

FIRST REGULAR SESSION

HOUSE BILL NO. 421

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LEWIS (25).

0478H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 542.271, RSMo, and to enact in lieu thereof fifteen new sections relating to the firearm violence prevention act, with penalty provisions.

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

Section A. Section 542.271, RSMo, is repealed and fifteen new sections enacted in lieu thereof, to be known as sections 542.271, 571.801, 571.802, 571.803, 571.804, 571.805, 571.806, 571.808, 571.809, 571.810, 571.811, 571.812, 571.813, 571.814, and 571.815, to read as follows:

542.271. 1. A warrant may be issued to search for and seize, or photograph, copy or record any of the following:

(1) Property, article, material, or substance that constitutes evidence of the commission of a criminal offense; or

(2) Property which has been stolen or acquired in any other manner declared an offense by chapters 569 and 570; or

(3) Property owned by any person furnishing public communications services to the general public subject to the regulations of the public service commission if such person has failed to remove the property within a reasonable time after receipt of a written notice from a peace officer stating that such property is being used as an instrumentality in the commission of an offense; or

(4) Property for which possession is an offense under the law of this state; or

(5) Property for which seizure is authorized or directed by any statute of this state; or

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 (6) Property which has been used by the owner or used with his acquiescence or
15 consent as a raw material or as an instrument to manufacture or produce any thing for which
16 possession is an offense under the laws of this state.

17 2. A warrant may be issued to search for and rescue a kidnapped person.

18 3. A warrant may be issued to search for any person for whom a valid felony arrest
19 warrant is outstanding.

20 4. A warrant may be issued to search for and seize any deceased human fetus or
21 corpse, or part thereof.

22 5. **A warrant may be issued to search for and seize any firearm in the possession
23 of a person subject to an extreme risk protection order or temporary extreme risk
24 protection order if there is probable cause to believe the person is in possession of one or
25 more firearms.**

26 6. The provisions of sections 542.261 to 542.296 and section 542.301 shall prevail
27 over any rules and regulations promulgated by any state governmental agency, commission or
28 board, to the contrary notwithstanding.

**571.801. Sections 571.801 to 571.815 shall be known and may be cited as the
2 "Firearm Violence Prevention Act".**

571.802. As used in sections 571.801 to 571.815, the following terms mean:

2 **(1) "Extreme risk protection order", either a temporary order or a continuing
3 order granted under sections 571.801 to 571.815;**

4 **(2) "Family or household member", with respect to a respondent, any:**

5 **(a) Person related by blood, marriage, or adoption to the respondent;**

6 **(b) Person who has a child in common with the respondent, regardless of
7 whether such person has been married to the respondent or has lived together with the
8 respondent at any time;**

9 **(c) Person who regularly resides with the respondent or regularly resided with
10 the respondent within the last six months;**

11 **(d) Domestic partner of the respondent;**

12 **(e) Person who has a biological or legal parent-child relationship with the
13 respondent, including stepparents and stepchildren and grandparents and
14 grandchildren;**

15 **(f) Dating partner of the respondent; or**

16 **(g) Person who is acting or has acted as the respondent's legal guardian;**

17 **(3) "Firearm", any handgun, rifle, shotgun, or other instrument or device
18 capable or intended to be capable of discharging bullets, cartridges, or other explosive
19 charges;**

20 (4) "Petitioner", the person who petitions for an extreme risk protection order
21 under sections 571.801 to 571.815;

22 (5) "Respondent", the person who is identified as the respondent in a petition
23 filed under sections 571.801 to 571.815.

571.803. 1. A family or household member of the respondent or a law
2 enforcement officer or agency may request a temporary extreme risk protection order
3 without notice to the respondent by including in the petition for an extreme risk
4 protection order an affidavit, signed under oath and penalty of perjury, supporting the
5 issuance of a temporary extreme risk protection order that sets forth the facts to
6 establish the grounds of the petition or the reason for believing the grounds exist. The
7 petition shall comply with the requirements of subsection 3 of section 571.804. If a
8 petition described under section 552.020 is also filed against the respondent, the court
9 may hear that petition at the same time as the hearing for a temporary extreme risk
10 protection order or the hearing for extending an extreme risk protection order.

