

FIRST REGULAR SESSION

HOUSE BILL NO. 410

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DOLL.

0535H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 650, RSMo, by adding thereto one new section relating to the gun theft prevention act, with penalty provisions.

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

Section A. Chapter 650, RSMo, is amended by adding thereto one new section, to be
2 known as section 650.590, to read as follows:

**650.590. 1. This section shall be known and may be cited as the "Gun Theft
2 Prevention Act".**

**3 2. No person or entity licensed under 18 U.S.C. Section 923 to import,
4 manufacture, or deal in firearms shall engage in the sale or dealing of firearms unless:**

**5 (1) After January 1, 2024, or before a newly licensed dealer opens its business,
6 whichever is later:**

**7 (a) The licensed dealer submits a security plan to the department of public
8 safety; and**

9 (b) The department of public safety approves the security plan;

**10 (2) No later than one year after the department of public safety approves a
11 security plan, the department of public safety inspects the premises of the licensed
12 dealer and certifies that the licensed dealer has adopted the measures stated in its
13 security plan; and**

14 (3) Annually after the inspection, the licensed dealer shall:

**15 (a) Certify to the department of public safety that each premises from which the
16 licensed dealer conducts business is in compliance with the security measures of its
17 security plan;**

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.

18 **(b) Conduct an inventory of the firearms in its possession and reconcile the**
19 **results with the most recently completed inventory; and**

20 **(c) Certify to the department that the licensed dealer conducted the inventory**
21 **and reconciliation described under paragraph (b) of this subdivision and report any**
22 **missing firearms.**

23 **3. (1) The security plan required under subsection 2 of this section shall address**
24 **how the licensed dealer will secure the premises where it conducts business to prevent**
25 **theft or loss of firearms, including in the event of a natural disaster or other emergency.**

26 **(2) A security plan shall include, but not be limited to, the following security**
27 **measures to deter the theft of firearms:**

28 **(a) The use of metal cabinets or fireproof safes;**

29 **(b) The use of security systems, video monitoring, anti-theft alarms, or a**
30 **combination thereof;**

31 **(c) Security gates and strong locks; or**

32 **(d) Site hardening, concrete bollards, or other access controls.**

33 **4. A licensed dealer shall report the theft or loss of a firearm from the licensed**
34 **dealer's inventory or collection within forty-eight hours after the theft or loss is**
35 **discovered to the department of public safety and to the appropriate local law**
36 **enforcement authorities.**

37 **5. (1) The department of public safety shall prescribe regulations as are**
38 **necessary to ensure that any premises where a licensed dealer offers for sale or deals in**
39 **firearms are secure from theft. The department of public safety may develop and may**
40 **publish standards for security measures.**

41 **(2) The department of public safety may prescribe standards for security plans.**
42 **The department of public safety shall receive and, within sixty days, review security**
43 **plans described under subsection 3 of this section. If the department of public safety**
44 **deems a security plan sufficient, the department shall notify the licensed dealer of its**
45 **approval. If the department of public safety deems a security plan insufficient, the**
46 **department shall notify the licensed dealer of the reason the security plan is insufficient**
47 **and may provide recommendations to improve the security plan.**

48 **(3) No later than one year after approving a security plan, the department of**
49 **public safety shall conduct an inspection of the security of the premises of the licensed**
50 **dealer, which may include an inspection of the measures taken to implement the security**
51 **plan submitted by the licensed dealer. On completion of the security inspection, the**
52 **department of public safety shall provide the licensed dealer with notification of any**
53 **violation by the licensed dealer of any security requirement and with recommendations**
54 **for improving security of the premises.**

55 (4) No later than thirty days after the department of public safety receives a
56 report from a licensed dealer of a theft of a firearm, the department of public safety
57 shall conduct an independent inspection of the security of the premises where the theft
58 occurred, which may include an inspection of the measures taken to implement the
59 licensed dealer's security plan. Upon completion of the inspection, the department of
60 public safety shall provide the licensed dealer with notification of any violation by the
61 licensed dealer of any security requirement and with recommendations for improving
62 security of the premises.

63 (5) The department of public safety shall promulgate all necessary rules and
64 regulations for the administration of this section. Any rule or portion of a rule, as that
65 term is defined in section 536.010, that is created under the authority delegated in this
66 section shall become effective only if it complies with and is subject to all of the
67 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter
68 536 are nonseverable, and if any of the powers vested with the general assembly
69 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul
70 a rule are subsequently held unconstitutional, then the grant of rulemaking authority
71 and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

72 (6) Before January 1, 2025, and annually thereafter, the department of public
73 safety shall submit a written report to the general assembly on the implementation of
74 the gun theft prevention act that:

75 (a) Addresses any remaining steps that are necessary to complete the
76 implementation;

77 (b) Identifies any additional resources that are required to conduct regular
78 inspections and to ensure that this section is enforced against noncompliant firearm
79 dealers in a timely manner; and

80 (c) Includes any other information the department of public safety deems
81 appropriate.

82 6. (1) The department of public safety may impose a civil penalty of not more
83 than five thousand dollars on any licensed dealer offering the sale or dealing of firearms
84 who has:

85 (a) Failed to submit a security plan to the department of public safety under
86 subdivision (1) of subsection 2 of this section;

87 (b) Failed to obtain certification that it complies with the licensed dealer's
88 security plan under subdivision (2) of subsection 2 of this section; or

89 (c) Fails to annually certify compliance with its security plan or conduct a
90 reconciliation of inventory under subdivision (3) of subsection 2 of this section.

91 **(2) If a licensed dealer is in violation of a regulation prescribed under this section**
92 **or a licensed dealer fails to implement a corrective action required by the department of**
93 **public safety within thirty days of the completion of a security inspection conducted**
94 **under subdivision (3) or (4) of subsection 5 of this section, the department of public**
95 **safety may penalize the licensed dealer as follows:**

96 **(a) If the violation is not a result of gross negligence by the licensed dealer:**

97 **a. For a first violation, transmit to the licensed dealer a written notice that shall**
98 **specify the violation, that includes a copy of the provision of law or regulation violated,**
99 **and that includes a plan for how to cure the violation;**

100 **b. For a second violation, impose a civil penalty in an amount not less than two**
101 **thousand five hundred dollars and not more than twenty thousand dollars;**

102 **c. For a third or subsequent violation, issue an order to stop engaging in the sale**
103 **or dealing of firearms until the violation ceases; or**

104 **d. For any violation by a licensed dealer who has previously committed a**
105 **violation under this subdivision that was the result of gross negligence, enhance the**
106 **penalty authorized under this paragraph by applying a penalty one level more severe;**
107 **or**

108 **(b) If the violation is a result of gross negligence by the licensed dealer:**

109 **a. For a first violation by the licensed dealer, impose a civil penalty in an amount**
110 **that is not less than two thousand five hundred dollars and not more than twenty**
111 **thousand dollars; or**

112 **b. For a second or subsequent violation by the licensed dealer, impose a civil**
113 **penalty in an amount equal to twenty thousand dollars or issue an order to stop**
114 **engaging in the sale or dealing of firearms until the violation ceases.**

115 **(3) If the department of public safety finds that the nature of the violation**
116 **indicates that the continued operation of a firearms business by the licensed dealer**
117 **presents an imminent risk to public safety, the department shall immediately issue an**
118 **order to the licensed dealer to stop engaging in the sale or dealing of firearms until the**
119 **violation ceases.**

✓