent and to any known third party who may be at risk
45 of violence. The notice shall state that the petitioner
46 intends to file, or has already so filed, a petition for an
47 extreme risk protection order and shall include referrals to
48 appropriate resources including, but not limited to, mental
49 health, domestic violence, and counseling resources. The
50 petitioner shall attest in the petition to having provided
51 the notice or attest to the steps that will be taken to
52 provide the notice.

53 6. If the petition states that disclosure of the
54 petitioner's address would risk harm to the petitioner or
55 any family or household member of the petitioner, the
56 petitioner's address may be omitted from all documents filed
57 with the court. If the petitioner has not disclosed an
58 address under this subsection, the petitioner shall
59 designate an alternative address at which the respondent may
60 serve notice of any motions. If the petitioner is a law
61 enforcement officer or agency, the address of record shall
62 be that of the law enforcement agency.

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

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

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

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

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

16 (3) A copy of the notice of hearing and petition shall
17 be served upon the respondent. Service issued under this
18 section shall take precedence over the service of other
19 documents unless the other documents are of a similar
20 emergency nature.

21 (4) The court may, as provided under section 571.803,
22 issue a temporary extreme risk protection order pending the
23 hearing ordered under subdivision (1) of this subsection.
24 The temporary extreme risk protection order shall be served
25 concurrently with the notice of hearing and petition.

26 2. Upon hearing the matter, if the court finds by
27 clear and convincing evidence, based on the evidence
28 presented under subsection 3 of this section, that the
29 respondent poses a significant risk of causing personal
30 injury to self or others by having in his or her custody or
31 control a firearm or by purchasing, possessing, or receiving

32 a firearm, the court shall issue an extreme risk protection
33 order for a period of one hundred eighty-two days.

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

37 (1) A recent act or credible threat of violence by the
38 respondent against self or others, regardless of whether
39 such violence or credible threat of violence involved a
40 firearm;

41 (2) A pattern of acts or credible threats of violence
42 by the respondent within the past year including, but not
43 limited to, acts or credible threats of violence by the
44 respondent against self or others;

45 (3) Any relevant mental health issues of the
46 respondent;

47 (4) A violation of an order of protection issued under
48 chapter 455, or a similar order issued by another state, by
49 the respondent;

50 (5) A previous or existing extreme risk protection
51 order issued against the respondent and any violation of a
52 previous or existing extreme risk protection order;

53 (6) A conviction of the respondent for a crime that
54 includes an underlying factual basis of domestic violence as
55 defined under section 455.010;

56 (7) The respondent's ownership, access to, or intent
57 to possess a firearm;

58 (8) A credible threat of or the unlawful or reckless
59 use of a firearm by the respondent;

60 (9) The history of use, attempted use, or threatened
61 use of unlawful physical force by the respondent against
62 another person, or the respondent's history of stalking
63 under section 565.225 or 565.227;

64 (10) Any prior arrest of the respondent for a crime
65 listed under chapter 565 or 566 or section 578.012;

66 (11) Corroborated evidence of the abuse of controlled
67 substances or alcohol by the respondent; and

68 (12) Evidence of recent acquisition of a firearm or
69 ammunition by the respondent.

70 4. The court may:

71 (1) Examine under oath the petitioner, the respondent,
72 and any witnesses they may produce or, in lieu of
73 examination, consider sworn affidavits of the petitioner,
74 the respondent, and any witnesses they may produce; and

75 (2) Request a probation officer to conduct a criminal
76 history record check related to the respondent and provide
77 the results to the court under seal.

78 5. The court shall allow the petitioner and respondent
79 to present evidence, cross-examine witnesses, and be
80 represented by an attorney at the hearing.

81 6. In a hearing under sections 571.801 to 571.815, the
82 rules of evidence shall apply to the same extent as in a
83 full order of protection proceeding under chapter 455.

84 7. During the hearing, the court shall consider any
85 available mental health evaluation or chemical dependency
86 evaluation provided to the court.

