

SECOND REGULAR SESSION

# HOUSE BILL NO. 1805

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE LEWIS (25).

3556H.02I

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

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

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

Section A. Section 542.271, RSMo, is repealed and sixteen new sections enacted in lieu thereof, to be known as sections 542.271, 571.801, 571.802, 571.803, 571.804, 571.805, 571.806, 571.807, 571.808,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, automatic, revolver, pistol, rifle, shotgun, or other  
18 instrument or device capable or intended to be capable of discharging bullets,  
19 cartridges, or other explosive 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 mental health, domestic violence, and counseling resources. The petitioner  
34 shall attest in the petition to having provided the notice or attest to the steps that will be  
35 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. If the court previously entered an order allowing service of the notice of  
21 hearing and petition or a temporary extreme risk protection order by publication under  
22 section 571.807, or if the court finds there are now grounds to allow such alternate  
23 service, the court may permit service by publication of the extreme risk protection order  
24 as provided under section 571.807. The court order shall state whether the court  
25 permitted service by publication.

26 7. Returns of service under sections 571.801 to 571.815 shall be made in  
27 accordance with the applicable court rules.

571.807. 1. The court may order service by publication under the circumstances  
2 permitted for the service under Missouri supreme court rules. The summons shall be  
3 substantively in the following form:

4	In the (Associate) Circuit Court of the State of Missouri for the County of _____
5	_____
6	_____, petitioner
7	vs.
8	_____, respondent
9	The State of Missouri to _____ (respondent): You are hereby summoned to
10	appear on the ____ day of _____ (month), ____ (year), at ____ (A.M./
11	P.M.), and respond to the petition. If you fail to respond, an extreme risk
12	protection order may be issued against you under the provisions of 571.801 to
13	571.815, RSMo, for one hundred eighty-two days from the date you are required
14	to appear. (A temporary extreme risk protection order has been issued against
15	you, restraining you from having in your custody or control any firearms or from
16	purchasing, possessing, or receiving or attempting to purchase or receive any
17	firearms. You must surrender to the _____ (name of law enforcement
18	agency in the jurisdiction where the respondent resides or where the firearms are
19	located) within twenty-four hours all firearms in your custody, control, or
20	possession and any concealed carry permit issued.) Copies of the notice of hearing
21	(and/,) petition (, and temporary extreme risk protection order) have been filed
22	with the clerk of this court.
23	_____
24	<b>Petitioner</b>

25           **2. If the court orders service by publication for notice of an extreme risk**  
26 **protection order hearing, it shall also reissue the temporary extreme risk protection**  
27 **order under section 571.803, if issued, to expire on the date of the extreme risk**  
28 **protection order hearing.**

29           **3. Following completion of service by publication for notice of an extreme risk**  
30 **protection order hearing, if the respondent fails to appear at the hearing, the court may**  
31 **issue an extreme risk 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 year. In the order, the court shall set a return date to review the order no later than  
34 thirty-five days prior to the expiration of the order. However, if, after notice, the motion  
35 for renewal is uncontested and the petitioner seeks no modification of the order, the  
36 order may be renewed on the basis of the petitioner's motion or affidavit, signed under  
37 oath and penalty of perjury, stating that there has been no material change in relevant  
38 circumstances since the entry of the order and stating the reason for the requested  
39 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 described under 18 U.S.C. Section 923, as amended. However, this paragraph  
6 shall not be interpreted to require any federally-licensed firearms dealer to purchase or  
7 accept possession of any firearm; or

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

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

11 2. (1) The law enforcement agency serving an extreme risk protection order,  
12 including a temporary extreme risk protection order, in which the petitioner is not a law  
13 enforcement agency or officer, shall request that the respondent immediately surrender  
14 all firearms in his or her custody, control, or possession and any concealed carry permit  
15 issued to the respondent and shall conduct any search permitted by law for such  
16 firearms or permit. After the law enforcement agency or officer has custody of the  
17 firearms, the respondent may inform the law enforcement officer of his or her  
18 preference for sale, transfer, or storage of the firearms as specified under subsection 1 of  
19 this section. If the respondent elects to sell or transfer the firearms to a federally-  
20 licensed firearms dealer described under 18 U.S.C. Section 923, as amended, the law  
21 enforcement officer or agency shall maintain custody of the firearms until they are sold  
22 or transferred. The law enforcement officer shall take possession of all firearms and  
23 any such permit belonging to the respondent that are surrendered, in plain sight, or  
24 discovered pursuant to a lawful search. Alternatively, if personal service by the law  
25 enforcement agency is not possible or not required because the respondent was present  
26 at the extreme risk protection order hearing, the respondent shall surrender the  
27 firearms and any concealed carry permit within twenty-four hours after being served

28 with the order by alternate service or within twenty-four hours after the hearing at  
29 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 forty-eight 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 forty-eight-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, 2022, regarding the acceptance, storage, and**  
87 **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, 2023.**

**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 and any federally-licensed firearms dealer described**  
5 **under 18 U.S.C. Section 923, as amended, with custody of a firearm shall return the**  
6 **firearm requested by a respondent only after confirming, through a criminal history**  
7 **record check, that the respondent is currently eligible to own or possess a firearm under**  
8 **federal and state law and after confirming with the court that the extreme risk**  
9 **protection order has terminated or has expired without renewal.**

10           **2. Any firearm surrendered or seized under section 571.809 or seized under**  
11 **subsection 5 of section 542.271 that remains unclaimed by the lawful owner for at least**  
12 **one year from the date the temporary extreme risk protection order or extreme risk**  
13 **protection order expired, whichever is later, shall be disposed in accordance with the**  
14 **law enforcement agency's policies and procedures for the disposal of firearms in police**  
15 **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**  
7 **extreme risk protection order.**

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**  
7 **sections 571.801 to 571.815.**

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, 2021,**  
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 **judicial branch practices.**

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

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

16 **2. A court clerk for each judicial district shall create a community resource list**  
17 **of crisis intervention, mental health, substance abuse, interpreter, counseling, and other**  
18 **relevant resources serving the county in which the court is located. The court shall**  
19 **make the community resource list available as part of or in addition to the materials**  
20 **described under subdivision (1) of subsection 1 of this 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.**

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

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

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