

SECOND REGULAR SESSION

# HOUSE BILL NO. 2693

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE LOVASCO.

5615H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal sections 571.067, 571.095, and 578.435, RSMo, and to enact in lieu thereof four new sections relating to the disposal of firearms.

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

Section A. Sections 571.067, 571.095, and 578.435, RSMo, are repealed and four  
2 new sections enacted in lieu thereof, to be known as sections 571.067, 571.076, 571.095, and  
3 578.435, to read as follows:

571.067. No county, municipality, or other governmental body, or an agent of a  
2 county, municipality, or other governmental body, may participate in any program in which  
3 individuals are given a thing of value in exchange for surrendering a firearm to the county,  
4 municipality, or other governmental body unless:

5 (1) The county, municipality, or governmental body has adopted a resolution,  
6 ordinance, or rule authorizing the participation of the county, municipality, or governmental  
7 body, or participation by an agent of the county, municipality, or governmental body, in such a  
8 program; and

9 (2) The resolution, ordinance, or rule enacted pursuant to this section provides that  
10 any firearm received shall be offered for sale or trade to a licensed firearms dealer. The  
11 proceeds from any sale or gains from trade shall be the property of the county, municipality,  
12 or governmental body. Any proceeds collected under this subdivision shall be deposited with  
13 the municipality, county, or governmental body unless the proceeds are collected by a sheriff,  
14 in which case the proceeds shall be deposited in the county sheriff's revolving fund under  
15 section 50.535. Any firearm remaining in the possession of the county, municipality, or  
16 governmental body after the firearm has been offered for sale or trade to at least two licensed

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 firearms dealers **and after the firearm has been offered for sale to the public as provided**  
18 **in section 571.076** may be destroyed.

**571.076. 1. Notwithstanding any other provision of law, neither the state nor any**  
2 **political subdivision of the state shall destroy or cause the destruction of any firearm**  
3 **except as provided in this section.**

4 **2. A firearm in the possession of the state or any political subdivision of the state**  
5 **shall not be destroyed unless the firearm:**

6 **(1) Has first been offered for sale to the public in the same manner as other**  
7 **surplus property under section 34.140 or other relevant state or local law. Public notice**  
8 **of the sale shall be provided in the same manner as public notice is provided for other**  
9 **surplus property; and**

10 **(2) Has not been purchased after having been offered for sale to the public as**  
11 **described in subdivision (1) of this subsection on at least two separate occasions at a**  
12 **price of one cent.**

13 **3. Any purchase of a firearm through a public sale as described in subsection 2**  
14 **of this section shall be:**

15 **(1) Processed through a licensed firearms dealer before delivery to the**  
16 **purchaser; and**

17 **(2) Subject to all applicable purchasing restrictions governing commercial**  
18 **firearms transactions.**

19 **4. Nothing in this section shall be construed to prohibit the sale of a firearm to a**  
20 **licensed firearms dealer or to another governmental entity.**

21 **571.095. Upon conviction for or attempting to commit a felony in violation of any**  
2 **law perpetrated in whole or in part by the use of a firearm, the court may, in addition to the**  
3 **penalty provided by law for such offense, order the confiscation and [disposal or] sale or trade**  
4 **to a licensed firearms dealer or to a purchaser at a public sale described in section 571.076**  
5 **of firearms and ammunition used in the commission of the crime or found in the possession or**  
6 **under the immediate control of the defendant at the time of his or her arrest. The proceeds of**  
7 **any sale or gains from trade shall be the property of the police department or sheriff's**  
8 **department responsible for the defendant's arrest or the confiscation of the firearms and**  
9 **ammunition. If such firearms or ammunition are not the property of the convicted felon, they**  
10 **shall be returned to their rightful owner if he or she is known and was not a participant in the**  
11 **crime. Any proceeds collected under this section shall be deposited with the municipality or**  
12 **by the county treasurer into the county sheriff's revolving fund established in section 50.535.**

23 **578.435. 1. As used in this section and section 578.437, the term "weapon" means**  
2 **any firearm, concealable firearm, blackjack, explosive weapon, gas gun, knife, knuckles,**

3 machine gun, projectile weapon, rifle, short barrel, shotgun, or switchblade knife, as defined  
4 in section 571.010.

5         2. Any weapon which is owned or possessed by a member of a criminal street gang  
6 for the purposes of the commission of an offense enumerated in subdivision (2) of section  
7 578.421 may be confiscated by any law enforcement agency or peace officer as defined in  
8 section 590.100. If the law enforcement agency or peace officer believes that the return of the  
9 weapon confiscated has been or will be used in criminal street gang activity or that the return  
10 of the weapon would be likely to result in endangering the safety of others, the law  
11 enforcement agency or peace officer may initiate a petition in circuit court to determine if the  
12 weapon should be returned or declared a nuisance. If the court declares **any** such weapon  
13 **that is not a firearm** to be a nuisance, the weapon shall be destroyed. **If the court declares**  
14 **any such weapon that is a firearm to be a nuisance, the weapon shall be offered for sale**  
15 **to the public as provided in section 571.076.**

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