

SENATE BILL NO. 1055

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

5017S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 144.049, 144.526, 542.301, 563.016, 563.031, 571.020, and 571.095, RSMo, and to enact in lieu thereof eleven new sections relating to firearms, with penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 144.049, 144.526, 542.301, 563.016,
2 563.031, 571.020, and 571.095, RSMo, are repealed and eleven
3 new sections enacted in lieu thereof, to be known as sections
4 1.486, 144.049, 144.526, 542.301, 563.031, 563.085, 571.020,
5 571.095, 571.930, 571.935, and 571.940, to read as follows:

1.486. 1. This section shall be known and may be
2 cited as the "Anti-Red Flag Gun Seizure Act".

3 2. As used in this section, "red flag law" means:

4 (1) Any gun control law, order, or measure that
5 directs the temporary or permanent seizure of any firearm,
6 firearm accessory, or ammunition of an individual without
7 the adjudication of a contested court case; or

8 (2) Any federal statute, federal rule, federal
9 executive order, or federal judicial order or finding, or
10 any state statute, state rule, state executive order, or
11 state judicial order or finding, that:

12 (a) Prohibits a Missouri citizen from owning,
13 possessing, transporting, transferring, or receiving any
14 firearm, firearm accessory, or ammunition unless the

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 individual has been convicted of a violent felony crime or
16 is otherwise disqualified under section 455.050 or 571.070;
17 or

18 (b) Orders the removal or requires the surrender of
19 any firearm, firearm accessory, or ammunition from a
20 Missouri citizen unless the individual has been convicted of
21 a violent felony crime or is otherwise disqualified under
22 section 455.050 or 571.070.

23 3. Any federal order of protection, other judicial
24 order issued by a federal court, or federal executive order
25 that is a red flag law or otherwise directs the confiscation
26 of any firearm, firearm accessory, or ammunition from any
27 law-abiding citizen within the borders of this state shall
28 not be enforced in this state by any state agency, political
29 subdivision, or state or local law enforcement agency.

30 4. No state agency, political subdivision, or state or
31 local law enforcement agency shall receive any federal
32 moneys for the purpose of enforcing any federal statute,
33 federal rule, federal executive order, or federal judicial
34 order or findings, or for the purpose of enforcing any state
35 statute, state rule, state executive order, or state
36 judicial order or findings, that would have the effect of
37 enforcing a red flag law against a Missouri citizen.

38 5. No state entity or employee thereof, political
39 subdivision or employee thereof, or other entity or person
40 shall have the authority to enforce or attempt to enforce a
41 red flag law regardless of the red flag law's origin or the
42 authority of the issuing entity. This subsection shall not
43 apply to any agent of the federal government enforcing a
44 federal law or federal order.

45 6. Nothing in this section shall be construed to
46 prevent a firearm, firearm accessory, or ammunition from

47 being seized as evidence by law enforcement in the course of
48 an investigation.

49 7. (1) A political subdivision or state or local law
50 enforcement agency that employs a law enforcement officer
51 who knowingly acts to violate this section and enforce a red
52 flag law under the color of any state or federal statute,
53 rule, executive order, or judicial order or finding shall be
54 liable to the party against whom the red flag law was
55 enforced in an action at law, suit in equity, or other
56 proper proceeding for redress and shall be subject to a
57 civil penalty of fifty thousand dollars per occurrence.

58 (2) Any person injured under this section shall have
59 standing to pursue an action for injunctive relief in the
60 circuit court of the county in which the action allegedly
61 occurred or in the circuit court of Cole County.

62 (3) The court shall hold a hearing on any motion for a
63 temporary restraining order or preliminary injunction within
64 thirty days of service of a petition for the same.

65 (4) In an action brought under this section by a party
66 against whom the red flag law was enforced, a court may
67 order injunctive or other equitable relief, recovery of
68 damages, other legal remedies, and payment of reasonable
69 attorney's fees, costs, and expenses of the party. The
70 relief and remedies set forth in this section shall not be
71 deemed exclusive and shall be in addition to any other
72 relief or remedies permitted by law. The court may award
73 the prevailing party, if not the state of Missouri or a
74 political subdivision thereof, reasonable attorney's fees
75 and costs.

76 (5) Sovereign immunity shall not be an affirmative
77 defense to any action brought under this section.

