

FIRST REGULAR SESSION

# HOUSE BILL NO. 104

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE EALY.

0491H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To amend chapters 571 and 630, RSMo, by adding thereto three new sections relating to the storage of firearms, with penalty provisions.

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

Section A. Chapters 571 and 630, RSMo, are amended by adding thereto three new sections, to be known as sections 571.055, 571.056, and 630.1040, to read as follows:

**571.055. 1. As used in this section, the following terms mean:**

(1) "Child", any person under eighteen years of age;

(2) "Locking device", a device that prohibits the operation or discharge of a firearm and that can be disabled only with the use of a key, combination, or biometric data;

(3) "Personalized firearm", a firearm that has, as part of its original manufacture, incorporated design technology that allows the firearm to be fired only by the authorized user and prevents any of the safety characteristics of the firearm from being readily deactivated by anyone other than the authorized user. The technology limiting the firearm's operation may include, but is not limited to, fingerprint verification, magnetic encoding, radio frequency tagging, or automatic user identification systems that utilize biometric, mechanical, or electronic systems;

(4) "Unauthorized person", any person who is ineligible to possess a firearm under state or federal law.

2. The following actions shall be deemed responsible and secure storage of a firearm:

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.

17 (1) With the exception of a concealed or openly carried firearm in a secure  
18 holster, firearms shall be kept unloaded until ready to use;

19 (2) With the exception of a concealed or openly carried firearm in a secure  
20 holster, firearms shall be securely stored in a manner that ensures:

21 (a) The firearms are not accessible to unauthorized persons, including children.  
22 Examples of secure storage include, but are not limited to, trigger locks, cable locks,  
23 locking gun cases, strongboxes, security cases, locking gun cabinets, and gun safes; and

24 (b) Unauthorized persons and children do not have access to the key,  
25 combination, or other unlocking mechanism necessary to open the storage container  
26 or remove the locking device; and

27 (3) With the exception of a concealed or openly carried firearm in a secure  
28 holster, a personalized firearm's safety characteristics shall be activated.

29 3. A person commits the offense of unlawful storage of a firearm if the person  
30 fails to responsibly and securely store a firearm, as described under subsection 2 of this  
31 section, upon any premises that the person owns or controls, and:

32 (1) The person knows or reasonably should know a child can gain access to the  
33 firearm without the permission of the child's parent or guardian and without direct  
34 adult supervision; or

35 (2) The person knows or reasonably should know a cotenant is ineligible to  
36 possess a firearm under state or federal law.

37 4. This section shall not apply to the storing of an antique firearm, as defined  
38 under 18 U.S.C. Section 921, or a curio or relic, as defined under 27 CFR 478.11.

39 5. The offense of unlawful storage of a firearm is punishable by a five-hundred-  
40 dollar fine for a first violation and punishable as a class B misdemeanor for a second or  
41 subsequent violation.

42 6. It is a defense to the offense of unlawful storage of a firearm if a child or  
43 cotenant gained possession of and used the firearm in a lawful act of self-defense,  
44 defense of others, or defense of livestock.

571.056. 1. Any firearms dealer licensed under 18 U.S.C. Section 923 shall post,  
2 in a conspicuous location on its premises and at any other location at which the dealer  
3 sells a firearm, the following notice, in writing, on a printed card, with each letter at a  
4 minimum of one inch in height:

5 Notice

6 Unlawful storage of a firearm may result in imprisonment or fine.

7           **2. A violation of this section by a licensed firearms dealer is punishable by a**  
8 **warning for a first violation and punishable by a fine of not more than five hundred**  
9 **dollars for a second or subsequent violation.**

**630.1040. 1. (1) The department of public safety shall include on a public page**  
2 **of the department's website addressing suicide prevention the following information:**

3           **(a) The offense of unlawful storage of a firearm under section 571.055; and**

4           **(b) The penalties for an offense related to providing a firearm to a child or**  
5 **allowing a child to possess a firearm in violation of section 571.060.**

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7 **The information shall be in both English and Spanish.**

8           **(2) The department shall include references to the offenses described under**  
9 **subdivision (1) of this subsection and direction to the department website for more**  
10 **information about those offenses in any materials provided to:**

11           **(a) Licensed firearms dealers, shooting ranges, and safety instructors; and**

12           **(b) Health care providers, including facilities licensed under chapters 197 and**  
13 **198.**

14           **2. The department of public safety shall develop a notice intended to be**  
15 **displayed on the premises of a licensed firearms dealer, and designed to be printed with**  
16 **each letter at a minimum of one inch in height, that informs firearms purchasers that**  
17 **unlawful storage of a firearm may result in imprisonment or fine. The department shall**  
18 **make electronic copies of the notice publicly available for download from its website**  
19 **without charge.**

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