

FIRST REGULAR SESSION

# SENATE BILL NO. 68

95TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR BRAY.

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Pre-filed December 1, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

0236S.01I

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## AN ACT

To amend chapter 571, RSMo, by adding thereto one new section relating to criminally negligent storage of a firearm, with penalty provisions.

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

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Section A. Chapter 571, RSMo, is amended by adding thereto one new  
2 section, to be known as section 571.023, to read as follows:

**571.023. 1. A person commits the crime of criminally negligent  
2 storage of a firearm if:**

3 (1) Such person stores or keeps any loaded firearm or unloaded  
4 firearm and ammunition for that firearm on any premises under his or  
5 her custody and control;

6 (2) Such person knows or reasonably should know that a minor  
7 is capable of gaining access to the loaded firearm or unloaded firearm  
8 and ammunition; and

9 (3) A minor obtains the loaded firearm or unloaded firearm and  
10 ammunition and uses it to cause the death or injury of any person or  
11 exhibits the firearm in a public place or uses it to threaten injury or  
12 death to any person.

13 2. The provisions of subsection 1 of this section shall not apply  
14 if, at the time the minor obtains the firearm:

15 (1) Such person is keeping:

16 (a) The loaded firearm or unloaded firearm and ammunition in  
17 a securely locked box or other locked container;

18 (b) The loaded or unloaded firearm secured by a locking  
19 mechanism that renders the firearm inoperable;

20 (c) The loaded or unloaded firearm in a dismantled state that  
21 renders the firearm inoperable and stores at least one part which is

22 essential to the operation of the firearm in a securely locked box or  
23 other locked container; or

24 (d) The ammunition for an unloaded firearm stored separate  
25 from that unloaded firearm in a securely locked box or other locked  
26 container;

27 (2) The person is a peace officer, an active member of the armed  
28 forces, or its reserves, or a member of the national guard and the minor  
29 obtains the firearm during, or incidental to, that person performing his  
30 or her official duties;

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

33 (4) The minor obtains the firearm as the result of an unlawful  
34 entry onto the premises where the firearm is located;

35 (5) The minor is supervised by a person twenty-one years of age  
36 or older and is engaging in hunting, sporting, or another lawful  
37 purpose; or

38 (6) The minor is engaged in an agricultural enterprise.

39 3. As used in this section the term "minor" means any person  
40 eighteen years of age or younger.

41 4. Firearms dealers shall be required to provide purchasers with  
42 a written warning about the provisions of this section and to place a  
43 conspicuous warning sign at the place where their firearms are  
44 sold. The warning shall read as follows: "It is unlawful and a violation  
45 of section 571.023, RSMo, to store, transport, or abandon a loaded  
46 firearm or an unloaded firearm and ammunition for that firearm in a  
47 place where minors are likely to be and can obtain access to the loaded  
48 firearm or unloaded firearm and ammunition."

49 5. Criminally negligent storage of a firearm is a class A  
50 misdemeanor.

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