144.049. 1. For purposes of this section, the
following terms mean:

(1) "Clothing", any article of wearing apparel intended to be worn on or about the human body including, but not limited to, disposable diapers for infants or adults and footwear. The term shall include, but not be limited to, cloth and other material used to make school uniforms or other school clothing. Items normally sold in pairs shall not be separated to qualify for the exemption. The term shall not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt buckles; and

(2) "Personal computers", a laptop, desktop, or tower computer system which consists of a central processing unit, random access memory, a storage drive, a display monitor, and a keyboard and devices designed for use in conjunction with a personal computer, such as a disk drive, memory module, compact disk drive, daughterboard, digitizer, microphone, modem, motherboard, mouse, multimedia speaker, printer, scanner, single-user hardware, single-user operating system, soundcard, or video card;

(3) "School supplies", any item normally used by students in a standard classroom for educational purposes, including but not limited to textbooks, notebooks, paper, writing instruments, crayons, art supplies, rulers, book bags, backpacks, handheld calculators, chalk, maps, and globes. The term shall not include watches, radios, CD players, headphones, sporting equipment, portable or desktop telephones, copiers or other office equipment, furniture, or fixtures. School supplies shall also include computer software having a taxable value of three hundred fifty

dollars or less and any graphing calculator having a taxable value of one hundred fifty dollars or less.

2. In each year beginning on or after January 1, 2005, there is hereby specifically exempted from state and local sales tax law all retail sales of any article of clothing having a taxable value of one hundred dollars or less, all retail sales of school supplies not to exceed fifty dollars per purchase, all computer software with a taxable value of three hundred fifty dollars or less, all graphing calculators having a taxable value of one hundred fifty dollars or less, [and] all retail sales of personal computers or computer peripheral devices not to exceed one thousand five hundred dollars, **and all retail sales of firearms and ammunition**, during a three-day period beginning at 12:01 a.m. on the first Friday in August and ending at midnight on the Sunday following. If a purchaser and seller are located in two different time zones, the time zone of the purchaser's location shall determine the authorized exemption period.

3. This section shall not apply to any sales which take place within the Missouri state fairgrounds.

4. This section applies to sales of items bought for personal use only.

5. This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer may offer a sales tax refund in lieu of the sales tax holiday.

6. A sale of property that is eligible for an exemption under subsection 1 of this section but is purchased under a layaway sale shall only qualify for an exemption if:

64 (1) Final payment on a layaway order is made by, and
65 the property is given to, the purchaser during the exemption
66 period; or

67 (2) The purchaser selects the property and the seller
68 accepts the order for the property during the exemption
69 period, for immediate delivery upon full payment, even if
70 delivery is made after the exemption period.

71 7. The exemption of a bundled transaction shall be
72 calculated as provided by law for all other bundled
73 transactions.

74 8. (1) For any discount offered by a seller that is a
75 reduction of the sales price of the product, the discounted
76 sales price shall determine whether the sales price falls
77 below the price threshold provided in subsection 2 of this
78 section. A coupon that reduces the sales price shall be
79 treated as a discount only if the seller is not reimbursed
80 for the coupon amount by a third party.

81 (2) If a discount applies to the total amount paid by
82 a purchaser rather than to the sales price of a particular
83 product and the purchaser has purchased both exempt property
84 and taxable property, the seller shall allocate the discount
85 based on the total sales prices of the taxable property
86 compared to the total sales prices of all property sold in
87 the same transaction.

88 9. Items that are normally sold as a single unit shall
89 continue to be sold in that manner and shall not be priced
90 separately and sold as individual items.

91 10. Items that are purchased during an exemption
92 period but that are not delivered to the purchaser until
93 after the exemption period due to the item not being in
94 stock shall qualify for an exemption. The provisions of
95 this subsection shall not apply to an item that was

delivered during an exemption period but was purchased prior to or after the exemption period.

11. (1) If a purchaser purchases an item of eligible property during an exemption period but later exchanges the item for a similar eligible item after the exemption period, no additional tax shall be due on the new item.

(2) If a purchaser purchases an item of eligible property during an exemption period but later returns the item after the exemption period and receives credit on the purchase of a different nonexempt item, the appropriate sales tax shall be due on the sale of the newly purchased item.

(3) If a purchaser purchases an item of eligible property before an exemption period but during the exemption period returns the item and receives credit on the purchase of a different item of eligible property, no sales tax shall be due on the sale of the new item if the new item is purchased during the exemption period.

(4) For a sixty-day period immediately following the end of the exemption period, if a purchaser returns an exempt item, no credit for or refund of sales tax shall be given unless the purchaser provides a receipt or invoice that shows tax was paid or the seller has sufficient documentation to show that tax was paid on the item being returned.

144.526. 1. This section shall be known and may be cited as the "Show Me Green Sales Tax Holiday".

2. For purposes of this section, the following terms mean:

(1) "Appliance", clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens,

7 ranges, stoves, air conditioners, furnaces, refrigerators
8 and freezers; and

9 (2) "Energy star certified", any appliance approved by
10 both the United States Environmental Protection Agency and
11 the United States Department of Energy as eligible to
12 display the energy star label, as amended from time to time.

