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§ Sec. 21.750 Firearms legislation preemption by general assembly, exceptions – limitation on civil recovery against firearms or ammunitions manufacturers, when, exception

1. The general assembly hereby occupies and preempts the entire field of legislation touching in any way firearms, components, ammunition and supplies to the complete exclusion of any order, ordinance or regulation by any political subdivision of this state. Any existing or future orders, ordinances or regulations in this field are hereby and shall be null and void except as provided in subsection 3 of this section.

2. No county, city, town, village, municipality, or other political subdivision of this state shall adopt any order, ordinance or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes or other controls on firearms, components, ammunition, and supplies except as provided in subsection 3 of this section.

3. (1) Except as provided in subdivision (2) of this subsection, nothing contained in this section shall prohibit any ordinance of any political subdivision which conforms exactly with any of the provisions of §§ 571.010 to 571.070, with appropriate penalty provisions, or which regulates the open carrying of firearms readily capable of lethal use or the discharge of firearms within a jurisdiction, provided such ordinance complies with the provisions of § 252.243. No ordinance shall be construed to preclude the use of a firearm in the defense of person or property, subject to the provisions of chapter 563.

(2) In any jurisdiction in which the open carrying of firearms is prohibited by ordinance, the open carrying of firearms shall not be prohibited in accordance with the following:

(a) Any person with a valid concealed carry endorsement or permit who is open carrying a firearm shall be required to have a valid concealed carry endorsement or permit from this state, or a permit from another state that is recognized by this state, in his or her possession at all times;

(b) Any person open carrying a firearm in such jurisdiction shall display his or her concealed carry endorsement or permit upon demand of a law enforcement officer;

(c) In the absence of any reasonable and articulable suspicion of criminal activity, no person carrying a concealed or unconcealed firearm shall be disarmed or physically restrained by a law enforcement officer unless under arrest; and

(d) Any person who violates this subdivision shall be subject to the penalty provided in § 571.121.

4. The lawful design, marketing, manufacture, distribution, or sale of firearms or ammunition to the public is not an abnormally dangerous activity and does not constitute a public or private nuisance.

5. No county, city, town, village or any other political subdivision nor the state shall bring suit or have any right to recover against any firearms or ammunition manufacturer, trade association or dealer for damages, abatement or injunctive relief resulting from or relating to the lawful design, manufacture, marketing, distribution, or sale of firearms or ammunition to the public. This subsection shall apply to any suit pending as of October 12, 2003, as well as any suit which may be brought in the future. Provided, however, that nothing in this section shall restrict the rights of individual citizens to recover for injury or death caused by the negligent or defective design or manufacture of firearms or ammunition.

6. Nothing in this section shall prevent the state, a county, city, town, village or any other political subdivision from bringing an action against a firearms or ammunition manufacturer or dealer for breach of contract or warranty as to firearms or ammunition purchased by the state or such political subdivision.

Title 38. Crimes and Punishment; Peace Officers and Public Defenders

Chapter 571. Weapons Offenses

§ Sec. 571.010 Definitions.

As used in this chapter, the following terms shall mean:

(1) "Antique, curio or relic firearm", any firearm so defined by the National Gun Control Act, 18 U.S.C. Title 26, § 5845, and the United States Treasury/Bureau of Alcohol Tobacco and Firearms, 27 CFR § 178.11:

(a) "Antique firearm" is any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, said ammunition not being manufactured any longer; this includes any matchlock, wheel lock, flintlock, percussion cap or similar type ignition system, or replica thereof;
(b) "Curio or relic firearm" is any firearm deriving value as a collectible weapon due to its unique design, ignition system, operation or at least 50 years old, associated with a historical event, renown personage or major war;

(4) "Concealable firearm", any firearm with a barrel less than 16 inches in length, measured from the face of the bolt or standing breech;

(5) "Deface", to alter or destroy the manufacturer's or importer's serial number or any other distinguishing number or identification mark;

(7) "Explosive weapon", any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury, or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon. For the purposes of this subdivision, the term "explosive" shall mean any chemical compound mixture or device, the primary or common purpose of which is to function by explosion, including but not limited to, dynamite and other high explosives, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cords, igniter cords, and igniters or blasting agents;

(8) "Firearm", any weapon that is designed or adapted to expel a projectile by the action of an explosive;