87 8. An extreme risk protection order shall include:

88 (1) A statement of the grounds supporting the issuance
89 of the order;

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

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

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

94 (5) The requirements for relinquishment of firearms
95 under section 571.809; and

96 (6) The following statement:

97 To the subject of this extreme risk protection order:

98 This order will last until the date and time noted
99 above. If you have not done so already, you must
100 immediately surrender any firearms in your custody,
101 control, or possession and any concealed carry permit
102 issued to you. You shall not have in your custody or
103 control a firearm or purchase, possess, receive, or
104 attempt to purchase or receive a firearm while this
105 order is in effect. You have the right to request
106 one hearing to terminate this order during the period
107 that this order is in effect, starting from the date
108 of this order and continuing through any renewals.
109 You may seek the advice of an attorney as to any
110 matter connected with this order.

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

116 10. (1) If the court issues an extreme risk
117 protection order, the court shall state the particular
118 reasons for the court's issuance.

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

 571.806. 1. An extreme risk protection order issued
2 under section 571.805 shall be served personally upon the
3 respondent, except as otherwise provided under sections
4 571.801 to 571.815.

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

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

14 4. If the law enforcement agency cannot complete
15 service upon the respondent within five days, the law
16 enforcement agency shall notify the petitioner. The
17 petitioner shall then provide any additional information
18 regarding the respondent's location to the law enforcement
19 agency to effect service. The law enforcement agency may
20 request additional time to allow for the proper and safe
21 planning and execution of the court order.

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

26 6. Returns of service under sections 571.801 to
27 571.815 shall be made in accordance with the applicable
28 court rules.

29 7. If notice of an extreme risk protection order
30 hearing cannot be served and if the respondent fails to
31 appear at the hearing, the court may issue an extreme risk
32 protection order under section 571.805.

571.808. 1. The respondent may submit one written
2 request for a hearing to terminate an extreme risk
3 protection order for the period that the order is in
4 effect. Upon receipt of the request for a hearing to

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

18 2. (1) The court shall notify the petitioner of the
19 impending expiration of an extreme risk protection order
20 sixty-three calendar days before the date that the order
21 expires.

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

27 (3) Upon receipt of the motion to renew, the court
28 shall order that a hearing be held no later than fourteen
29 days after the filing of the motion to renew. The court may
30 schedule a hearing by telephone in the manner prescribed
31 under subdivision (1) of subsection 1 of section 571.805.
32 The respondent shall be personally served in the same manner
33 prescribed under subdivisions (2) and (3) of subsection 1 of
34 section 571.805.

35 (4) In determining whether to renew an extreme risk
36 protection order, the court shall consider all relevant

37 evidence and follow the same procedure as provided under
38 section 571.805.

39 (5) If the court finds by clear and convincing
40 evidence that, based on the evidence presented under
41 subsection 3 of section 571.805, the respondent continues to
42 pose a significant risk of personal injury to self or others
43 by having in his or her custody or control a firearm or by
44 purchasing, possessing, or receiving a firearm, the court
45 shall renew the order for a period of time the court deems
46 appropriate, not to exceed one hundred eighty-two days. In
47 the order, the court shall set a return date to review the
48 order no later than thirty-five days prior to the expiration
49 of the order. However, if, after notice, the motion for
50 renewal is uncontested and the petitioner seeks no
51 modification of the order, the order may be renewed on the
52 basis of the petitioner's motion or affidavit, signed under
53 oath and penalty of perjury, stating that there has been no
54 material change in relevant circumstances since the entry of
55 the order and stating the reason for the requested renewal.