11 2. In considering whether to issue a temporary extreme risk protection order
12 under this section, the court shall consider all relevant evidence, including the evidence
13 described under subsection 3 of section 571.805.

14 3. If a court finds by a preponderance of the evidence that, based on the evidence
15 presented under subsection 3 of section 571.805, the respondent poses a significant risk
16 of causing personal injury to self or others by having in his or her custody or control a
17 firearm or by purchasing, possessing, or receiving a firearm, the court shall issue a
18 temporary extreme risk protection order.

19 4. The court shall hold a temporary extreme risk protection order hearing in
20 person or by telephone on the day the petition is filed or on the court day immediately
21 following the day the petition is filed.

22 5. (1) In accordance with subsection 1 of section 571.805, the court shall
23 schedule a hearing within seven days after the issuance of a temporary extreme risk
24 protection order to determine if a one-hundred-eighty-two-day extreme risk protection
25 order should be issued. Notice of the hearing date shall be included with the temporary
26 extreme risk protection order served on the respondent. The court shall provide notice
27 of the hearing date to the petitioner. Either party may request a different date for the
28 hearing that is beyond the initial seven days but no later than an additional seven days
29 from the issuance of the temporary extreme risk protection order with good cause
30 shown. If the court reschedules the hearing, the court shall provide notice of the new
31 date to the petitioner and respondent, and the temporary extreme risk protection order
32 shall stay in effect until the new hearing date.

33 **(2) Any issued temporary extreme risk protection order shall expire on the date**
34 **and time of the hearing on the extreme risk protection order petition or upon the**
35 **withdrawal of the petition.**

36 **6. A temporary extreme risk protection order shall include:**

37 **(1) A statement of the grounds asserted for the order;**

38 **(2) The date and time the order is issued;**

39 **(3) The date and time the order expires;**

40 **(4) The address of the court in which any responsive pleading shall be filed;**

41 **(5) The date and time of the scheduled hearing;**

42 **(6) The requirements for surrender of firearms under section 571.809; and**

43 **(7) The following statement:**

44 **To the subject of this temporary extreme risk protection order:**

45 **This order is valid until the date and time noted above. You shall**
46 **not have in your custody or control a firearm or purchase,**
47 **possess, receive, or attempt to purchase or receive a firearm while**
48 **this order is in effect. You must immediately surrender to the _____**
49 **_____ (law enforcement agency in the jurisdiction where the**
50 **respondent resides) all firearms in your custody, control, or**
51 **possession, and any concealed carry permit issued to you. A**
52 **hearing will be held on the date and at the time noted above to**
53 **determine if a full extreme risk protection order should be issued.**
54 **Failure to appear at that hearing may result in a court entering**
55 **an order against you that is valid for one hundred eighty-two**
56 **days. You may seek the advice of an attorney as to any matter**
57 **connected with this order.**

58 **7. A law enforcement officer shall serve a temporary extreme risk protection**
59 **order concurrently with the notice of hearing and petition in the same manner as under**
60 **section 571.805 for service of the notice of hearing where the respondent resides or**
61 **where the firearms of concern are located.**

62 **8. (1) If the court issues a temporary extreme risk protection order, the court**
63 **shall state the particular reasons for the court's issuance.**

64 **(2) If the court declines to issue a temporary extreme risk protection order, the**
65 **court shall state the particular reasons for the court's denial.**

571.804. 1. A petition for an extreme risk protection order may be filed by a
2 **family or household member of the respondent or a law enforcement officer or agency.**
3 **If the petition is filed by a law enforcement officer or agency, the officer or agency shall**

4 be represented in any judicial proceeding by a county or city attorney upon request. If
5 the petition is filed by a family or household member, the petitioner, to the best of his or
6 her ability, shall notify the law enforcement agency in the jurisdiction where the
7 respondent resides or where the firearms are located of the petition and of the hearing
8 date with enough advance notice to allow for participation or attendance.