(9) "Firearm silencer", any instrument, attachment, or appliance that is designed or adapted to muffle the noise made by the firing of any firearm;

(11) "Intoxicated", substantially impaired mental or physical capacity resulting from introduction of any substance into the body;

(14) "Machine gun", any firearm that is capable of firing more than one shot automatically, without manual reloading, by a single function of the trigger;

(16) "Rifle", any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger;

(17) "Short barrel", a barrel length of less than 16 inches for a rifle and 18 inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall rifle or shotgun length of less than 26 inches;

(18) "Shotgun", any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile through a smooth bore barrel by a single function of the trigger;

(19) "Spring gun", any fused, timed or nonmanually controlled trap or device designed or adapted to set off an explosion for the purpose of inflicting serious physical injury or death.

§ Sec. 571.014 Unlawful refusal to transfer by denying sale of a firearm to a nonlicensee, crime of – violation, penalty – inapplicability, when

1. A person commits the crime of unlawful refusal to transfer by denying sale of a firearm to a nonlicensee, who is otherwise not prohibited from possessing a firearm under state or federal law, solely on the basis that the nonlicensee purchased a firearm that was later the subject of a trace request by law enforcement.

2. Violation of subsection 1 of this section shall be a class A misdemeanor.

3. Notwithstanding any other provision of law to the contrary, no federal firearms dealer licensed under 18 U.S.C. § 923 who engages in the sale of firearms within this state shall fail or refuse to complete the sale of a firearm to a customer in every case in which the sale is authorized by federal law.

4. The provisions of this section shall not apply to any individual federal firearms license holder, his agents, or employees to the extent they chose in their individual judgment to not complete the sale or transfer of a firearm for articulable reasons specific to that transaction, so long as those reasons are not based on the race, gender, religion, creed of the buyer.

§ Sec. 571.020 Possession – manufacture – transport – repair – sale of certain weapons a crime – exceptions – penalties

1. A person commits an offense if such person knowingly possesses, manufactures, transports, repairs, or sells:

   (1) An explosive weapon;

   (2) An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;

   (4) A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or

   (6) Any of the following in violation of federal law:

   (a) A machine gun;
(b) A short-barreled rifle or shotgun;
(c) A firearm silencer; or

2. A person does not commit an offense pursuant to this section if his or her conduct involved any of the items in subdivisions (1) to (5) of subsection 1, the item was possessed in conformity with any applicable federal law, and the conduct:

1. Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental law enforcement agency, or a penal institution; or
2. Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in subdivision (1) of this section; or
3. Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or
4. Was incident to displaying the weapon in a public museum or exhibition; or
5. Was incident to using the weapon in a manner reasonably related to a lawful dramatic performance.

3. An offense pursuant to subdivision (1), (2), (3) or (6) of subsection 1 of this section is a class D felony; a crime pursuant to subdivision (4) or (5) of subsection 1 of this section is a class A misdemeanor.

§ Sec. 571.030 Unlawful use of weapons – exceptions – penalties

1. A person commits the offense of unlawful use of weapons, except as otherwise provided by §§ 571.101 to 571.121, if he or she knowingly:

11. Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of § 579.015.

8. A person who commits the crime of unlawful use of weapons under:

1. Subdivision (2), (3), (4), or (11) of subsection 1 of this section shall be guilty of a class E felony;

11. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

§ Sec. 571.045 Defacing firearm, penalty

1. A person commits the crime of defacing a firearm if he knowingly defaces any firearm.

2. Defacing a firearm is a class A misdemeanor.

§ Sec. 571.050 Possession of defaced firearm, penalty

1. A person commits the crime of possession of a defaced firearm if he knowingly possesses a firearm which is defaced.

2. Possession of a defaced firearm is a class B misdemeanor.

§ Sec. 571.060 Unlawful transfer of weapons, penalty

1. A person commits the offense of unlawful transfer of weapons if he:

1. Knowingly sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to any person who, under the provisions of § 571.070, is not lawfully entitled to possess such;
2. recklessly, as defined in § 562.016, sells, leases, loans, gives away or delivers any firearm to a person less than 18 years old without the consent of the child’s custodial parent or guardian; provided, that this does not prohibit the delivery of such weapons to any peace officer or member of the Armed Forces or National Guard while performing his official duty; or
3. recklessly, as defined in § 562.016, sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

2. Unlawful transfer of weapons under subdivision (1) of subsection 1 of this section is a class E felony; unlawful transfer of weapons under subdivisions (2) and (3) of subsection 1 of this section is a class A misdemeanor.

