

SENATE BILL NO. 96

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEWIS.

1002S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 571.014, RSMo, and to enact in lieu thereof three new sections relating to firearms, with penalty provisions.

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

Section A. Section 571.014, RSMo, is repealed and three
2 new sections enacted in lieu thereof, to be known as sections
3 571.014, 571.835, and 571.840, to read as follows:

571.014. 1. A person commits the **[crime]** offense of
2 unlawful refusal to transfer by denying sale of a firearm to
3 a nonlicensee, who is otherwise not prohibited from
4 possessing a firearm under state or federal law, solely on
5 the basis that the nonlicensee purchased a firearm that was
6 later the subject of a trace request by law enforcement.

7 2. Violation of subsection 1 of this section shall be
8 a class A misdemeanor.

9 3. Notwithstanding any other provision of law to the
10 contrary, **other than the provisions of sections 571.835 and**
11 **571.840**, no federal firearms dealer licensed under 18 U.S.C.
12 Section 923 who engages in the sale of firearms within this
13 state shall fail or refuse to complete the sale of a firearm
14 to a customer in every case in which the sale is authorized
15 by federal law.

16 4. The provisions of this section shall not apply to
17 any individual federal firearms license holder, his **or her**
18 agents, or employees to the extent they chose in their

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 individual judgment to not complete the sale or transfer of
20 a firearm for articulable reasons specific to that
21 transaction, so long as those reasons are not based on the
22 race, gender, religion, or creed of the buyer.

571.835. 1. As used in this section, the term
2 "licensed dealer" has the same meaning given to the term in
3 section 571.063.

4 2. Notwithstanding any other provision of law to the
5 contrary, a licensed dealer shall not sell or transfer a
6 firearm to an individual until the dealer has verified,
7 through an inquiry of the National Instant Criminal
8 Background Check System, that the individual is not on a
9 restricted list described in section 571.840.

571.840. 1. Notwithstanding any other provision of
2 law to the contrary, an individual who is not prohibited
3 from possessing a firearm under section 571.070 may be
4 restricted from the purchase of firearms through a voluntary
5 process under this section.

6 2. (1) Each circuit court in this state shall develop
7 a process and forms for inclusion on, and removal from, a
8 temporary restricted list and an indefinitely restricted
9 list.

10 (2) Each circuit court shall make the forms for
11 inclusion and removal available by download through the
12 court's website and require, at a minimum, the following
13 information for the individual described in subsection 1 of
14 this section:

- 15 (a) Name;
- 16 (b) Address;
- 17 (c) Date of birth;
- 18 (d) Contact information;
- 19 (e) The signature of the individual; and

20 (f) An acknowledgment of the relevant statement in
21 subsection 9 of this section.

22 (3) No fingerprints or any other biometric data shall
23 be collected from an individual requesting inclusion on a
24 restricted list under this section.

25 3. (1) An individual requesting inclusion on a
26 restricted list shall deliver the completed form
27 electronically or in person to the circuit court of the
28 county in which the individual resides. The individual
29 shall specify whether the request is for inclusion on the
30 temporary restricted list or for inclusion on the
31 indefinitely restricted list.

32 (2) The circuit court described in subdivision (1) of
33 this subsection:

34 (a) Shall verify the individual's identity before
35 accepting the form; and

36 (b) Shall not accept a form from someone other than
37 the individual named on the form.

38 4. Upon receipt of a verified form requesting
39 inclusion on a restricted list, the circuit court shall,
40 within twenty-four hours, add the individual's name to the
41 restricted list requested by entering the information in the
42 National Instant Criminal Background Check System, including:

43 (1) The date of the entry;

44 (2) Whether the individual is added to the temporary
45 restricted list or indefinitely restricted list; and

46 (3) If the individual is being added to the temporary
47 restricted list, a statement that the restriction ends one
48 hundred eighty days after the date of the entry.

49 5. (1) If the circuit court adds an individual to the
50 temporary restricted list and does not receive a request for

51 extension before the removal date, the circuit court shall
52 remove the individual from the temporary restricted list.

53 (2) If the circuit court adds an individual to the
54 indefinitely restricted list, the circuit court shall not
55 remove the individual from the indefinitely restricted list
56 unless the individual requests removal in accordance with
57 the provisions of this section.

58 6. (1) An individual who is added to the temporary
59 restricted list shall not request removal from the list
60 unless the individual has been on the list for at least
61 thirty days.

62 (2) An individual who is added to the indefinitely
63 restricted list shall not request removal from the list
64 unless the individual has been on the list for at least
65 ninety days.

66 7. (1) The circuit court shall remove an individual
67 from the temporary restricted list one hundred eighty days
68 after the individual was added to the list unless the
69 individual requests to remain on the list.

70 (2) Requests for extensions shall be made in the same
71 manner as the original request.

72 (3) An individual may continue to request extensions
73 every one hundred fifty days.

74 8. If an individual restricted under this section has
75 a valid concealed carry endorsement issued prior to August
76 28, 2013, or a valid concealed carry permit under this
77 chapter, the individual's endorsement or permit shall be:

78 (1) Suspended upon entry on a restricted list; and

79 (2) Reinstated upon removal from the list unless:

80 (a) The endorsement or permit has been revoked, been
81 suspended for a reason other than under this section, or has
82 expired; or

83 (b) The individual has become an individual who is
84 prohibited from possessing a firearm under section 571.070.