13 3. In each year beginning on or after January 1, 2009,
14 there is hereby specifically exempted from state sales tax
15 law and all local sales and use taxes all retail sales of
16 any energy star certified new appliance, up to one thousand
17 five hundred dollars per appliance, **and all retail sales of**
18 **firearms and ammunition** during a seven-day period beginning
19 at 12:01 a.m. on April nineteenth and ending at midnight on
20 April twenty-fifth. Where a purchaser and seller are
21 located in two different time zones, the time zone of the
22 purchaser's location shall determine the authorized
23 exemption period.

24 4. A sale of property that is eligible for an
25 exemption under subsection 3 of this section but is
26 purchased under a layaway sale shall only qualify for an
27 exemption if:

28 (1) Final payment on a layaway order is made by, and
29 the property is given to, the purchaser during the exemption
30 period; or

31 (2) The purchaser selects the property and the seller
32 accepts the order for the property during the exemption
33 period, for immediate delivery upon full payment, even if
34 delivery is made after the exemption period.

35 5. (1) For any discount offered by a seller that is a
36 reduction of the sales price of the product, the discounted
37 sales price shall determine whether the sales price falls
38 below the price threshold provided in subsection 3 of this

39 section. A coupon that reduces the sales price shall be
40 treated as a discount only if the seller is not reimbursed
41 for the coupon amount by a third party.

42 (2) If a discount applies to the total amount paid by
43 a purchaser rather than to the sales price of a particular
44 product and the purchaser has purchased both exempt property
45 and taxable property, the seller shall allocate the discount
46 based on the total sales prices of the taxable property
47 compared to the total sales prices of all property sold in
48 the same transaction.

49 6. Items that are normally sold as a single unit shall
50 continue to be sold in that manner and shall not be priced
51 separately and sold as individual items.

52 7. Items that are purchased during an exemption period
53 but that are not delivered to the purchaser until after the
54 exemption period due to the item not being in stock shall
55 qualify for an exemption. The provisions of this subsection
56 shall not apply to an item that was delivered during an
57 exemption period but was purchased prior to or after the
58 exemption period.

59 8. (1) If a purchaser purchases an item of eligible
60 property during an exemption period but later exchanges the
61 item for a similar eligible item after the exemption period,
62 no additional tax shall be due on the new item.

63 (2) If a purchaser purchases an item of eligible
64 property during an exemption period but later returns the
65 item after the exemption period and receives credit on the
66 purchase of a different nonexempt item, the appropriate
67 sales tax shall be due on the sale of the newly purchased
68 item.

69 (3) If a purchaser purchases an item of eligible
70 property before an exemption period but during the exemption

71 period returns the item and receives credit on the purchase
72 of a different item of eligible property, no sales tax shall
73 be due on the sale of the new item if the new item is
74 purchased during the exemption period.

75 (4) For a sixty-day period immediately following the
76 end of the exemption period, if a purchaser returns an
77 exempt item, no credit for or refund of sales tax shall be
78 given unless the purchaser provides a receipt or invoice
79 that shows tax was paid or the seller has sufficient
80 documentation to show that tax was paid on the item being
81 returned.

542.301. 1. Property which comes into the custody of
2 an officer or of a court as the result of any seizure and
3 which has not been forfeited pursuant to any other
4 provisions of law or returned to the claimant shall be
5 disposed of as follows:

6 (1) Stolen property, or property acquired in any other
7 manner declared an offense by chapters 569 and 570, but not
8 including any of the property referred to in subdivision (2)
9 of this subsection, shall be delivered by order of court
10 upon claim having been made and established, to the person
11 who is entitled to possession:

12 (a) The claim shall be made by written motion filed
13 with the court with which a motion to suppress has been, or
14 may be, filed. The claim shall be barred if not made within
15 one year from the date of the seizure;

16 (b) Upon the filing of such motion, the judge shall
17 order notice to be given to all persons interested in the
18 property, including other claimants and the person from
19 whose possession the property was seized, of the time, place
20 and nature of the hearing to be held on the motion. The
21 notice shall be given in a manner reasonably calculated to

22 reach the attention of all interested persons. Notice may
23 be given to unknown persons and to persons whose address is
24 unknown by publication in a newspaper of general circulation
25 in the county. No property shall be delivered to any
26 claimant unless all interested persons have been given a
27 reasonable opportunity to appear and to be heard;

28 (c) After a hearing, the judge shall order the
29 property delivered to the person or persons entitled to
30 possession, if any. The judge may direct that delivery of
31 property required as evidence in a criminal proceeding shall
32 be postponed until the need no longer exists;

