

FIRST REGULAR SESSION

# SENATE BILL NO. 124

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHAPPELLE-NADAL.

Pre-filed January 8, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

0769S.011

## AN ACT

To amend chapter 571, RSMo, by adding thereto three new sections relating to firearms, with penalty provisions.

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

Section A. Chapter 571, RSMo, is amended by adding thereto three new sections, to be known as sections 571.096, 571.097, and 571.099, to read as follows:

**571.096. 1. A person commits the offense of failing to stop the illegal possession of a firearm if such person:**

- (1) Is the parent or guardian of a child under the age of eighteen;**
- (2) Knows the child possesses a firearm in violation of any provision of chapter 571; and**
- (3) Fails to make reasonable efforts to stop the possession or report the possession to law enforcement.**

**2. The offense of failing to stop the illegal possession of a firearm is a class A misdemeanor unless the child causes injury or death to another person with the firearm in which case it is a class D felony.**

**571.097. 1. A person commits the offense of negligent storage of a firearm if such person is the parent or guardian of a child under the age of eighteen and such person recklessly stores or leaves a firearm on any premises that are under the person's custody or control in a manner in which the child is likely to access the firearm and:**

- (1) The child obtains access to the firearm and carries the firearm, whether loaded or unloaded into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the school district in violation of section 571.030;**

11           (2) The child obtains access to the firearm and causes death or  
12 injury to another person with the firearm unless it was a lawful act of  
13 self defense or defense of others under chapter 563; or

14           (3) The child obtains access to the firearm and the firearm is  
15 used during the commission of any misdemeanor or felony offense.

16           2. The offense of negligent storage of a firearm is a class A  
17 misdemeanor unless the child causes injury or death to another person  
18 with the firearm in which case it is a class D felony. A person who  
19 commits the offense of negligent storage of a firearm who has failed to  
20 notify a school district or school of firearm ownership as required  
21 under section 571.099 shall be required to pay a fine of one thousand  
22 dollars in addition to any other penalty authorized by law.

23           3. A firearm shall not be considered recklessly stored or left in  
24 a manner in which the child is likely to access the firearm if:

25           (1) The firearm is stored in a securely locked container or in a  
26 location that a reasonable person would believe to be secure;

27           (2) The firearm is equipped with a cable lock, trigger lock, or  
28 other safety device that cannot be readily removed from the firearm;  
29 or

30           (3) The firearm is on the person's body or in such proximity to  
31 the person's body that he or she could retrieve it as easily and quickly  
32 as if carried on his or her body.

          571.099. 1. Any parent or guardian of a child who attends a  
2 public, private, or charter school shall notify, in writing, the  
3 superintendent of the school district, or the governing body of a private  
4 school or charter school, that such parent or guardian owns a firearm  
5 within thirty calendar days of:

6           (1) Enrolling his or her child in a school district, a private  
7 school, or a charter school; or

8           (2) Purchasing a firearm, or otherwise receiving a firearm in a  
9 transfer of ownership.

10           2. The notification shall specify the names of the parent or  
11 guardian and any child or children who attend the school district or  
12 school and the fact that the parent or guardian owns a firearm. The  
13 notification does not need to specify the type of firearm or the number  
14 of firearms owned by the parent or guardian.

15           3. If the parent enrolling the child does not own a firearm, but

16 another parent residing in the home with the child or who shares  
17 custody of the child does own a firearm, then the parent who owns the  
18 firearm is required to send the written notification. If the parent or  
19 guardian has multiple children who attend the same school district or  
20 private or charter school, such parent or guardian only needs to send  
21 one written notification so long as the notification includes the name  
22 of each child who attends the school or any school in the  
23 district. Whenever the parent or guardian enrolls a subsequent child  
24 in the district or school, the parent or guardian shall send an updated  
25 written notification that includes the name of the new child or  
26 children. A parent or guardian who has already sent a written  
27 notification pursuant to this section who purchases or receives a new  
28 firearm shall not be required to send an additional notification.

29 4. Failure to notify a school district or school of firearm  
30 ownership under this section shall be an infraction, punishable by a  
31 fine of up to one hundred dollars.

Bill ✓

Copy