85 9. (1) The form for inclusion on the temporary
86 restricted list shall have the following language
87 prominently displayed before the signature:

88

ACKNOWLEDGMENT

89 By presenting this completed form to the circuit
90 court, I understand that I am requesting that my
91 name be placed on a list that restricts my ability
92 to purchase firearms for a minimum of thirty days,
93 and up to six months. I understand that by
94 voluntarily making myself a temporarily restricted
95 person, any attempt to purchase a firearm while I
96 am on the list will be declined. I also
97 understand that any time after thirty days, I may
98 request removal from the temporary restricted list
99 and all previous rights will be restored. In
100 addition, if I am in possession of a valid
101 concealed carry endorsement issued prior to August
102 28, 2013, or a valid concealed carry permit under
103 chapter 571, RSMo, my endorsement or permit will
104 be suspended during the time I am on the list, but
105 will be reinstated upon my removal, unless the
106 endorsement or permit has expired, been revoked,
107 been suspended for another reason, or I become
108 ineligible to possess a firearm. Additionally, I
109 acknowledge that if I attempt to purchase a
110 firearm while outside Missouri, I will be subject
111 to the law of that location regarding restricted
112 persons.

113 (2) The form for inclusion on the indefinitely
114 restricted list shall have the following language
115 prominently displayed before the signature:

116

ACKNOWLEDGMENT

117 By presenting this completed form to the circuit
118 court, I understand that I am requesting that my
119 name be placed on a list that restricts my ability

120 to purchase firearms for a minimum of ninety days,
121 and up to my lifetime. I understand that by
122 voluntarily making myself a restricted person, any
123 attempt to purchase a firearm while I am on the
124 list will be declined. I also understand that any
125 time after ninety days, I may request removal from
126 the indefinitely restricted list and all previous
127 rights will be restored. In addition, if I am in
128 possession of a valid concealed carry endorsement
129 issued prior to August 28, 2013, or a valid
130 concealed carry permit under chapter 571, RSMo, my
131 endorsement or permit will be suspended during the
132 time I am on the list, but will be reinstated upon
133 my removal, unless the endorsement or permit has
134 expired, been revoked, been suspended for another
135 reason, or I become ineligible to possess a
136 firearm. Additionally, I acknowledge that if I
137 attempt to purchase a firearm while outside
138 Missouri, I will be subject to the law of that
139 location regarding restricted persons.

140 10. (1) An individual requesting removal from a
141 restricted list shall deliver a completed removal form
142 electronically or in person to the circuit court that
143 processed the inclusion form under subsection 3 of this
144 section.

145 (2) The circuit court described in subdivision (1) of
146 this subsection:

147 (a) Shall verify the individual's identity before
148 accepting the form; and

149 (b) Shall not accept a form from someone other than
150 the individual named on the form.

151 11. Upon receipt of a verified removal form, the
152 circuit court shall, within twenty-four hours, remove the
153 individual from the restricted list by removing the
154 information from the National Instant Criminal Background
155 Check System.

156 12. Within thirty days before the one-hundred-eighty-
157 day removal deadline applicable to individuals on the
158 temporary restricted list, the circuit court shall notify
159 the individual on the temporary restricted list at the
160 address listed on the form that the individual is due to be
161 removed from the temporary list, and of the date on which
162 the removal will occur, unless the individual requests an
163 extension of up to one hundred eighty days.

164 13. (1) A circuit court that receives a request for
165 inclusion shall maintain the form and all subsequent forms
166 in a separate file.

167 (2) If an individual requests removal from a
168 restricted list, the circuit court shall destroy the entire
169 file within five days after the date of the request.

170 (3) If an individual on the temporary restricted list
171 does not request an extension after notification in
172 accordance with subsection 12 of this section, the circuit
173 court shall destroy the entire file within five days after
174 the date indicated in the notification.

175 (4) Upon removal of an individual from the voluntary
176 restricted list, the circuit court shall destroy all records
177 related to the inclusion and removal of the individual.

178 (5) All forms and records created in accordance with
179 this section shall be closed records under chapter 610.

180 14. It shall be unlawful for any individual to
181 knowingly make any false statement or give any false
182 information with the intent of adding any other individual
183 to a restricted list under this section or removing any
184 other individual from a restricted list under this section.

185 15. It shall be unlawful for any individual to inquire
186 as to whether another individual has been added to a
187 restricted list under this section for any purpose other

188 than to determine such individual's eligibility to purchase
189 a firearm.

190 16. The office of state courts administrator may
191 promulgate rules to develop the process and standard forms
192 to implement this section and section 571.835. Any rule or
193 portion of a rule, as that term is defined in section
194 536.010, that is created under the authority delegated in
195 this section shall become effective only if it complies with
196 and is subject to all of the provisions of chapter 536 and,
197 if applicable, section 536.028. This section and chapter
198 536 are nonseverable and if any of the powers vested with
199 the general assembly pursuant to chapter 536 to review, to
200 delay the effective date, or to disapprove and annul a rule
201 are subsequently held unconstitutional, then the grant of
202 rulemaking authority and any rule proposed or adopted after
203 August 28, 2025, shall be invalid and void.

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