

# SENATE BILL NO. 1033

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIZZO.

4994S.03I

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal sections 1.450, 1.460, 1.470, 1.480, 455.050, 455.523, 565.076, and 571.070, RSMo, and to enact in lieu thereof five new sections relating to firearms, with penalty provisions.

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

Section A. Sections 1.450, 1.460, 1.470, 1.480, 455.050, 2 455.523, 565.076, and 571.070, RSMo, are repealed and five new 3 sections enacted in lieu thereof, to be known as sections 1.487, 4 455.050, 455.523, 565.076, and 571.070, to read as follows:

**1.487. The repeal of sections 1.450, 1.460, 1.470, and 2 1.480 by the one hundred first general assembly, second 3 regular session, shall be known and may be cited as the 4 "Back the Blue Act".**

455.050. 1. Any full or ex parte order of protection 2 granted pursuant to sections 455.010 to 455.085 shall be to 3 protect the petitioner from domestic violence, stalking, or 4 sexual assault and may include such terms as the court 5 reasonably deems necessary to ensure the petitioner's 6 safety, including but not limited to:

(1) Temporarily enjoining the respondent from 8 committing or threatening to commit domestic violence, 9 molesting, stalking, sexual assault, or disturbing the peace 10 of the petitioner, including violence against a pet;

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

11           (2) Temporarily enjoining the respondent from entering  
12 the premises of the dwelling unit of the petitioner when the  
13 dwelling unit is:

14           (a) Jointly owned, leased or rented or jointly  
15 occupied by both parties; or

16           (b) Owned, leased, rented or occupied by petitioner  
17 individually; or

18           (c) Jointly owned, leased, rented or occupied by  
19 petitioner and a person other than respondent; provided,  
20 however, no spouse shall be denied relief pursuant to this  
21 section by reason of the absence of a property interest in  
22 the dwelling unit; or

23           (d) Jointly occupied by the petitioner and a person  
24 other than respondent; provided that the respondent has no  
25 property interest in the dwelling unit; or

26           (3) Temporarily enjoining the respondent from  
27 communicating with the petitioner in any manner or through  
28 any medium.

29           2. Mutual orders of protection are prohibited unless  
30 both parties have properly filed written petitions and  
31 proper service has been made in accordance with sections  
32 455.010 to 455.085.

33           3. When the court has, after a hearing for any full  
34 order of protection, issued an order of protection, it may,  
35 in addition:

36           (1) Award custody of any minor child born to or  
37 adopted by the parties when the court has jurisdiction over  
38 such child and no prior order regarding custody is pending  
39 or has been made, and the best interests of the child  
40 require such order be issued;

41           (2) Establish a visitation schedule that is in the  
42 best interests of the child;

43           (3) Award child support in accordance with supreme  
44 court rule 88.01 and chapter 452;

45           (4) Award maintenance to petitioner when petitioner  
46 and respondent are lawfully married in accordance with  
47 chapter 452;

48           (5) Order respondent to make or to continue to make  
49 rent or mortgage payments on a residence occupied by the  
50 petitioner if the respondent is found to have a duty to  
51 support the petitioner or other dependent household members;

52           (6) Order the respondent to pay the petitioner's rent  
53 at a residence other than the one previously shared by the  
54 parties if the respondent is found to have a duty to support  
55 the petitioner and the petitioner requests alternative  
56 housing;

57           (7) Order that the petitioner be given temporary  
58 possession of specified personal property, such as  
59 automobiles, checkbooks, keys, and other personal effects;

60           (8) Prohibit the respondent from transferring,  
61 encumbering, or otherwise disposing of specified property  
62 mutually owned or leased by the parties;

63           (9) Order the respondent to participate in a court-  
64 approved counseling program designed to help batterers stop  
65 violent behavior or to participate in a substance abuse  
66 treatment program;

67           (10) Order the respondent to pay a reasonable fee for  
68 housing and other services that have been provided or that  
69 are being provided to the petitioner by a shelter for  
70 victims of domestic violence;

71           (11) Order the respondent to pay court costs;

72           (12) Order the respondent to pay the cost of medical  
73 treatment and services that have been provided or that are  
74 being provided to the petitioner as a result of injuries

75 sustained to the petitioner by an act of domestic violence  
76 committed by the respondent;

77 (13) Award possession and care of any pet, along with  
78 any moneys necessary to cover medical costs that may have  
79 resulted from abuse of the pet.