9 2. A petition for an extreme risk protection order shall be filed with a court in
10 the county where the respondent resides or where the firearms are located.

11 3. A petition shall:

12 (1) Allege that the respondent poses a significant risk of causing personal injury
13 to self or others by having in his or her custody or control a firearm or by purchasing,
14 possessing, or receiving a firearm. The allegation shall be accompanied by an affidavit,
15 signed under oath and penalty of perjury, stating the specific statements, actions, or
16 facts that give rise to a reasonable fear of future dangerous acts by the respondent;

17 (2) Identify the number, types, and locations of any firearms the petitioner
18 believes to be in the respondent's current ownership, possession, custody, or control;

19 (3) Identify whether the respondent is a party to an existing domestic abuse
20 protection order; and

21 (4) Identify any pending lawsuit, complaint, petition, or other action between the
22 parties to the petition pursuant to Missouri law or federal law.

23 4. The court shall verify the terms of any existing order identified under
24 subdivision (3) of subsection 3 of this section governing the parties. The court shall not
25 delay granting relief because of the existence of a pending action between the parties or
26 the necessity of verifying the terms of an existing order. A petition for an extreme risk
27 protection order may be granted regardless of a pending action between the parties.

28 5. If the petitioner is a law enforcement officer or agency, the petitioner shall
29 make a good faith effort to provide notice to a family or household member of the
30 respondent and to any known third party who may be at risk of violence. The notice
31 shall state that the petitioner intends to file, or has already so filed, a petition for an
32 extreme risk protection order and shall include referrals to appropriate resources
33 including, but not limited to, mental health, domestic violence, and counseling resources.
34 The petitioner shall attest in the petition to having provided the notice or attest to the
35 steps that will be taken to provide the notice.

36 6. If the petition states that disclosure of the petitioner's address would risk
37 harm to the petitioner or any family or household member of the petitioner, the
38 petitioner's address may be omitted from all documents filed with the court. If the
39 petitioner has not disclosed an address pursuant to this subsection, the petitioner shall
40 designate an alternative address at which the respondent may serve notice of any

41 motions. If the petitioner is a law enforcement officer or agency, the address of record
42 shall be that of the law enforcement agency.

43 7. A court or public agency shall not charge a fee for filing or service of process
44 to a petitioner seeking relief under sections 571.801 to 571.815. A petitioner shall be
45 provided the necessary number of certified copies, forms, and instructional brochures
46 free of charge.

47 8. A person shall not be required to post a bond to obtain relief in any
48 proceeding under this section.

49 9. The associate circuit court and circuit courts of the state of Missouri shall
50 have jurisdiction over proceedings under sections 571.801 to 571.815.

571.805. 1. (1) Upon receipt of the petition, the court shall order a hearing and
2 issue a notice to the respondent. The court shall provide the notice of the hearing no
3 later than one court day after the date of the extreme risk protection order petition. The
4 court may schedule a hearing by telephone to reasonably accommodate a disability or,
5 in exceptional circumstances, to protect a petitioner from potential harm. The court
6 shall require assurances of the petitioner's identity before conducting a telephonic
7 hearing.

8 (2) On or before the next court day, the court clerk shall forward a copy of the
9 notice of the hearing and petition to the law enforcement agency in the jurisdiction
10 where the respondent resides or where the firearms are located for service upon the
11 respondent.

12 (3) A copy of the notice of hearing and petition shall be served upon the
13 respondent. Service issued under this section shall take precedence over the service of
14 other documents unless the other documents are of a similar emergency nature.

15 (4) The court may, as provided under section 571.803, issue a temporary extreme
16 risk protection order pending the hearing ordered under subdivision (1) of this section.
17 The temporary extreme risk protection order shall be served concurrently with the
18 notice of hearing and petition.

19 2. Upon hearing the matter, if the court finds by clear and convincing evidence,
20 based on the evidence presented under subsection 3 of this section, that the respondent
21 poses a significant risk of causing personal injury to self or others by having in his or
22 her custody or control a firearm or by purchasing, possessing, or receiving a firearm,
23 the court shall issue an extreme risk protection order for a period of one hundred
24 eighty-two days.