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

6 (a) Selling or transferring possession of a firearm to
7 a federally licensed firearms dealer defined under 18 U.S.C.
8 Section 921, as amended. However, this paragraph shall not
9 be interpreted to require any federally licensed firearms
10 dealer to purchase or accept possession of any firearm. If
11 the respondent elects to sell his or her firearms, the
12 respondent is entitled to the proceeds; or

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

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

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

45 (2) If the petitioner for an extreme risk protection
46 order is a law enforcement agency or officer, the law
47 enforcement officer serving the extreme risk protection
48 order shall take custody of the respondent's firearms
49 pursuant to the search warrant for firearms possessed by a
50 dangerous person if a warrant is obtained. If the law
51 enforcement agency obtains a search warrant for firearms
52 possessed by a dangerous person, the law enforcement officer
53 shall request that the respondent immediately surrender all
54 firearms in his or her custody, control, or possession and
55 any concealed carry permit issued to the respondent and
56 conduct any search permitted by law for such firearms or
57 permit. After the law enforcement agency or officer has
58 custody of the firearms, the respondent may inform the law
59 enforcement officer of his or her preference for sale,
60 transfer, or storage of the firearms. The law enforcement
61 officer shall request that the respondent immediately
62 surrender any concealed carry permit issued to the
63 respondent and conduct any search permitted by law for the
64 permit.

65 3. At the time of surrender or taking custody, a law
66 enforcement officer taking possession of a firearm or a
67 concealed carry permit shall issue a receipt identifying all
68 firearms and any permit that is surrendered or seized and
69 provide a copy of the receipt to the respondent. Within
70 seventy-two hours after service of the order, the officer
71 serving the order shall file the original receipt with the
72 court and shall ensure that his or her law enforcement
73 agency retains a copy of the receipt or, if the officer does
74 not take custody of any firearms, shall file a statement to
75 that effect with the court.

76 4. Upon the sworn statement or testimony of the
77 petitioner or of any law enforcement officer alleging
78 probable cause that the respondent has failed to comply with
79 the surrender of firearms as required by an extreme risk
80 protection order, the court shall determine whether probable
81 cause exists to believe that the respondent failed to
82 surrender all firearms in his or her custody, control, or
83 possession. If probable cause exists, the court shall issue
84 a search warrant that states with particularity the places
85 to be searched and the items to be seized.

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

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

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

97 6. (1) Within twenty-four hours of the issuance of an
98 extreme risk protection order, a respondent shall either:

99 (a) File proof with the court that issued the order
100 showing that the respondent has relinquished or removed all
101 firearms previously in the respondent's custody, control, or
102 possession and surrendered any concealed carry permit issued
103 to the respondent. The respondent shall attest to the court
104 that no firearms are currently in the respondent's custody,
105 control, or possession and that the respondent does not
106 currently have a concealed carry permit; or

107 (b) Attest to the court that:

108 a. At the time the order was issued, the respondent
109 did not have any firearms in the respondent's custody,
110 control, or possession and did not have a concealed carry
111 permit; and

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

115 (2) If the respondent does not comply with the
116 requirements of subdivision (1) of this subsection within
117 the twenty-four-hour period, the court clerk shall inform a
118 law enforcement agency in the county in which the court is
119 located that the respondent has not complied with
120 subdivision (1) of this subsection. The law enforcement
121 agency shall make a good-faith effort to determine whether
122 the respondent has failed to relinquish any firearms in the
123 respondent's custody, control, or possession or failed to
124 surrender a concealed carry permit.

125 7. The POST commission, as defined under section
126 590.010, shall develop model policies and procedures by
127 December 1, 2026, regarding the acceptance, storage, sale,
128 and return of firearms required to be surrendered under
129 sections 571.801 to 571.815 or seized under subsection 5 of
130 section 542.271 and shall provide those model policies and
131 procedures to all law enforcement agencies within the
132 state. Each law enforcement agency shall adopt the model
133 policies and procedures or adopt their own policies and
134 procedures before January 1, 2027.

571.810. 1. If an extreme risk protection order or
2 temporary extreme risk protection order is terminated or
3 expires without renewal, any law enforcement agency holding
4 a firearm surrendered or seized under section 571.809 or
5 seized under subsection 5 of section 542.271 shall return

6 the firearm requested by a respondent only after confirming,
7 through a criminal history record check, that the respondent
8 is currently eligible to own or possess a firearm under
9 federal and state law and after confirming with the court
10 that the extreme risk protection order has terminated or has
11 expired without renewal.

