

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/HCS/House Bill No. 301, Page 227, Section 571.031, Line 40,

2 by inserting after all of said line the following:

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

7 2. The offense of unlawful possession of a firearm by
8 a minor is a class A misdemeanor.

9 3. This offense shall not apply to:

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

16 (a) In the course of employment;

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

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

24 The person under the age of eighteen shall have the prior
25 written consent of the person's parent or guardian who is

26 not prohibited by federal or state law or any ordinance from
27 processing a firearm and shall transport the handgun
28 unloaded and in a locked container directly from the place
29 of transfer to the place at which the activity in this
30 subdivision is to take place;

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

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

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

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

46 Further amend said bill and page, section 571.070, line
47 18, by inserting after all of said line the following:

48 "571.080. A person commits the [crime] offense of
49 transfer of a concealable firearm if such person violates 18
50 U.S.C. Section 922(b) or 18 U.S.C. Section 922(x). Such
51 offense shall be a class E felony.

52 571.095. 1. Upon conviction for or attempting to
53 commit a felony in violation of any law perpetrated in whole
54 or in part by the use of a firearm, the court may, in
55 addition to the penalty provided by law for such offense,
56 order the confiscation and disposal or sale or trade to a
57 licensed firearms dealer of firearms and ammunition used in
58 the commission of the crime or found in the possession or

59 under the immediate control of the defendant at the time of
60 his or her arrest.

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

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

82 Further amend the title and enacting clause accordingly.