25 3. In determining whether grounds for an extreme risk protection order exist,
26 the court may consider any relevant evidence including, but not limited to:

27 **(1) A recent act or credible threat of violence by the respondent against self or**
28 **others, regardless of whether such violence or credible threat of violence involved a**
29 **firearm;**

30 **(2) A pattern of acts or credible threats of violence by the respondent within the**
31 **past year including, but not limited to, acts or credible threats of violence by the**
32 **respondent against self or others;**

33 **(3) Any relevant mental health issues of the respondent;**

34 **(4) A restraining order violation by the respondent;**

35 **(5) A previous or existing extreme risk protection order issued against the**
36 **respondent and any violation of a previous or existing extreme risk protection order;**

37 **(6) A conviction of the respondent for a crime that includes an underlying**
38 **factual basis of domestic violence as defined under section 455.010;**

39 **(7) The respondent's ownership, access to, or intent to possess a firearm;**

40 **(8) A credible threat of or the unlawful or reckless use of a firearm by the**
41 **respondent;**

42 **(9) The history of use, attempted use, or threatened use of unlawful physical**
43 **force by the respondent against another person, or the respondent's history of stalking**
44 **under section 565.225 or 565.227;**

45 **(10) Any prior arrest of the respondent for a crime listed under chapter 565 or**
46 **566 or section 578.012;**

47 **(11) Corroborated evidence of the abuse of controlled substances or alcohol by**
48 **the respondent; and**

49 **(12) Evidence of recent acquisition of a firearm or ammunition by the**
50 **respondent.**

51 **4. The court may:**

52 **(1) Examine under oath the petitioner, the respondent, and any witnesses they**
53 **may produce or, in lieu of examination, consider sworn affidavits of the petitioner, the**
54 **respondent, and any witnesses they may produce; and**

55 **(2) Request a probation officer to conduct a criminal history record check**
56 **related to the respondent and provide the results to the court under seal.**

57 **5. The court shall allow the petitioner and respondent to present evidence, cross-**
58 **examine witnesses, and be represented by an attorney at the hearing.**

59 **6. In a hearing under sections 571.801 to 571.815, the rules of evidence shall**
60 **apply to the same extent as in a restraining order proceeding.**

61 **7. During the hearing, the court shall consider any available mental health**
62 **evaluation or chemical dependency evaluation provided to the court.**

63 **8. An extreme risk protection order shall include:**

- 64 (1) A statement of the grounds supporting the issuance of the order;
65 (2) The date and time the order is issued;
66 (3) The date and time the order expires;
67 (4) The address of the court in which any responsive pleading shall be filed;
68 (5) The requirements for relinquishment of firearms under section 571.809; and
69 (6) The following statement:

70 To the subject of this extreme risk protection order:

71 This order will last until the date and time noted above. If you have not done so
72 already, you must immediately surrender any firearms in your custody, control, or
73 possession and any concealed carry permit issued to you. You shall not have in
74 your custody or control a firearm or purchase, possess, receive, or attempt to
75 purchase or receive a firearm while this order is in effect. You have the right to
76 request one hearing to terminate this order during the period that this order is in
77 effect, starting from the date of this order and continuing through any renewals.

78 You may seek the advice of an attorney as to any matter connected with this order.

79 9. If the court issues an extreme risk protection order, the court shall inform the
80 respondent that he or she may request termination of the order in the manner
81 prescribed under section 571.808. The court shall provide the respondent with a form to
82 request a termination hearing.

83 10. (1) If the court issues an extreme risk protection order, the court shall state
84 the particular reasons for the court's issuance.

85 (2) If the court denies the issuance of an extreme risk protection order, the court
86 shall state the particular reasons for the court's denial.

571.806. 1. An extreme risk protection order issued under section 571.805 shall
2 be served personally upon the respondent, except as otherwise provided under sections
3 571.801 to 571.815.