33 (d) A law enforcement officer having custody of seized
34 property may, at any time that seized property has ceased to
35 be useful as evidence, request that the prosecuting attorney
36 of the county in which property was seized file a motion
37 with the court of such county for the disposition of the
38 seized property. If the prosecuting attorney does not file
39 such motion within sixty days of the request by the law
40 enforcement officer having custody of the seized property,
41 then such officer may request that the attorney general file
42 a written motion with the circuit court of the county or
43 judicial district in which the seizure occurred. Upon
44 filing of the motion, the court shall issue an order
45 directing the disposition of the property. Such disposition
46 may, if the property is not claimed within one year from the
47 date of the seizure or if no one establishes a right to it,
48 and the seized property has ceased to be useful as evidence,
49 include a public sale of the property. Pursuant to a motion
50 properly filed and granted under this section, the proceeds
51 of any sale, less necessary expenses of preservation and
52 sale, shall be paid into the county treasury for the use of
53 the county. If the property is not salable, the judge may

54 order its destruction. Notwithstanding any other provision
55 of law, if no claim is filed within one year of the seizure
56 and no motion pursuant to this section is filed within six
57 months thereafter, and the seized property has ceased to be
58 useful as evidence, the property shall be deemed abandoned,
59 converted to cash and shall be turned over immediately to
60 the treasurer pursuant to section 447.543;

61 (e) If the property is a living animal or is
62 perishable, the judge may, at any time, order it sold at
63 public sale. The proceeds shall be held in lieu of the
64 property. A written description of the property sold shall
65 be filed with the judge making the order of sale so that the
66 claimant may identify the property. If the proceeds are not
67 claimed within the time limited for the claim of the
68 property, the proceeds shall be paid into the county
69 treasury. If the property is not salable, the judge may
70 order its destruction.

71 (2) Weapons, tools, devices, computers, computer
72 equipment, computer software, computer hardware, cellular
73 telephones, or other devices capable of accessing the
74 internet, and substances other than motor vehicles, aircraft
75 or watercraft, used by the owner or with the owner's consent
76 as a means for committing felonies other than the offense of
77 possessing burglary tools in violation of section 569.180,
78 and property, the possession of which is an offense under
79 the laws of this state or which has been used by the owner,
80 or used with the owner's acquiescence or consent, as a raw
81 material or as an instrument to manufacture, produce, or
82 distribute, or be used as a means of storage of anything the
83 possession of which is an offense under the laws of this
84 state, or which any statute authorizes or directs to be
85 seized, other than lawfully possessed weapons seized by an

86 officer incident to an arrest, shall be forfeited to the
87 state of Missouri.

88 2. The officer who has custody of the property shall
89 inform the prosecuting attorney of the fact of seizure and
90 of the nature of the property. The prosecuting attorney
91 shall thereupon file a written motion with the court with
92 which the motion to suppress has been, or may be, filed
93 praying for an order directing the forfeiture of the
94 property. If the prosecuting attorney of a county in which
95 property is seized fails to file a motion with the court for
96 the disposition of the seized property within sixty days of
97 the request by a law enforcement officer, the officer having
98 custody of the seized property may request the attorney
99 general to file a written motion with the circuit court of
100 the county or judicial district in which the seizure
101 occurred. Upon filing of the motion, the court shall issue
102 an order directing the disposition of the property. The
103 signed motion shall be returned to the requesting agency. A
104 motion may also be filed by any person claiming the right to
105 possession of the property praying that the court declare
106 the property not subject to forfeiture and order it
107 delivered to the moving party.

108 3. Upon the filing of a motion either by the
109 prosecuting attorney or by a claimant, the judge shall order
110 notice to be given to all persons interested in the
111 property, including the person out of whose possession the
112 property was seized and any lienors, of the time, place and
113 nature of the hearing to be held on the motion. The notice
114 shall be given in a manner reasonably calculated to reach
115 the attention of all interested persons. Notice may be
116 given to unknown persons and to persons of unknown address
117 by publication in a newspaper of general circulation in the

118 county. Every interested person shall be given a reasonable
119 opportunity to appear and to be heard as to the nature of
120 the person's claim to the property and upon the issue of
121 whether or not it is subject to forfeiture.

122 4. If the evidence is clear and convincing that the
123 property in issue is in fact of a kind subject to forfeiture
124 under this subsection, the judge shall declare it forfeited
125 and order its destruction or sale, **provided that, if the**
126 **property is a firearm, any sale of such property shall**
127 **comply with the provisions of section 571.095.** The judge
128 shall direct that the destruction or sale of property needed
129 as evidence in a criminal proceeding shall be postponed
130 until this need no longer exists.