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

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

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

19 Entry into the computer-based criminal intelligence
20 information system shall be notice to all law enforcement
21 agencies of the existence of the order. The order shall be
22 fully enforceable anywhere in the state.

23 3. The issuing court shall, within three court days
24 after issuance of an extreme risk protection order or a
25 temporary extreme risk protection order, forward all
26 identifying information the court has regarding the
27 respondent, along with the date the order is issued, to the
28 county sheriff in the jurisdiction where the respondent
29 resides. Upon receipt of the information, the county
30 sheriff shall determine if the respondent has a concealed
31 carry permit. If the respondent does have a concealed carry
32 permit, the issuing county sheriff shall immediately revoke
33 the permit. The respondent may reapply for a concealed
34 carry permit after the temporary extreme risk protection
35 order and extreme risk protection order, if ordered, are no
36 longer in effect.

37 4. If an extreme risk protection order is terminated
38 before its expiration date, the court clerk shall forward,
39 on the same day as the termination order, a copy of the
40 termination order to the highway patrol and the law
41 enforcement agency specified in the termination order. Upon
42 receipt of the order, the law enforcement agency specified
43 in the termination order shall promptly remove the order
44 from any computer-based system in which it was entered under
45 subsection 2 of this section.

571.812. Any person who has in his or her custody or
2 control a firearm or purchases, possesses, or receives a
3 firearm with knowledge that he or she is prohibited from
4 doing so by an extreme risk protection order or temporary
5 extreme risk protection order shall be guilty of a class B

6 misdemeanor. However, such person shall be guilty of a
7 class E felony if the person has two or more previous
8 convictions for violating an extreme risk protection order.

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

571.814. Except as provided under section 571.812,
2 sections 571.801 to 571.815 shall not impose criminal or
3 civil liability on any person or entity for acts or
4 omissions made in good faith related to obtaining an extreme
5 risk protection order or a temporary extreme risk protection
6 order including, but not limited to, reporting, declining to
7 report, investigating, declining to investigate, filing, or
8 declining to file a petition under sections 571.801 to
9 571.815.

571.815. 1. (1) The office of state courts
2 administrator shall develop standard petitions, extreme risk
3 protection order forms, and temporary extreme risk
4 protection order forms in more than one language consistent
5 with state judicial branch practices. The standard petition
6 and order forms shall be used after December 31, 2026, for
7 all extreme risk protection order petitions and extreme risk
8 protection orders. The office of state courts administrator
9 may consult with interested parties in developing the
10 petitions and forms. The materials shall be available
11 online consistent with state judicial branch practices.

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

16 You have the sole responsibility to avoid or refrain
17 from violating this extreme risk protection order's
18 provisions. Only the court can change the order and
19 only upon written motion.

20 2. A court clerk for each judicial district shall
21 create a community resource list that includes, but is not
22 limited to, crisis intervention, mental health, substance
23 abuse, interpreter, counseling, and other relevant resources
24 serving the county in which the court is located. The court
25 shall make the community resource list available as part of
26 or in addition to the materials described under subdivision
27 (1) of subsection 1 of this section.

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

31 4. Before March first of each year, the office of
32 state courts administrator shall issue to the speaker of the
33 house of representatives, president pro tempore of the
34 senate, chief justice of the supreme court, and governor
35 statistics related to extreme risk protection orders in the
36 preceding calendar year. The statistics shall include, but
37 not be limited to:

38 (1) The number of petitions filed for temporary
39 extreme risk protection orders;

40 (2) The number of petitions filed for extreme risk
41 protection orders;

42 (3) The number of temporary extreme risk protection
43 orders issued and denied;

44 (4) The number of extreme risk protection orders
45 issued and denied;

46 (5) The number of temporary extreme risk protection
47 orders terminated;

48 (6) The number of extreme risk protection orders
49 terminated; and

50 (7) The number of extreme risk protection orders
51 renewed.

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