80 4. **If the court issues, after a hearing for any full**  
81 **order of protection, an order of protection, the court shall**  
82 **also:**

83 (1) **Prohibit the respondent from knowingly possessing**  
84 **or purchasing any firearm while the order is in effect;**

85 (2) **Inform the respondent of such prohibition in**  
86 **writing and, if the respondent is present, orally; and**

87 (3) **Forward the order to the state highway patrol so**  
88 **that the state highway patrol can update the respondent's**  
89 **record in the National Instant Criminal Background Check**  
90 **System (NICS). Upon receiving an order under this**  
91 **subsection, the state highway patrol shall notify the**  
92 **Federal Bureau of Investigation within twenty-four hours.**

93 5. A verified petition seeking orders for maintenance,  
94 support, custody, visitation, payment of rent, payment of  
95 monetary compensation, possession of personal property,  
96 prohibiting the transfer, encumbrance, or disposal of  
97 property, or payment for services of a shelter for victims  
98 of domestic violence, shall contain allegations relating to  
99 those orders and shall pray for the orders desired.

100 [5.] 6. In making an award of custody, the court shall  
101 consider all relevant factors including the presumption that  
102 the best interests of the child will be served by placing  
103 the child in the custody and care of the nonabusive parent,  
104 unless there is evidence that both parents have engaged in  
105 abusive behavior, in which case the court shall not consider  
106 this presumption but may appoint a guardian ad litem or a

107 court-appointed special advocate to represent the children  
108 in accordance with chapter 452 and shall consider all other  
109 factors in accordance with chapter 452.

110 [6.] 7. The court shall grant to the noncustodial  
111 parent rights to visitation with any minor child born to or  
112 adopted by the parties, unless the court finds, after  
113 hearing, that visitation would endanger the child's physical  
114 health, impair the child's emotional development or would  
115 otherwise conflict with the best interests of the child, or  
116 that no visitation can be arranged which would sufficiently  
117 protect the custodial parent from further domestic  
118 violence. The court may appoint a guardian ad litem or  
119 court-appointed special advocate to represent the minor  
120 child in accordance with chapter 452 whenever the custodial  
121 parent alleges that visitation with the noncustodial parent  
122 will damage the minor child.

123 [7.] 8. The court shall make an order requiring the  
124 noncustodial party to pay an amount reasonable and necessary  
125 for the support of any child to whom the party owes a duty  
126 of support when no prior order of support is outstanding and  
127 after all relevant factors have been considered, in  
128 accordance with Missouri supreme court rule 88.01 and  
129 chapter 452.

130 [8.] 9. The court may grant a maintenance order to a  
131 party for a period of time, not to exceed one hundred eighty  
132 days. Any maintenance ordered by the court shall be in  
133 accordance with chapter 452.

134 [9.] 10. (1) The court may, in order to ensure that a  
135 petitioner can maintain an existing wireless telephone  
136 number or numbers, issue an order, after notice and an  
137 opportunity to be heard, directing a wireless service  
138 provider to transfer the billing responsibility for and

139 rights to the wireless telephone number or numbers to the  
140 petitioner, if the petitioner is not the wireless service  
141 accountholder.

142 (2) (a) The order transferring billing responsibility  
143 for and rights to the wireless telephone number or numbers  
144 to the petitioner shall list the name and billing telephone  
145 number of the accountholder, the name and contact  
146 information of the person to whom the telephone number or  
147 numbers will be transferred, and each telephone number to be  
148 transferred to that person. The court shall ensure that the  
149 contact information of the petitioner is not provided to the  
150 accountholder in proceedings held under this chapter.

151 (b) Upon issuance, a copy of the full order of  
152 protection shall be transmitted, either electronically or by  
153 certified mail, to the wireless service provider's  
154 registered agent listed with the secretary of state, or  
155 electronically to the email address provided by the wireless  
156 service provider. Such transmittal shall constitute  
157 adequate notice for the wireless service provider acting  
158 under this section and section 455.523.

159 (c) If the wireless service provider cannot  
160 operationally or technically effectuate the order due to  
161 certain circumstances, the wireless service provider shall  
162 notify the petitioner within three business days. Such  
163 circumstances shall include, but not be limited to, the  
164 following:

165 a. The accountholder has already terminated the  
166 account;

167 b. The differences in network technology prevent the  
168 functionality of a device on the network; or

169 c. There are geographic or other limitations on  
170 network or service availability.

171 (3) (a) Upon transfer of billing responsibility for  
172 and rights to a wireless telephone number or numbers to the  
173 petitioner under this subsection by a wireless service  
174 provider, the petitioner shall assume all financial  
175 responsibility for the transferred wireless telephone number  
176 or numbers, monthly service costs, and costs for any mobile  
177 device associated with the wireless telephone number or  
178 numbers.