131 5. If the forfeited property can be put to a lawful
132 use, it may be ordered sold after any alterations which are
133 necessary to adapt it to a lawful use have been made. In
134 the case of computers, computer equipment, computer
135 software, computer hardware, cellular telephones, or other
136 devices capable of accessing the internet, or other devices
137 used in the acquisition, possession, or distribution of
138 child pornography or obscene material, the law enforcement
139 agency in possession of such items may, upon court order,
140 retain possession of such property and convert such property
141 to the use of the law enforcement agency for use in criminal
142 investigations. If there is a holder of a bona fide lien
143 against property which has been used as a means for
144 committing an offense or which has been used as a raw
145 material or as an instrument to manufacture or produce
146 anything which is an offense to possess, who establishes
147 that the use was without the lienholder's acquiescence or
148 consent, the proceeds, less necessary expenses of
149 preservation and sale, shall be paid to the lienholder to

the amount of the lienholder's lien. The remaining amount shall be paid into the county treasury.

6. If the property is perishable the judge may order it sold at a public sale or destroyed, as may be appropriate, prior to a hearing. The proceeds of a sale, less necessary expenses of preservation and sale, shall be held in lieu of the property.

7. When a warrant has been issued to search for and seize allegedly obscene matter for forfeiture to the state, after an adversary hearing, the judge, upon return of the warrant with the matter seized, shall give notice of the fact to the prosecuting attorney of the county in which the matter was seized and the dealer, exhibitor or displayer and shall conduct further adversary proceedings to determine whether the matter is subject to forfeiture. If the evidence is clear and convincing that the matter is obscene as defined by law and it was being held or displayed for sale, exhibition, distribution or circulation to the public, the judge shall declare it to be obscene and forfeited to the state and order its destruction or other disposition; except that, no forfeiture shall be declared without the dealer, distributor or displayer being given a reasonable opportunity to appear in opposition and without the judge having thoroughly examined each item. If the material to be seized is the same as or another copy of matter that has already been determined to be obscene in a criminal proceeding against the dealer, exhibitor, displayer or such person's agent, the determination of obscenity in the criminal proceeding shall constitute clear and convincing evidence that the matter to be forfeited pursuant to this subsection is obscene. Except when the dealer, exhibitor or displayer consents to a longer period, or by such person's

actions or pleadings willfully prevents the prompt resolution of the hearing, judgment shall be rendered within ten days of the return of the warrant. If the matter is not found to be obscene or is not found to have been held or displayed for sale, exhibition or distribution to the public, or a judgment is not entered within the time provided for, the matter shall be restored forthwith to the dealer, exhibitor or displayer.

8. If an appeal is taken by the dealer, exhibitor or displayer from an adverse judgment, the case should be assigned for hearing at the earliest practicable date and expedited in every way. Destruction or disposition of a matter declared forfeited shall be postponed until the judgment has become final by exhaustion of appeal, or by expiration of the time for appeal, and until the matter is no longer needed as evidence in a criminal proceeding.

9. A determination of obscenity, pursuant to this subsection, shall not be admissible in any criminal proceeding against any person or corporation for sale or possession of obscene matter; except that dealer, distributor or displayer from which the obscene matter was seized for forfeiture to the state.

10. When allegedly obscene matter or pornographic material for minors has been seized under a search warrant issued pursuant to subsection 2 of section 542.281 and the matter is no longer needed as evidence in a criminal proceeding the prosecuting attorney of the county in which the matter was seized may file a written motion with the circuit court of the county or judicial district in which the seizure occurred praying for an order directing the forfeiture of the matter. Upon filing of the motion, the court shall set a date for a hearing. Written notice of

214 date, time, place and nature of the hearing shall be
215 personally served upon the owner, dealer, exhibitor,
216 displayer or such person's agent. Such notice shall be
217 served no less than five days before the hearing.

218 11. If the evidence is clear and convincing that the
219 matter is obscene as defined by law, and that the obscene
220 material was being held or displayed for sale, exhibition,
221 distribution or circulation to the public or that the matter
222 is pornographic for minors and that the pornographic
223 material was being held or displayed for sale, exhibition,
224 distribution or circulation to minors, the judge shall
225 declare it to be obscene or pornographic for minors and
226 forfeited to the state and order its destruction or other
227 disposition. A determination that the matter is obscene in
228 a criminal proceeding as well as a determination that such
229 obscene material was held or displayed for sale, exhibition,
230 distribution or circulation to the public or a determination
231 that the matter is pornographic for minors in a criminal
232 proceeding as well as a determination that such pornographic
233 material was held or displayed for sale, exhibition,
234 distribution or circulation to minors shall be clear and
235 convincing evidence that such material should be forfeited
236 to the state; except that, no forfeiture shall be declared
237 without the dealer, distributor or displayer being given a
238 reasonable opportunity to appear in opposition and without a
239 judge having thoroughly examined each item. A dealer,
240 distributor or displayer shall have had reasonable
241 opportunity to appear in opposition if the matter the
242 prosecutor seeks to destroy is the same matter that formed
243 the basis of a criminal proceeding against the dealer,
244 distributor or displayer where the dealer, distributor or
245 displayer has been charged and found guilty of holding or

