

# SENATE BILL NO. 868

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROBERTS.

4786S.011

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 571.095, RSMo, and to enact in lieu thereof two new sections relating to unlawful possession of a firearm by a minor, with penalty provisions.

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

Section A. Section 571.095, RSMo, is repealed and two new  
2 sections enacted in lieu thereof, to be known as sections  
3 571.068 and 571.095, to read as follows:

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

5 2. The offense of unlawful possession of a firearm by  
6 a minor is a class A misdemeanor.

7 3. This offense shall not apply to:

8 (1) A temporary transfer of a handgun or ammunition to  
9 a person under the age of eighteen or the possession or use  
10 of a handgun or ammunition by a person under the age of  
11 eighteen if the handgun and ammunition are possessed and  
12 used by such person in accordance with state law and any  
13 ordinances of a political subdivision:

14 (a) In the course of employment;

15 (b) In the course of ranching or farming related to  
16 activities at the residence of the person or on property  
17 used for ranching or farming at which the person, with the

18 permission of the property owner or lessee, is performing  
19 activities related to the operation of the farm or ranch; or

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

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

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

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

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

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

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

6 licensed firearms dealer of firearms and ammunition used in  
7 the commission of the crime or found in the possession or  
8 under the immediate control of the defendant at the time of  
9 his or her arrest.

10       **2. A firearm or ammunition which is in the possession**  
11 **of a minor in violation of section 571.068, the possession**  
12 **of which is transferred to the minor in circumstances in**  
13 **which the transferor is not in violation of section 571.060**  
14 **or section 571.080, shall not be subject to permanent**  
15 **confiscation if its possession by the minor subsequently**  
16 **becomes unlawful because of the conduct of the minor, but**  
17 **shall be returned to the lawful owner when such firearm is**  
18 **no longer required for the purposes of investigation or**  
19 **prosecution.**

20       **3. The proceeds of any sale or gains from trade shall**  
21 **be the property of the police department or sheriff's**  
22 **department responsible for the defendant's arrest or the**  
23 **confiscation of the firearms and ammunition. If such**  
24 **firearms or ammunition are not the property of the convicted**  
25 **felon, they shall be returned to their rightful owner if he**  
26 **or she is known and was not a participant in the crime. Any**  
27 **proceeds collected under this section shall be deposited**  
28 **with the municipality or by the county treasurer into the**  
29 **county sheriff's revolving fund established in section**  
30 **50.535.**

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