

FIRST REGULAR SESSION

SENATE BILL NO. 469

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHAPPELLE-NADAL.

Read 1st time February 28, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1863S.011

AN ACT

To amend chapter 571, RSMo, by adding thereto three new sections relating to weapons, 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 weapon if such person:

- (1) Is the parent or guardian of a child under the age of eighteen;**
- (2) Knows the child possesses a weapon 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 weapon is a class A misdemeanor unless the child causes injury or death to another person with the weapon in which case it is a class D felony.

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

- (1) The child obtains access to the weapon and carries the weapon 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;**
- (2) The child obtains access to the weapon and causes death or**

11 injury to another person with the weapon unless it was a lawful act of
12 self defense or defense of others under chapter 563; or

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

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

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

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

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

29 (3) The weapon is on the person's body or in such proximity to
30 the person's body that he or she could retrieve it as easily and quickly
31 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 weapon
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 weapon, or otherwise receiving a weapon 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 weapon. The
13 notification does not need to specify the type of weapon or the number
14 of weapons owned by the parent or guardian.

15 3. If the parent enrolling the child does not own a weapon, but
16 another parent residing in the home with the child or who shares

17 custody of the child does own a weapon, then the parent who owns the
18 weapon 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 weapon shall not be required to send an additional notification.

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

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Bill

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