displaying for sale, exhibiting, distributing or circulating obscene material to the public or pornographic material for minors to minors. If the matter is not found to be obscene, or if obscene material is not found to have been held or displayed for sale, exhibition, distribution or circulation to the public, or if the matter is not found to be pornographic for minors or if pornographic material is not found to have been held or displayed for sale, exhibition, distribution or circulation to minors, the matter shall be restored forthwith to the dealer, exhibitor or displayer.

12. If an appeal is taken by the dealer, exhibitor or displayer from an adverse judgment, the case shall be assigned for hearing at the earliest practicable date and expedited in every way. Destruction or disposition of matter declared forfeited shall be postponed until the judgment has become final by exhaustion of appeal, or by expiration of the time for appeal, and until the matter is no longer needed as evidence in a criminal proceeding.

13. A determination of obscenity shall not be admissible in any criminal proceeding against any person or corporation for sale or possession of obscene matter.

14. An appeal by any party shall be allowed from the judgment of the court as in other civil actions.

15. All other property still in the custody of an officer or of a court as the result of any seizure and which has not been forfeited pursuant to this section or any other provision of law after three years following the seizure and which has ceased to be useful as evidence shall be deemed abandoned, converted to cash and shall be turned over immediately to the treasurer pursuant to section 447.543.

563.031. 1. A person may, subject to the provisions of subsection 2 of this section, use physical force upon

3 another person when and to the extent he or she reasonably
4 believes such force to be necessary to defend himself or
5 herself or a third person from what he or she reasonably
6 believes to be the use or imminent use of unlawful force by
7 such other person, unless:

8 (1) The actor was the initial aggressor; except that
9 in such case his or her use of force is nevertheless
10 justifiable provided:

11 (a) He or she has withdrawn from the encounter and
12 effectively communicated such withdrawal to such other
13 person but the latter persists in continuing the incident by
14 the use or threatened use of unlawful force; or

15 (b) He or she is a law enforcement officer and as such
16 is an aggressor pursuant to section 563.046; or

17 (c) The aggressor is justified under some other
18 provision of this chapter or other provision of law;

19 (2) Under the circumstances as the actor reasonably
20 believes them to be, the person whom he or she seeks to
21 protect would not be justified in using such protective
22 force;

23 (3) The actor was attempting to commit, committing, or
24 escaping after the commission of a forcible felony.

25 2. A person shall not use deadly force upon another
26 person under the circumstances specified in subsection 1 of
27 this section unless:

28 (1) He or she reasonably believes that such deadly
29 force is necessary to protect himself, or herself or her
30 unborn child, or another against death, serious physical
31 injury, or any forcible felony;

32 (2) Such force is used against a person who unlawfully
33 enters, remains after unlawfully entering, or attempts to

unlawfully enter a dwelling, residence, or vehicle lawfully occupied by such person; or

(3) Such force is used against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter private property that is owned or leased by an individual, or is occupied by an individual who has been given specific authority by the property owner to occupy the property, claiming a justification of using protective force under this section.

3. A person does not have a duty to retreat:

(1) From a dwelling, residence, or vehicle where the person is not unlawfully entering or unlawfully remaining;

(2) From private property that is owned or leased by such individual; or

(3) If the person is in any other location such person has the right to be.

4. The justification afforded by this section extends to the use of physical restraint as protective force provided that the actor takes all reasonable measures to terminate the restraint as soon as it is reasonable to do so.

5. [The defendant shall have the burden of injecting the issue of justification under this section. If a defendant asserts that his or her use of force is described under subdivision (2) of subsection 2 of this section, the burden shall then be on the state to prove beyond a reasonable doubt that the defendant did not reasonably believe that the use of such force was necessary to defend against what he or she reasonably believed was the use or imminent use of unlawful force] **There shall be a presumption of reasonableness under this section that the defendant believed such force was necessary to defend himself or**

65 herself or a third person from what he or she believed to be
66 the use or imminent use of unlawful force by another person.

563.085. 1. A person who uses or threatens to use
2 force pursuant to section 563.031 is justified in such
3 conduct and is immune from criminal prosecution and civil
4 action for the use or threatened use of such force by the
5 person, personal representative, or heirs of the person
6 against whom the force was used or threatened, unless the
7 person against whom force was used or threatened is a law
8 enforcement officer who was acting in the performance of his
9 or her official duties and the officer identified himself or
10 herself in accordance with any applicable law or the person
11 using or threatening to use force knew or reasonably should
12 have known that the person was a law enforcement officer.
13 As used in this subsection, the term "criminal prosecution"
14 includes arresting, detaining in custody, and charging or
15 prosecuting the defendant.