179 (b) This section shall not preclude a wireless service  
180 provider from applying any routine and customary  
181 requirements for account establishment to the petitioner as  
182 part of this transfer of billing responsibility for a  
183 wireless telephone number or numbers and any devices  
184 attached to that number or numbers including, but not  
185 limited to, identification, financial information, and  
186 customer preferences.

187 (4) This section shall not affect the ability of the  
188 court to apportion the assets and debts of the parties as  
189 provided for in law, or the ability to determine the  
190 temporary use, possession, and control of personal property.

191 (5) No cause of action shall lie against any wireless  
192 service provider, its officers, employees, or agents, for  
193 actions taken in accordance with the terms of a court order  
194 issued under this section.

195 (6) As used in this section and section 455.523, a  
196 "wireless service provider" means a provider of commercial  
197 mobile service under Section 332(d) of the Federal  
198 **[Telecommunications] Communications Act of [1996] 1934** (47  
199 U.S.C. Section **[151, et seq.] 332**).

455.523. 1. Any full order of protection granted  
2 under sections 455.500 to 455.538 shall be to protect the  
3 victim from domestic violence, including danger to the

4 child's pet, stalking, and sexual assault may include such  
5 terms as the court reasonably deems necessary to ensure the  
6 petitioner's safety, including but not limited to:

7 (1) Temporarily enjoining the respondent from  
8 committing domestic violence or sexual assault, threatening  
9 to commit domestic violence or sexual assault, stalking,  
10 molesting, or disturbing the peace of the victim;

11 (2) Temporarily enjoining the respondent from entering  
12 the family home of the victim, except as specifically  
13 authorized by the court;

14 (3) Temporarily enjoining the respondent from  
15 communicating with the victim in any manner or through any  
16 medium, except as specifically authorized by the court.

17 **2. If the court issues, after a hearing for any full**  
18 **order of protection, an order of protection, the court shall**  
19 **also:**

20 (1) **Prohibit the respondent from knowingly possessing**  
21 **or purchasing any firearm while the order is in effect;**

22 (2) **Inform the respondent of such prohibition in**  
23 **writing and, if the respondent is present, orally; and**

24 (3) **Forward the order to the state highway patrol so**  
25 **that the state highway patrol can update the respondent's**  
26 **record in the National Instant Criminal Background Check**  
27 **System (NICS). Upon receiving an order under this**  
28 **subsection, the state highway patrol shall notify the**  
29 **Federal Bureau of Investigation within twenty-four hours.**

30 **3. When the court has, after hearing for any full**  
31 **order of protection, issued an order of protection, it may,**  
32 **in addition:**

33 (1) Award custody of any minor child born to or  
34 adopted by the parties when the court has jurisdiction over  
35 such child and no prior order regarding custody is pending



36 or has been made, and the best interests of the child  
37 require such order be issued;

38 (2) Award visitation;

39 (3) Award child support in accordance with supreme  
40 court rule 88.01 and chapter 452;

41 (4) Award maintenance to petitioner when petitioner  
42 and respondent are lawfully married in accordance with  
43 chapter 452;

44 (5) Order respondent to make or to continue to make  
45 rent or mortgage payments on a residence occupied by the  
46 victim if the respondent is found to have a duty to support  
47 the victim or other dependent household members;

48 (6) Order the respondent to participate in a court-  
49 approved counseling program designed to help stop violent  
50 behavior or to treat substance abuse;

51 (7) Order the respondent to pay, to the extent that he  
52 or she is able, the costs of his or her treatment, together  
53 with the treatment costs incurred by the victim;

54 (8) Order the respondent to pay a reasonable fee for  
55 housing and other services that have been provided or that  
56 are being provided to the victim by a shelter for victims of  
57 domestic violence;

58 (9) Order a wireless service provider, in accordance  
59 with the process, provisions, and requirements set out in  
60 subdivisions (1) to (6) of subsection **[9] 10** of section  
61 455.050, to transfer the billing responsibility for and  
62 rights to the wireless telephone number or numbers of any  
63 minor children in the petitioner's care to the petitioner,  
64 if the petitioner is not the wireless service account holder;

65 (10) Award possession and care of any pet, along with  
66 any moneys necessary to cover medical costs that may have  
67 resulted from abuse of the pet.

