

SECOND REGULAR SESSION

SENATE BILL NO. 922

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR SIMS.

Read 1st time January 14, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

3938S.011

AN ACT

To amend chapter 210, RSMo, by adding thereto one new section relating to child protection.

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

Section A. Chapter 210, RSMo, is amended by adding thereto one new section, to be known as section 210.005, to read as follows:

210.005. 1. This act shall be known as the "Children's Firearm Access Prevention Act".

2. It shall be unlawful for any person to keep a loaded firearm or an unloaded firearm along with ammunition for a firearm within any premises under his or her custody and control if such person knows or, with criminal negligence, should have known that a child is capable of gaining access to the firearm without the permission of the parent or legal guardian of the child and if such person fails to take steps to prevent such access. For purposes of this section, the term "child" shall mean as defined in section 210.110, RSMo.

3. This act shall not apply if:

(1) The person uses a secure gun storage or safety device for the firearm;
(2) The person is a peace officer, member of the Armed Forces, or a member of the National Guard, and the child obtains the firearm during or incidental to the performance of that person's official duties;

(3) The child obtains or obtains and discharges the firearm in a lawful act of self-defense or defense of one or more other persons;

(4) The person has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises on which the

firearm is kept;

(5) The child obtains the firearm as a result of an unlawful entry by the child or any other person;

(6) The child was supervised by a person older than eighteen years of age and was engaging in hunting, sporting, or another lawful purpose; or

(7) The child gained the firearm during a time that the child was engaged in an agricultural enterprise.

4. Violators of this section shall be subject to criminal penalties not to exceed five hundred dollars per violation.

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