16 2. A law enforcement agency may use standard
17 procedures for investigating the use or threatened use of
18 force as described in subsection 1 of this section, but the
19 agency may not arrest the person for using or threatening to
20 use force unless the agency determines that there is
21 probable cause that the force that was used or threatened
22 was unlawful.

23 3. In a criminal prosecution or civil action, once a
24 prima facie claim of self-defense immunity has been raised
25 by the defendant at a pretrial immunity hearing, the burden
26 of proof by clear and convincing evidence is on the party
27 seeking to overcome the immunity provided in subsection 1 of
28 this section.

571.020. 1. A person commits an offense if such
person knowingly possesses, manufactures, transports,
repairs, or sells:

- (1) An explosive weapon;
- (2) An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;
- (3) A gas gun;
- (4) A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; **[or]**
- (5) Knuckles; or
- (6) Any of the following in violation of federal law:
 - (a) A machine gun;
 - (b) A short-barreled rifle or shotgun; **or**
 - (c) **[A firearm silencer; or**
 - (d)]** A switchblade knife.

2. A person does not commit an offense pursuant to this section if his or her conduct involved any of the items in subdivisions (1) to (5) of subsection 1 **of this section**, the item was possessed in conformity with any applicable federal law, and the conduct:

- (1) Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental law enforcement agency, or a penal institution; or
- (2) Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in subdivision (1) of this **[section] subsection**; or
- (3) Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or

(4) Was incident to displaying the weapon in a public museum or exhibition; or

(5) Was incident to using the weapon in a manner reasonably related to a lawful dramatic performance.

3. An offense pursuant to subdivision (1), (2), (3) or (6) of subsection 1 of this section is a class D felony; a crime pursuant to subdivision (4) or (5) of subsection 1 of this section is a class A misdemeanor.

4. The offense of knowingly possessing, manufacturing, transporting, repairing, or selling a firearm silencer, as it existed immediately before August 28, 2026, shall not be prosecuted on or after August 28, 2026. If on August 28, 2026, a criminal action is pending for such offense, the action is dismissed on that date. However, a final conviction for such offense that exists on August 28, 2026, shall not be affected.

571.095. 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 licensed firearms dealer of firearms and ammunition used in the commission of the crime or found in the possession or under the immediate control of the defendant at the time of his or her arrest. **Notice of any sale of a firearm or ammunition made pursuant to this section shall be given by the police department or sheriff's department responsible for the confiscation of the firearm or ammunition by posting such notice on the department's website and on any social media accounts maintained by the department. The department making a sale pursuant to this section shall ensure that the sale is not made to any person who is ineligible to purchase**

17 or possess a firearm or ammunition under any applicable
18 state or federal law. The proceeds of any sale or gains
19 from trade shall be the property of the police department or
20 sheriff's department responsible for the defendant's arrest
21 or the confiscation of the firearms and ammunition. If such
22 firearms or ammunition are not the property of the convicted
23 felon, they shall be returned to their rightful owner if he
24 or she is known and was not a participant in the crime. Any
25 proceeds collected under this section shall be deposited
26 with the municipality or by the county treasurer into the
27 county sheriff's revolving fund established in section
28 50.535.

571.930. As used in sections 571.930 to 571.940, the
2 following terms mean:

3 (1) "Firearm suppressor", any device designed, made,
4 or adapted to muffle the report of a firearm;

5 (2) "Generic and insignificant part", an item that has
6 manufacturing or consumer product applications other than
7 inclusion in a firearm suppressor. The term "generic and
8 insignificant part" includes a spring, screw, nut, or pin;

9 (3) "Manufacture", forging, casting, machining, or
10 another process for working a material.

571.935. 1. (1) For the purposes of this section, a
2 firearm suppressor is manufactured in this state if the item
3 is manufactured:

4 (a) In this state from basic materials; and

5 (b) Without the inclusion of any part imported from
6 another state other than a generic and insignificant part.

7 (2) For the purposes of this section, a firearm
8 suppressor is manufactured in this state if it is
9 manufactured as described in subdivision (1) of this
10 subsection without regard to whether a firearm imported into

11 this state from another state is attached to or used in
12 conjunction with the suppressor.

13 2. (1) A firearm suppressor that is manufactured in
14 this state and remains in this state shall not be subject to
15 federal law or federal regulation, including registration,
16 under the authority of the United States Congress to
17 regulate interstate commerce.