565.076. 1. A person commits the offense of domestic  
2 assault in the fourth degree if the act involves a domestic  
3 victim, as the term "domestic victim" is defined under  
4 section 565.002, and:

5 (1) The person attempts to cause or recklessly causes  
6 physical injury, physical pain, or illness to such domestic  
7 victim;

8 (2) With criminal negligence the person causes  
9 physical injury to such domestic victim by means of a deadly  
10 weapon or dangerous instrument;

11 (3) The person purposely places such domestic victim  
12 in apprehension of immediate physical injury by any means;

13 (4) The person recklessly engages in conduct which  
14 creates a substantial risk of death or serious physical  
15 injury to such domestic victim;

16 (5) The person knowingly causes physical contact with  
17 such domestic victim knowing he or she will regard the  
18 contact as offensive; or

19 (6) The person knowingly attempts to cause or causes  
20 the isolation of such domestic victim by unreasonably and  
21 substantially restricting or limiting his or her access to  
22 other persons, telecommunication devices or transportation  
23 for the purpose of isolation.

24 2. The offense of domestic assault in the fourth  
25 degree is a class A misdemeanor, unless the person has  
26 previously been found guilty of the offense of domestic  
27 assault, of any assault offense under this chapter, or of  
28 any offense against a domestic victim committed in violation  
29 of any county or municipal ordinance in any state, any state  
30 law, any federal law, or any military law which if committed  
31 in this state two or more times would be a violation of this  
32 section, in which case it is a class E felony. The offenses

33 described in this subsection may be against the same  
34 domestic victim or against different domestic victims.

35 **3. Upon a conviction for the offense of domestic**  
36 **assault in the fourth degree, the court shall forward the**  
37 **record of conviction to the Missouri state highway patrol so**  
38 **that the Missouri state highway patrol can update the**  
39 **offender's record in the National Instant Criminal**  
40 **Background Check System (NICS). Upon receiving a record**  
41 **under this subsection, the Missouri state highway patrol**  
42 **shall notify the Federal Bureau of Investigation within**  
43 **twenty-four hours.**

571.070. 1. A person commits the offense of unlawful  
2 possession of a firearm if such person knowingly has any  
3 firearm in his or her possession and:

4 (1) Such person has been convicted of a felony under  
5 the laws of this state, or of a crime under the laws of any  
6 state or of the United States which, if committed within  
7 this state, would be a felony; [or]

8 (2) Such person is a fugitive from justice, is  
9 habitually in an intoxicated or drugged condition, or is  
10 currently adjudged mentally incompetent; or

11 (3) **Such person has been convicted of a misdemeanor**  
12 **offense of domestic violence under the laws of this state,**  
13 **or of a crime under the laws of any state or of the United**  
14 **States that if committed in this state would be a**  
15 **misdemeanor offense of domestic violence.**

16 2. Unlawful possession of a firearm is a class D  
17 felony, unless a person has been convicted of a dangerous  
18 felony as defined in section 556.061, in which case it is a  
19 class C felony.

20           3. The provisions of subdivision (1) of subsection 1  
21 of this section shall not apply to the possession of an  
22 antique firearm.

23           4. As used in this section, the following terms mean:

24           (1) "Family or household member", the same meaning as  
25 such term is defined under section 455.010;

26           (2) "Misdemeanor offense of domestic violence":

27           (a) Domestic assault in the fourth degree under  
28 section 565.076; or

29           (b) Any misdemeanor offense committed by a family or  
30 household member of the victim that involves the use or  
31 attempted use of a physical force or the threatened use of a  
32 deadly weapon.

2           [1.450. No entity or person, including any  
3 public officer or employee of this state or any  
4 political subdivision of this state, shall have  
5 the authority to enforce or attempt to enforce  
6 any federal acts, laws, executive orders,  
7 administrative orders, rules, regulations,  
8 statutes, or ordinances infringing on the right  
9 to keep and bear arms as described under section  
10 1.420. Nothing in sections 1.410 to 1.480 shall  
11 be construed to prohibit Missouri officials from  
12 accepting aid from federal officials in an  
effort to enforce Missouri laws.]

