

HB 492 -- REMOVAL OF FIREARMS BY POLICE OFFICERS

SPONSOR: McCreery

When a law enforcement officer is at the scene of a domestic violence incident involving a threat to human life or a physical assault, or is serving a protective order, the office must take temporary custody of any firearm or other deadly weapon, under specified conditions, if the law enforcement officer has probable cause to believe that an act of domestic violence has occurred.

If a firearm is removed from the scene, the law enforcement officer must provide the owner of the firearm information on the process for retaking possession of his or her firearm and safely store the firearm during the duration of the domestic violence proceeding.

Within 14 days of the conclusion of a proceeding on the alleged act of domestic violence, the owner of the firearm may retake possession of the firearm unless ordered to surrender the firearm under Section 571.095, RSMo.

The bill prohibits the possession of a firearm by an individual who:

(1) Is subject to a court order that:

(a) Was issued after a hearing of which he or she received actual notice, and had an opportunity to participate;

(b) Restrains him or her from harassing, stalking, or threatening a family or household member of the individual or a child of the family, household member, or individual; or engaging in other conduct that would place a family or household member in reasonable fear of bodily injury to the family or household member or child; and

(c) Includes a finding that he or she represents a credible threat to the physical safety of the family, household member, or a child; or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against the family, household member, or child that would reasonably be expected to cause bodily injury; or

(2) Has been found guilty of or pled guilty to a misdemeanor crime of domestic assault in a court of competent jurisdiction.

Any person who violates the provisions of this section is guilty of a class D felony until December 31, 2016, and a class E felony beginning January 1, 2017.