18 (2) A basic material from which a firearm suppressor
19 is manufactured in this state, including unmachined steel,
20 shall not be a firearm suppressor and is not subject to
21 federal regulation under the authority of the United States
22 Congress to regulate interstate commerce as if it actually
23 were a firearm suppressor.

24 3. A firearm suppressor manufactured and sold in this
25 state shall have the words "Made in Missouri" clearly
26 stamped on it.

27 4. On written notification to the attorney general by
28 a United States citizen who resides in this state of the
29 citizen's intent to manufacture a firearm suppressor to
30 which subsection 2 of this section applies, the attorney
31 general shall seek a declaratory judgment from a federal
32 district court in this state that subsection 2 of this
33 section is consistent with the United States Constitution.

34 5. The provisions of this section shall apply only to
35 firearm suppressors that are manufactured on or after August
36 28, 2026.

571.940. 1. The provisions of this section shall
2 apply to:

3 (1) The state of Missouri, including an agency,
4 department, commission, bureau, board, office, council,
5 court, or other entity that is in any branch of state
6 government and that is created by the constitution or a

7 statute of this state, including a university system or a
8 system of higher education;

9 (2) The governing body of a municipality, county, or
10 special district or authority;

11 (3) An officer, employee, or other body that is part
12 of a municipality, county, or special district or authority,
13 including a sheriff, municipal police department, municipal
14 attorney, or county attorney; and

15 (4) A prosecuting attorney, county counselor, or
16 circuit attorney.

17 2. (1) An entity described in subsection 1 of this
18 section shall not adopt a rule, order, ordinance, or policy
19 under which the entity enforces, or by consistent action
20 allows the enforcement of, a federal statute, order, rule,
21 or regulation that purports to regulate a firearm suppressor
22 if the statute, order, rule, or regulation imposes a
23 prohibition, restriction, or other regulation that does not
24 exist under the laws of this state.

25 (2) No entity described in subsection 1 of this
26 section and no person employed by or otherwise under the
27 direction or control of the entity shall enforce or attempt
28 to enforce any federal statute, order, rule, or regulation
29 described in subdivision (1) of this subsection.

30 3. (1) An entity described in subsection 1 of this
31 section shall not receive state grant funds if the entity
32 adopts a rule, order, ordinance, or policy under which the
33 entity enforces a federal law described in subdivision (1)
34 of subsection 2 of this section or, by consistent action,
35 allows the enforcement of a federal law described in
36 subdivision (1) of subsection 2 of this section.

37 (2) State grant funds for the entity shall be denied
38 for the fiscal year following the year in which a final

39 judicial determination in an action brought under this
40 section is made that the entity has violated subdivision (1)
41 of subsection 2 of this section.

42 4. (1) Any citizen residing in the jurisdiction of an
43 entity described in subsection 1 of this section may file a
44 complaint with the attorney general if the citizen offers
45 evidence to support an allegation that the entity has
46 adopted a rule, order, ordinance, or policy under which the
47 entity enforces a federal law described in subdivision (1)
48 of subsection 2 of this section or that the entity, by
49 consistent action, allows the enforcement of a federal law
50 described in subdivision (1) of subsection 2 of this
51 section. The citizen shall include with the complaint any
52 evidence the citizen has in support of the complaint.

53 (2) If the attorney general determines that a
54 complaint filed under subdivision (1) of this subsection
55 against an entity described in subsection 1 of this section
56 is valid, to compel the entity's compliance with this
57 section, the attorney general may file a petition for a writ
58 of mandamus or apply for other appropriate equitable relief
59 in the circuit court of Cole County or the circuit court in
60 any county in which the principal office of the entity is
61 located. The attorney general may recover reasonable
62 expenses incurred obtaining relief under this subdivision,
63 including court costs, reasonable attorney's fees,
64 investigative costs, witness fees, and deposition costs.

65 (3) In any appeal of a suit brought under subdivision
66 (2) of this subsection, the appellate court shall expedite
67 the case by entering such scheduling orders as are necessary
68 to ensure that a final order or judgment will be entered
69 with the least possible delay.

2 [563.016. The fact that conduct is
3 justified under this chapter does not abolish or
4 impair any remedy for such conduct which is
 available in any civil actions.]

 Section B. Because immediate action is necessary to
2 limit any overreach of the federal government's power and to
3 protect citizens' rights to bear arms, the enactment of
4 section 1.486 of section A of this act is deemed necessary
5 for the immediate preservation of the public health,
6 welfare, peace, and safety, and is hereby declared to be an
7 emergency act within the meaning of the constitution, and
8 the enactment of section 1.486 of section A of this act
9 shall be in full force and effect upon its passage and
10 approval.

✓