2           [1.460. 1. Any political subdivision or  
3 law enforcement agency that employs a law  
4 enforcement officer who acts knowingly, as  
5 defined under section 562.016, to violate the  
6 provisions of section 1.450 or otherwise  
7 knowingly deprives a citizen of Missouri of the  
8 rights or privileges ensured by Amendment II of  
9 the Constitution of the United States or Article  
10 I, Section 23 of the Constitution of Missouri  
11 while acting under the color of any state or  
12 federal law shall be liable to the injured party  
13 in an action at law, suit in equity, or other  
14 proper proceeding for redress, and subject to a  
15 civil penalty of fifty thousand dollars per  
16 occurrence. Any person injured under this  
17 section shall have standing to pursue an action  
18 for injunctive relief in the circuit court of  
19 the county in which the action allegedly  
20 occurred or in the circuit court of Cole County  
21 with respect to the actions of such individual.  
The court shall hold a hearing on the motion for

22 temporary restraining order and preliminary  
 23 injunction within thirty days of service of the  
 24 petition.

25 2. In such actions, the court may award  
 26 the prevailing party, other than the state of  
 27 Missouri or any political subdivision of the  
 28 state, reasonable attorney's fees and costs.

29 3. Sovereign immunity shall not be an  
 30 affirmative defense in any action pursuant to  
 31 this section.]

[1.470. 1. Any political subdivision or  
 2 law enforcement agency that knowingly employs an  
 3 individual acting or who previously acted as an  
 4 official, agent, employee, or deputy of the  
 5 government of the United States, or otherwise  
 6 acted under the color of federal law within the  
 7 borders of this state, who has knowingly, as  
 8 defined under section 562.016, after the  
 9 adoption of this section:

10 (1) Enforced or attempted to enforce any  
 11 of the infringements identified in section  
 12 1.420; or

13 (2) Given material aid and support to the  
 14 efforts of another who enforces or attempts to  
 15 enforce any of the infringements identified in  
 16 section 1.420;  
 17 shall be subject to a civil penalty of fifty  
 18 thousand dollars per employee hired by the  
 19 political subdivision or law enforcement  
 20 agency. Any person residing in a jurisdiction  
 21 who believes that an individual has taken action  
 22 that would violate the provisions of this  
 23 section shall have standing to pursue an action.

24 2. Any person residing or conducting  
 25 business in a jurisdiction who believes that an  
 26 individual has taken action that would violate  
 27 the provisions of this section shall have  
 28 standing to pursue an action for injunctive  
 29 relief in the circuit court of the county in  
 30 which the action allegedly occurred or in the  
 31 circuit court of Cole County with respect to the  
 32 actions of such individual. The court shall  
 33 hold a hearing on the motion for a temporary  
 34 restraining order and preliminary injunction  
 35 within thirty days of service of the petition.

36 3. In such actions, the court may award  
 37 the prevailing party, other than the state of  
 38 Missouri or any political subdivision of the  
 39 state, reasonable attorney's fees and costs.

40 4. Sovereign immunity shall not be an  
 41 affirmative defense in any action pursuant to  
 42 this section.]

[1.480. 1. For sections 1.410 to 1.485,  
 2 the term "law-abiding citizen" shall mean a  
 3 person who is not otherwise precluded under  
 4 state law from possessing a firearm and shall

5 not be construed to include anyone who is not  
6 legally present in the United States or the  
7 state of Missouri.

8 2. For the purposes of sections 1.410 to  
9 1.480, "material aid and support" shall include  
10 voluntarily giving or allowing others to make  
11 use of lodging; communications equipment or  
12 services, including social media accounts;  
13 facilities; weapons; personnel; transportation;  
14 clothing; or other physical assets. Material  
15 aid and support shall not include giving or  
16 allowing the use of medicine or other materials  
17 necessary to treat physical injuries, nor shall  
18 the term include any assistance provided to help  
19 persons escape a serious, present risk of life-  
20 threatening injury.

21 3. It shall not be considered a violation  
22 of sections 1.410 to 1.480 to provide material  
23 aid to federal officials who are in pursuit of a  
24 suspect when there is a demonstrable criminal  
25 nexus with another state or country and such  
26 suspect is either not a citizen of this state or  
27 is not present in this state.

28 4. It shall not be considered a violation  
29 of sections 1.410 to 1.480 to provide material  
30 aid to federal prosecution for:

31 (1) Felony crimes against a person when  
32 such prosecution includes weapons violations  
33 substantially similar to those found in chapter  
34 570 or 571 so long as such weapons violations  
35 are merely ancillary to such prosecution; or

36 (2) Class A or class B felony violations  
37 substantially similar to those found in chapter  
38 579 when such prosecution includes weapons  
39 violations substantially similar to those found  
40 in chapter 570 or 571 so long as such weapons  
41 violations are merely ancillary to such  
42 prosecution.

43 5. The provisions of sections 1.410 to  
44 1.485 shall be applicable to offenses occurring  
45 on or after August 28, 2021.]

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