4 2. The law enforcement agency in the jurisdiction where the respondent resides
5 or where the firearms are located shall serve the respondent personally.

6 3. The court clerk shall forward a copy of the extreme risk protection order no
7 later than the next court day to the law enforcement agency specified in the order for
8 service. Service of an extreme risk protection order shall take precedence over the
9 service of other documents unless the other documents are of a similar emergency
10 nature.

11 4. If the law enforcement agency cannot complete service upon the respondent
12 within five days, the law enforcement agency shall notify the petitioner. The petitioner
13 shall then provide any additional information regarding the respondent's location to the
14 law enforcement agency to effect service. The law enforcement agency may request

15 additional time to allow for the proper and safe planning and execution of the court
16 order.

17 5. If an extreme risk protection order entered by the court states that the
18 respondent appeared in person before the court, the necessity for further service is
19 waived, and proof of service of the order shall not be necessary.

20 6. Returns of service under sections 571.801 to 571.815 shall be made in
21 accordance with the applicable court rules.

22 7. If notice of an extreme risk protection order hearing cannot be served and if
23 the respondent fails to appear at the hearing, the court may issue an extreme risk
24 protection order under section 571.805.

571.808. 1. The respondent may submit one written request for a hearing to
2 terminate an extreme risk protection order for the period that the order is in effect.
3 Upon receipt of the request for a hearing to terminate an extreme risk protection order,
4 the court shall set a date for a hearing. Notice of the request shall be served on the
5 petitioner. The hearing shall occur no sooner than fourteen days and no later than
6 twenty-eight days after the date of service of the request upon the petitioner. The court
7 shall terminate the extreme risk protection order if the respondent establishes by clear
8 and convincing evidence that the respondent does not continue to pose a significant risk
9 of personal injury to self or others by having in his or her custody or control a firearm
10 or by purchasing, possessing, or receiving a firearm. The court may consider any
11 relevant evidence, including evidence of the considerations listed under subsection 3 of
12 section 571.805.

13 2. (1) The court shall notify the petitioner of the impending expiration of an
14 extreme risk protection order sixty-three calendar days before the date that the order
15 expires.

16 (2) A petitioner, a family or household member of a respondent, or a law
17 enforcement officer or agency may, by motion, request a renewal of an extreme risk
18 protection order at any time within sixty-three calendar days before the expiration of
19 the order.

20 (3) Upon receipt of the motion to renew, the court shall order that a hearing be
21 held no later than fourteen days after the filing of the motion to renew. The court may
22 schedule a hearing by telephone in the manner prescribed under subdivision (1) of
23 subsection 1 of section 571.805. The respondent shall be personally served in the same
24 manner prescribed under subdivisions (2) to (3) of subsection 1 of section 571.805.

25 (4) In determining whether to renew an extreme risk protection order, the court
26 shall consider all relevant evidence and follow the same procedure as provided under
27 section 571.805.

28 **(5) If the court finds by clear and convincing evidence that, based on the**
29 **evidence presented under subsection 3 of section 571.805, the respondent continues to**
30 **pose a significant risk of personal injury to self or others by having in his or her custody**
31 **or control a firearm or by purchasing, possessing, or receiving a firearm, the court shall**
32 **renew the order for a period of time the court deems appropriate, not to exceed one**
33 **hundred eighty-two days. In the order, the court shall set a return date to review the**
34 **order no later than sixty-three days prior to the expiration of the order. However, if,**
35 **after notice, the motion for renewal is uncontested and the petitioner seeks no**
36 **modification of the order, the order may be renewed on the basis of the petitioner's**
37 **motion or affidavit, signed under oath and penalty of perjury, stating that there has**
38 **been no material change in relevant circumstances since the entry of the order and**
39 **stating the reason for the requested renewal.**

571.809. 1. (1) Upon issuance of an extreme risk protection order under sections
2 **571.801 to 571.815, including a temporary extreme risk protection order, the court shall**
3 **order the respondent to surrender all firearms by either:**

