

FIRST REGULAR SESSION

HOUSE BILL NO. 1205

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WEBER.

2274H.02I

JOSEPH ENGLER, Chief Clerk

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Section A. Section 571.014, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 571.014, 571.835, and 571.840, to read as follows:

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

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

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

4. The provisions of this section shall not apply to any individual federal firearms license holder, his **or her** agents, or employees to the extent they chose in their individual judgment to not complete the sale or transfer of a firearm for articulable reasons specific to that transaction, so long as those reasons are not based on the race, gender, religion, **or** creed of the buyer.

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

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.

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

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

4 **2. (1) Each circuit court in this state shall develop a process and forms for**
5 **inclusion on, and removal from, a temporary restricted list and an indefinitely restricted**
6 **list.**

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

10 **(a) Name;**

11 **(b) Address;**

12 **(c) Date of birth;**

13 **(d) Contact information;**

14 **(e) The signature of the individual; and**

15 **(f) An acknowledgment of the relevant statement in subsection 9 of this section.**

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

18 **3. (1) An individual requesting inclusion on a restricted list shall deliver the**
19 **completed form electronically or in person to the circuit court of the county in which the**
20 **individual resides. The individual shall specify whether the request is for inclusion on**
21 **the temporary restricted list or for inclusion on the indefinitely restricted list.**

22 **(2) The circuit court described in subdivision (1) of this subsection:**

23 **(a) Shall verify the individual's identity before accepting the form; and**

24 **(b) Shall not accept a form from someone other than the individual named on**
25 **the form.**

26 **4. Upon receipt of a verified form requesting inclusion on a restricted list, the**
27 **circuit court shall, within twenty-four hours, forward the individual's name and the**
28 **restricted list requested by the individual to the Missouri state highway patrol so that**
29 **the Missouri state highway patrol can add the individual's name to the restricted list**
30 **requested by entering the information in the National Instant Criminal Background**
31 **Check System Indices, including:**

32 **(1) The date of the entry;**

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

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

37 5. (1) If the circuit court adds an individual to the temporary restricted list and
38 does not receive a request for extension before the removal date, the circuit court shall
39 remove the individual from the temporary restricted list by forwarding the individual's
40 name to the Missouri state highway patrol for removal of the information from the
41 National Instant Criminal Background Check System Indices.

42 (2) If the circuit court adds an individual to the indefinitely restricted list, the
43 circuit court shall not remove the individual from the indefinitely restricted list unless
44 the individual requests removal in accordance with the provisions of this section.

45 6. (1) An individual who is added to the temporary restricted list shall not
46 request removal from the list unless the individual has been on the list for at least thirty
47 days.

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

50 7. (1) The circuit court shall remove an individual from the temporary
51 restricted list one hundred eighty days after the individual was added to the list unless
52 the individual requests to remain on the list.

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

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

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

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

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

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

64 9. (1) The form for inclusion on the temporary restricted list shall have the
65 following language prominently displayed before the signature:

66 **ACKNOWLEDGMENT**

67 By presenting this completed form to the circuit court, I understand
68 that I am requesting that my name be placed on a list that restricts my
69 ability to purchase firearms for a minimum of thirty days, and up to six

70 months. I understand that by voluntarily making myself a temporarily
71 restricted person, any attempt to purchase a firearm while I am on the
72 list will be declined. I also understand that any time after thirty days, I
73 may request removal from the temporary restricted list and all
74 previous rights will be restored. In addition, if I am in possession of a
75 valid concealed carry endorsement issued prior to August 28, 2013, or a
76 valid concealed carry permit under chapter 571, RSMo, my
77 endorsement or permit will be suspended during the time I am on the
78 list, but will be reinstated upon my removal, unless the endorsement or
79 permit has expired, been revoked, been suspended for another reason,
80 or I become ineligible to possess a firearm. Additionally, I acknowledge
81 that if I attempt to purchase a firearm while outside Missouri, I will be
82 subject to the law of that location regarding restricted persons.

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

85 **ACKNOWLEDGMENT**

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

102 10. (1) An individual requesting removal from a restricted list shall deliver a
103 completed removal form electronically or in person to the circuit court that processed
104 the inclusion form under subsection 3 of this section.

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

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

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

109 11. Upon receipt of a verified removal form, the circuit court shall, within
110 twenty-four hours, remove the individual from the restricted list by forwarding the
111 individual's name to the Missouri state highway patrol for removal of the information
112 from the National Instant Criminal Background Check System Indices.

113 12. Within thirty days before the one-hundred-eighty-day removal deadline
114 applicable to individuals on the temporary restricted list, the circuit court shall notify
115 the individual on the temporary restricted list at the address listed on the form that the
116 individual is due to be removed from the temporary list, and of the date on which the
117 removal will occur, unless the individual requests an extension of up to one hundred
118 eighty days.

119 13. (1) A circuit court that receives a request for inclusion shall maintain the
120 form and all subsequent forms in a separate file.

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

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

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

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

130 14. It shall be unlawful for any individual to knowingly make any false statement
131 or give any false information with the intent of adding any other individual to a
132 restricted list under this section or removing any other individual from a restricted list
133 under this section.

134 15. It shall be unlawful for any individual to inquire as to whether another
135 individual has been added to a restricted list under this section for any purpose other
136 than to determine such individual's eligibility to purchase a firearm.

137 16. The office of state courts administrator may promulgate rules to develop the
138 process and standard forms to implement this section and section 571.835. Any rule or
139 portion of a rule, as that term is defined in section 536.010, that is created under the
140 authority delegated in this section shall become effective only if it complies with and is
141 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
142 section and chapter 536 are nonseverable and if any of the powers vested with the

143 **general assembly pursuant to chapter 536 to review, to delay the effective date, or to**
144 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**
145 **rulemaking authority and any rule proposed or adopted after August 28, 2025, shall be**
146 **invalid and void.**

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