

SENATE BILL NO. 40

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHUPP.

Pre-filed December 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0133S.02I

AN ACT

To amend chapter 571, RSMo, by adding thereto one new section relating to the storage of firearms, with penalty provisions.

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

Section A. Chapter 571, RSMo, is amended by adding thereto one new
2 section, to be known as section 571.064, to read as follows:

**571.064. 1. As used in this section, unless the context clearly
2 indicates otherwise, the following terms shall mean:**

3 **(1) "Child", any person younger than eighteen years of age;**

4 **(2) "Readily dischargeable firearm", a firearm that is loaded with
5 ammunition, regardless if a round of ammunition is in the chamber or
6 not;**

7 **(3) "Secure", taking an action that a reasonable person would
8 take to prevent the access to a readily dischargeable firearm, including
9 but not limited to placing a firearm in a locked container or
10 temporarily rendering the firearm inoperable by a trigger lock or other
11 means.**

12 **2. A person commits the offense of unlawfully storing and
13 securing a firearm in the presence of a child if:**

14 **(1) A child gains access to a readily dischargeable firearm; and**

15 **(2) The person knowingly, negligently, or recklessly failed to
16 secure the readily dischargeable firearm or left the readily
17 dischargeable firearm in a location the person knew or should have
18 known a child would gain access.**

19 **3. The offense of unlawfully storing and securing a firearm in the
20 presence of a child is a class D misdemeanor, unless a death or serious
21 bodily injury to the child or any other person results from the child
22 discharging the readily dischargeable firearm in which case it is a class**

23 **A misdemeanor.**

24 **4. No arrest shall be made before the seventh day after the date**
25 **the offense was committed of a person who committed the offense of**
26 **unlawfully storing and securing a firearm in the presence of a child, by**
27 **a law enforcement officer or another person, if:**

28 **(1) That person is a family or household member, as defined by**
29 **section 455.010, of the child who discharged the firearm; and**

30 **(2) As a result of the child discharging the firearm, death or**
31 **serious bodily injury occurred to the child or any other person.**

32 **5. It is a defense to conduct that otherwise shall constitute the**
33 **offense of unlawfully storing and securing a firearm in the presence of**
34 **a child if:**

35 **(1) The child's access to the readily dischargeable firearm was**
36 **under the supervision of someone eighteen years of age or older and**
37 **was being used for a lawful hunting or sporting purpose;**

38 **(2) The dischargeable firearm was ultimately used in a lawful act**
39 **of self-defense; or**

40 **(3) The child unlawfully entered the property where the**
41 **dischargeable firearm was located.**

42 **6. Any firearm can be voluntarily stored at any police station or**
43 **sheriff's office for a thirty day period. Firearms can be voluntarily**
44 **stored at any police station or sheriff's office for successive thirty day**
45 **periods, upon the request of the owner of the firearm. In the event that**
46 **a firearm being stored voluntarily at any police station or sheriff's**
47 **office is not retrieved after thirty days, and an attempt to notify the**
48 **owner of the firearm has been made, the firearm will be disposed of in**
49 **accordance with the law enforcement agency policies and procedures**
50 **for the disposal of firearms in a law enforcement agency's custody.**

51 **7. Every firearm dealer, licensed under 18 U.S.C. Section 923,**
52 **who engages in the sale of firearms within this state shall post in a**
53 **conspicuous position on the premises where the dealer sells firearms**
54 **a sign in block letters not less than one inch in height, which reads:**

55 **"IT IS UNLAWFUL TO STORE, TRANSPORT, OR ABANDON**
56 **AN UNSECURED FIREARM IN A PLACE WHERE**
57 **CHILDREN ARE LIKELY TO BE AND CAN OBTAIN**
58 **ACCESS TO THE FIREARM."**