4 **(a) Selling or transferring possession of a firearm to a federally licensed firearms**
5 **dealer defined under 18 U.S.C. Section 921, as amended. However, this paragraph shall**
6 **not be interpreted to require any federally licensed firearms dealer to purchase or**
7 **accept possession of any firearm. If the respondent elects to sell his or her firearms, the**
8 **respondent is entitled to the proceeds; or**

9 **(b) Arranging for the storage of a firearm by a law enforcement agency.**

10 **(2) The court shall order the respondent to surrender any concealed carry**
11 **permit to the law enforcement officer serving the extreme risk protection order.**

12 **2. (1) The law enforcement agency serving an extreme risk protection order,**
13 **including a temporary extreme risk protection order, in which the petitioner is not a law**
14 **enforcement agency or officer, shall request that the respondent immediately surrender**
15 **all firearms in his or her custody, control, or possession and any concealed carry permit**
16 **issued to the respondent and shall conduct any search permitted by law for such**
17 **firearms or permit. After the law enforcement agency or officer has custody of the**
18 **firearms, the respondent may inform the law enforcement officer of his or her**
19 **preference for sale, transfer, or storage of the firearms as specified under subsection 1 of**
20 **this section. If the respondent elects to sell or transfer the firearms to a federally**
21 **licensed firearms dealer described under 18 U.S.C. Section 923, as amended, the law**
22 **enforcement officer or agency shall maintain custody of the firearms until they are sold**
23 **or transferred. The law enforcement officer shall take possession of all firearms and**
24 **any such permit belonging to the respondent that are surrendered, in plain sight, or**
25 **discovered pursuant to a lawful search. Alternatively, if personal service by the law**

26 enforcement agency is not possible or not required because the respondent was present
27 at the extreme risk protection order hearing, the respondent shall surrender the
28 firearms and any concealed carry permit after being served with the order by alternate
29 service or after the hearing at which the respondent was present.

30 (2) If the petitioner for an extreme risk protection order is a law enforcement
31 agency or officer, the law enforcement officer serving the extreme risk protection order
32 shall take custody of the respondent's firearms pursuant to the search warrant for
33 firearms possessed by a dangerous person if a warrant is obtained. If the law
34 enforcement agency obtains a search warrant for firearms possessed by a dangerous
35 person, the law enforcement officer shall request that the respondent immediately
36 surrender all firearms in his or her custody, control, or possession and any concealed
37 carry permit issued to the respondent and conduct any search permitted by law for such
38 firearms or permit. After the law enforcement agency or officer has custody of the
39 firearms, the respondent may inform the law enforcement officer of his or her
40 preference for sale, transfer, or storage of the firearms. The law enforcement officer
41 shall request that the respondent immediately surrender any concealed carry permit
42 issued to the respondent and conduct any search permitted by law for the permit.

43 3. At the time of surrender or taking custody, a law enforcement officer taking
44 possession of a firearm or a concealed carry permit shall issue a receipt identifying all
45 firearms and any permit that is surrendered or seized and provide a copy of the receipt
46 to the respondent. Within seventy-two hours after service of the order, the officer
47 serving the order shall file the original receipt with the court and shall ensure that his or
48 her law enforcement agency retains a copy of the receipt or, if the officer does not take
49 custody of any firearms, shall file a statement to that effect with the court.

50 4. Upon the sworn statement or testimony of the petitioner or of any law
51 enforcement officer alleging probable cause that the respondent has failed to comply
52 with the surrender of firearms as required by an extreme risk protection order, the
53 court shall determine whether probable cause exists to believe that the respondent failed
54 to surrender all firearms in his or her custody, control, or possession. If probable cause
55 exists, the court shall issue a search warrant that states with particularity the places to
56 be searched and the items to be seized.

