

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/HCS/House Bill No. 1175, Page 1, Section TITLE, Lines 4-7,

2 by striking "the sole purpose of reenacting the substantive  
3 portion of the Second Amendment Preservation Act and  
4 removing certain legislative findings and declarations" and  
5 inserting in lieu thereof the following: "weapons"; and

6 Further amend said bill, page 9, section 1.484, line 7,  
7 by inserting after all of said line the following:

8 "571.068. 1. This section shall be known and may be  
9 cited as the "No Guns for Gangs Act".

10 2. Notwithstanding any provision of this section to  
11 the contrary, a person who is less than eighteen years of  
12 age may possess a handgun under the following circumstances:

13 (1) A temporary transfer of a handgun or ammunition to  
14 a person under the age of eighteen or the possession or use  
15 of a handgun or ammunition by a person under the age of  
16 eighteen if the handgun and ammunition are possessed and  
17 used by such person in accordance with state law and any  
18 ordinances of a political subdivision:

19 (a) In the course of employment;

20 (b) In the course of ranching or farming related to  
21 activities at the residence of the person or on property  
22 used for ranching or farming at which the person, with the  
23 permission of the property owner or lessee, is performing  
24 activities related to the operation of the farm or ranch; or

25 (c) In the course of target practice, hunting, or  
26 during instruction in the safe and lawful use of a handgun.

The person under the age of eighteen shall have the prior written consent of the person's parent or guardian who is not prohibited by federal or state law or any ordinance from possessing a firearm and shall transport the handgun unloaded and in a locked container directly from the place of transfer to the place at which the activity in this subdivision is to take place;

(2) A person under the age of eighteen who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;

(3) A transfer by inheritance of title of a handgun or ammunition to a person under the age of eighteen; or

(4) The possession of a handgun or ammunition by a person under the age of eighteen taken in defense of the person or other persons against an intruder into the residence of the person or a residence in which the person is invited as a guest.

3. A person who is less than eighteen years of age commits the offense of unlawful possession of a firearm by a minor if such person knowingly possesses a handgun or ammunition that is only suitable for a handgun.

4. The offense of unlawful possession of a firearm by a minor is a class A misdemeanor.

5. As used in this section, "handgun" shall mean a firearm which has a short stock and is designed to be held and fired by the use of a single hand, and shall not include an antique firearm as defined in section 571.010.

571.095. 1. Upon conviction for or attempting to commit a felony in violation of any law perpetrated in whole or in part by the use of a firearm, the court may, in addition to the penalty provided by law for such offense, order the confiscation and disposal or sale or trade to a

60 licensed firearms dealer of firearms and ammunition used in  
61 the commission of the crime or found in the possession or  
62 under the immediate control of the defendant at the time of  
63 his or her arrest.

64 2. A firearm or ammunition which is in the possession  
65 of a minor in violation of section 571.068, the possession  
66 of which is transferred to the minor in circumstances in  
67 which the transferor is not in violation of section 571.060  
68 or section 571.080, shall not be subject to permanent  
69 confiscation if its possession by the minor subsequently  
70 becomes unlawful because of the conduct of the minor, but  
71 shall be returned to the lawful owner when such firearm is  
72 no longer required for the purposes of investigation or  
73 prosecution.

74 3. The proceeds of any sale or gains from trade shall  
75 be the property of the police department or sheriff's  
76 department responsible for the defendant's arrest or the  
77 confiscation of the firearms and ammunition. If such  
78 firearms or ammunition are not the property of the convicted  
79 felon, they shall be returned to their rightful owner if he  
80 or she is known and was not a participant in the crime. Any  
81 proceeds collected under this section shall be deposited  
82 with the municipality or by the county treasurer into the  
83 county sheriff's revolving fund established in section  
84 50.535."; and

85 Further amend the title and enacting clause accordingly.