

SENATE BILL NO. 217

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROBERTS.

1103S.02I

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Section A. Section 571.095, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 571.068 and 571.095, to read as follows:

571.068. 1. 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 has any concealable firearm, handgun, or ammunition for the use of a concealable firearm or handgun in his or her possession.

2. Unlawful possession of a firearm by a minor is a class A misdemeanor.

3. This offense shall not apply to a person under the age of eighteen who has possession of a concealable firearm or handgun at a facility approved for shooting ranges or to a person under the age of eighteen who has possession of a concealable firearm or handgun while under the supervision of a parent, guardian, or other adult supervisor approved by the parent or guardian.

4. 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.

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.

**2. A firearm or ammunition which is in the possession
10 of a minor in violation of section 571.068, the possession
11 of which is transferred to the minor in circumstances in
12 which the transferor is not in violation of section 571.060
13 or section 571.080, shall not be subject to permanent
14 confiscation if its possession by the minor subsequently
15 becomes unlawful because of the conduct of the minor, but
16 shall be returned to the lawful owner when such firearm is
17 no longer required for the purposes of investigation or
18 prosecution.
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3. The proceeds of any sale or gains from trade shall
20 be the property of the police department or sheriff's
21 department responsible for the defendant's arrest or the
22 confiscation of the firearms and ammunition. If such
23 firearms or ammunition are not the property of the convicted
24 felon, they shall be returned to their rightful owner if he
25 or she is known and was not a participant in the crime. Any
26 proceeds collected under this section shall be deposited
27 with the municipality or by the county treasurer into the
28 county sheriff's revolving fund established in section
29 50.535.
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