57 5. If a person other than the respondent claims title to any firearms surrendered
58 or seized under this section and the law enforcement agency determines the person is the
59 lawful owner of the firearm, the firearm shall be returned to the person if:

60 (1) The firearm is removed from the respondent's custody, control, or possession
61 and the lawful owner agrees to store the firearm so that the respondent does not have
62 access to or control of the firearm; and

63 **(2) The firearm is not otherwise unlawfully possessed by the lawful owner.**

64 **6. (1) Within twenty-four hours of the issuance of an extreme risk protection**
65 **order, a respondent shall either:**

66 **(a) File proof with the court that issued the order showing that the respondent**
67 **has relinquished or removed all firearms previously in the respondent's custody,**
68 **control, or possession and surrendered any concealed carry permit issued to the**
69 **respondent. The respondent shall attest to the court that no firearms are currently in**
70 **the respondent's custody, control, or possession and that the respondent does not**
71 **currently have a concealed carry permit; or**

72 **(b) Attest to the court that:**

73 **a. At the time the order was issued, the respondent did not have any firearms in**
74 **the respondent's custody, control, or possession and did not have a concealed carry**
75 **permit; and**

76 **b. The respondent does not currently have any firearms in the respondent's**
77 **custody, control, or possession and does not currently have a concealed carry permit.**

78 **(2) If the respondent does not comply with the requirements of subdivision (1) of**
79 **this section within the twenty-four-hour period, the court clerk shall inform a law**
80 **enforcement agency in the county in which the court is located that the respondent has**
81 **not complied with subdivision (1) of this subsection. The law enforcement agency shall**
82 **make a good faith effort to determine whether the respondent has failed to relinquish**
83 **any firearms in the respondent's custody, control, or possession or failed to surrender a**
84 **concealed carry permit.**

85 **7. The POST commission, as defined under section 590.010, shall develop model**
86 **policies and procedures by December 1, 2023, regarding the acceptance, storage, sale,**
87 **and return of firearms required to be surrendered under sections 571.801 to 571.815 or**
88 **seized under subsection 5 of section 542.271 and shall provide those model policies and**
89 **procedures to all law enforcement agencies within the state. Each law enforcement**
90 **agency shall adopt the model policies and procedures or adopt their own policies and**
91 **procedures before January 1, 2024.**

571.810. 1. If an extreme risk protection order or temporary extreme risk
2 **protection order is terminated or expires without renewal, any law enforcement agency**
3 **holding a firearm surrendered or seized under section 571.809 or seized under**
4 **subsection 5 of section 542.271 shall return the firearm requested by a respondent only**
5 **after confirming, through a criminal history record check, that the respondent is**
6 **currently eligible to own or possess a firearm under federal and state law and after**
7 **confirming with the court that the extreme risk protection order has terminated or has**
8 **expired without renewal.**

9 **2. Any firearm surrendered or seized under section 571.809 or seized under**
10 **subsection 5 of section 542.271 that remains unclaimed by the lawful owner for at least**
11 **one year from the date the temporary extreme risk protection order or extreme risk**
12 **protection order expired, whichever is later, shall be disposed in accordance with the**
13 **law enforcement agency's policies and procedures for the disposal of firearms in police**
14 **custody.**

571.811. 1. The court clerk shall enter an extreme risk protection order or
2 **temporary extreme risk protection order into a statewide judicial information system on**
3 **the same day the order is issued.**

4 **2. The court clerk shall forward a copy of an extreme risk protection order or**
5 **temporary extreme risk protection order the same day the order is issued to the**
6 **highway patrol and the law enforcement agency specified in the order. Upon receipt of**
7 **the copy of the order, the highway patrol shall enter the order into the National Instant**
8 **Criminal Background Check System (NICS), any other federal or state computer-based**
9 **systems used by law enforcement agencies or others to identify prohibited purchasers of**
10 **firearms, and the Missouri uniform law enforcement system (MULES). The order shall**
11 **remain in each system for the period stated in the order, and the law enforcement**
12 **agency shall only expunge orders from the systems that have expired or been**
13 **terminated. Entry into the computer-based criminal intelligence information system**
14 **shall be notice to all law enforcement agencies of the existence of the order. The order**
15 **shall be fully enforceable anywhere in the state.**

