

**HOUSE** \_\_\_\_\_ **AMENDMENT NO.** \_\_\_\_\_**Offered By**

AMEND House Committee Substitute for House Bill Nos. 1319, 1045 & 1369, Page 6,  
Section 571.092, Line 1, by deleting the words “over the age of eighteen years”; and

Further amend said bill, Page 18, Section 571.117, Line 100, by inserting after all of said section and line  
the following:

“[475.375. 1. Any individual over the age of eighteen years who has been adjudged incapacitated  
under this chapter or who has been involuntarily committed under chapter 632 may file a petition for the  
removal of the disqualification to purchase, possess, or transfer a firearm when:

(1) The individual no longer suffers from the condition that resulted in the individual's incapacity  
or involuntary commitment;

(2) The individual no longer poses a danger to self or others for purposes of the purchase,  
possession, or transfer of firearms under 18 U.S.C. Section 922; and

(3) Granting relief under this section is not contrary to the public interest. No individual who has  
been found guilty by reason of mental disease or defect may petition a court for restoration under this  
section.

2. The petition shall be filed in the circuit court that entered the letters of guardianship or the  
most recent order for involuntary commitment, whichever is later. Upon receipt of the petition, the clerk  
shall schedule a hearing and provide notice of the hearing to the petitioner.

3. The burden is on the petitioner to establish by clear and convincing evidence that:

(1) The petitioner no longer suffers from the condition that resulted in the incapacity or the  
involuntary commitment;

(2) The individual no longer poses a danger to self or others for purposes of the purchase,  
possession, or transfer of firearms under 18 U.S.C. Section 922; and

(3) Granting relief under this section is not contrary to the public interest.

4. Upon the filing of the petition the court shall review the petition and determine if the petition is  
based upon frivolous grounds and if so may deny the petition without a hearing. In order to determine  
whether petitioner has met the burden pursuant to this section, the court may request the local prosecuting  
attorney, circuit attorney, or attorney general to provide a written recommendation as to whether relief  
should be granted. In any order requiring such review the court may grant access to any and all mental  
health records, juvenile records, and criminal history of the petitioner wherever maintained. The court

1 may allow presentation of evidence at the hearing if requested by the local prosecuting attorney, circuit  
2 attorney, or attorney general.

3 5. If the petitioner is filing the petition as a result of an involuntary commitment under chapter  
4 632, the hearing and records shall be closed to the public, unless the court finds that public interest would  
5 be better served by conducting the hearing in public. If the court determines the hearing should be open to  
6 the public, upon motion by the petitioner, the court may allow for the in-camera inspection of mental  
7 health records. The court may allow the use of the record but shall restrict from public disclosure, unless  
8 it finds that the public interest would be better served by making the record public.

9 6. The court shall enter an order that:

10 (1) The petitioner does or does not continue to suffer from the condition that resulted in  
11 commitment;

12 (2) The individual does or does not continue to pose a danger to self or others for purposes of the  
13 purchase, possession, or transfer of firearms under 18 U.S.C. Section 922; and

14 (3) Granting relief under this section is not contrary to the public interest. The court shall include  
15 in its order the specific findings of fact on which it bases its decision.

16 7. Upon a judicial determination to grant a petition under this section, the clerk in the county  
17 where the petition was granted shall forward the order to the Missouri state highway patrol for updating of  
18 the petitioner's record with the National Instant Criminal Background Check System (NICS).

19 8. (1) Any person who has been denied a petition for the removal of the disqualification to  
20 purchase, possess, or transfer a firearm pursuant to this section shall not be eligible to file another petition  
21 for removal of the disqualification to purchase, possess, or transfer a firearm until the expiration of one  
22 year from the date of such denial.

23 (2) If a person has previously filed a petition for the removal of the disqualification to purchase,  
24 possess, or transfer a firearm and the court determined that:

25 (a) The petitioner's petition was frivolous; or

26 (b) The petitioner's condition had not so changed such that the person continued to suffer from  
27 the condition that resulted in the individual's incapacity or involuntary commitment and continued to pose  
28 a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C.  
29 Section 922; or

30 (3) Granting relief under this section would be contrary to the public interest, then the court shall  
31 deny the subsequent petition unless the petition contains the additional facts upon which the court could  
32 find the condition of the petitioner had so changed that a hearing was warranted.]; and

33  
34 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.