16 **3. The issuing court shall, within three court days after issuance of an extreme**
17 **risk protection order or a temporary extreme risk protection order, forward all**
18 **identifying information the court has regarding the respondent, along with the date the**
19 **order is issued, to the county sheriff in the jurisdiction where the respondent resides.**
20 **Upon receipt of the information, the county sheriff shall determine if the respondent has**
21 **a concealed carry permit. If the respondent does have a concealed carry permit, the**
22 **issuing county sheriff shall immediately revoke the permit. The respondent may**
23 **reapply for a concealed carry permit after the temporary extreme risk protection order**
24 **and extreme risk protection order, if ordered, are no longer in effect.**

25 **4. If an extreme risk protection order is terminated before its expiration date,**
26 **the court clerk shall forward, on the same day as the termination order, a copy of the**
27 **termination order to the highway patrol and the law enforcement agency specified in the**
28 **termination order. Upon receipt of the order, the highway patrol and the law**
29 **enforcement agency shall promptly remove the order from any computer-based system**
30 **in which it was entered under subsection 2 of this section.**

2 **571.812. Any person who has in his or her custody or control a firearm or**
3 **purchases, possesses, or receives a firearm with knowledge that he or she is prohibited**
4 **from doing so by an extreme risk protection order or temporary extreme risk protection**
5 **order shall be guilty of a class B misdemeanor. However, such person shall be guilty of a**
6 **class E felony if the person has two or more previous convictions for violating an**

2 **571.813. Sections 571.801 to 571.815 shall not affect the ability of a law**
3 **enforcement officer to remove a firearm or concealed carry permit from a person or**
4 **conduct a search and seizure for any firearm pursuant to other lawful authority.**

2 **571.814. Except as provided under section 571.812, sections 571.801 to 571.815**
3 **shall not impose criminal or civil liability on any person or entity for acts or omissions**
4 **made in good faith related to obtaining an extreme risk protection order or a temporary**
5 **extreme risk protection order including, but not limited to, reporting, declining to**
6 **report, investigating, declining to investigate, filing, or declining to file a petition under**

2 **571.815. 1. (1) The office of state courts administrator shall develop standard**
3 **petitions, extreme risk protection order forms, and temporary extreme risk protection**
4 **order forms in more than one language consistent with state judicial department**
5 **practices. The standard petition and order forms shall be used after December 31, 2023,**
6 **for all extreme risk protection order petitions and extreme risk protection orders. The**
7 **office of state courts administrator may consult with interested parties in developing the**
8 **petitions and forms. The materials shall be available online consistent with state**

9 **(2) The extreme risk protection order form shall include, in a conspicuous**
10 **location, notice of criminal penalties resulting from violation of the order and the**
11 **following statement:**

12 **You have the sole responsibility to avoid or refrain from violating this extreme risk**
13 **protection order's provisions. Only the court can change the order and only upon**
14 **written motion.**

15 **2. A court clerk for each judicial district shall create a community resource list**
16 **that includes, but is not limited to, crisis intervention, mental health, substance abuse,**
17 **interpreter, counseling, and other relevant resources serving the county in which the**
18 **court is located. The court shall make the community resource list available as part of**
19 **or in addition to the materials described under subdivision (1) of subsection 1 of this**
20 **section.**

21 **3. The office of state courts administrator shall distribute a master copy of the**
22 **standard petition and extreme risk protection order forms to all circuit courts.**

23 **4. Before March first of each year, the office of state courts administrator shall**
24 **issue to the speaker of the house of representatives, president pro tempore of the senate,**
25 **chief justice of the supreme court, and governor statistics related to extreme risk**
26 **protection orders in the preceding calendar year. The statistics shall include, but not be**
27 **limited to:**

- 28 **(1) The number of petitions filed for temporary extreme risk protection orders;**
29 **(2) The number of petitions filed for extreme risk protection orders;**
30 **(3) The number of temporary extreme risk protection orders issued and denied;**
31 **(4) The number of extreme risk protection orders issued and denied;**
32 **(5) The number of temporary extreme risk protection orders terminated;**
33 **(6) The number of extreme risk protection orders terminated; and**
34 **(7) The number of extreme risk protection orders renewed.**

✓