§ Sec. 571.063 Fraudulent purchase of a firearm, crime of – definitions – penalty – exceptions

1. As used in this section the following terms shall mean:

1. "Ammunition", any cartridge, shell, or projectile designed for use in a firearm;
(2) "Licensed dealer", a person who is licensed under 18 U.S.C. § 923 to engage in the business of dealing in firearms;

(3) "Materially false information", any information that portrays an illegal transaction as legal or a legal transaction as illegal;

(4) "Private seller", a person who sells or offers for sale any firearm, as defined in § 571.010, or ammunition.

2. A person commits the crime of fraudulent purchase of a firearm if such person:

   (1) Knowingly solicits, persuades, encourages or entices a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate the laws of this state or the United States; or

   (2) Provides to a licensed dealer or private seller of firearms or ammunition what the person knows to be materially false information with intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition; or

   (3) Willfully procures another to violate the provisions of subdivision (1) or (2) of this subsection.

3. Fraudulent purchase of a firearm is a class E felony.

4. This section shall not apply to criminal investigations conducted by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives, authorized agents of such investigations, or to a peace officer, as defined in § 542.261, acting at the explicit direction of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives.

Concealable Firearms

§ Sec. 571.070 Possession of firearm unlawful for certain persons – penalty – exception

1. A person commits the offense of unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and:

   (1) Such person has been convicted of a felony under the laws of this state, or of a crime under the laws of any state or of the United States which, if committed within this state, would be a felony; or

   (2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.

2. Unlawful possession of a firearm is a class D felony.

3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to the possession of an antique firearm.

§ Sec. 571.072 Unlawful possession of an explosive weapon – penalty

1. A person commits the offense of unlawful possession of an explosive weapon if he or she has any explosive weapon in his or her possession and:

   (1) He or she has pled guilty to or has been convicted of a dangerous felony, as defined in § 556.061, or of an attempt to commit a dangerous felony, or of an offense under the laws of any state or of the United States which, if committed within this state, would be a dangerous felony, or confined therefor in this state or elsewhere during the 5-year period immediately preceding the date of such possession; or

   (2) He or she is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.

2. Unlawful possession of an explosive weapon is a class D felony.

§ Sec. 571.080 Transfer of concealable firearms.

A person commits the crime of transfer of a concealable firearm if such person violates 18 U.S.C. § 922(b) or 18 U.S.C. § 922(x).

§ Sec. 571.085 Purchase in another state by Missouri residents, permitted when.

Residents of the state of Missouri may purchase firearms in any state, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, and regulations thereunder, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of Missouri and in the state in which the purchase is made.

§ Sec. 571.087 Purchase in Missouri by nonresident, permitted when.

Residents of any state may purchase firearms in the state of Missouri, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, and regulations thereunder, and provided further that such
residents conform to the provisions of law applicable to such purchase in the state of Missouri and in the state in which such persons reside.

§ Sec. 571.092 Restriction on transfer and possession of firearms, petition for removal of, when, requirements

1. Any individual who has been adjudged incapacitated under chapter 475, who has been involuntarily committed under chapter 632, or who is otherwise subject to the firearms-related disabilities of 18 U.S.C. § 922(d)(4) or (g)(4) as a result of an adjudication or commitment that occurred in this state may file a petition for the removal of the disqualification to ship, transport, receive, purchase, possess, or transfer a firearm imposed under 18 U.S.C. § 922(d)(4) or (g)(4) and the laws of this state.

2. The petition shall be filed in the circuit court with jurisdiction in the petitioner's place of residence or that entered the letters of guardianship or the most recent order for involuntary commitment, or the most recent disqualifying order, whichever is later. The petition shall include:

   (1) The circumstances regarding the firearms disabilities;

   (2) The applicant's record which at a minimum shall include the applicant's mental health and criminal history records, if any;

   (3) The applicant's reputation through character witness statements, testimony, or other character evidence; and

   (4) Any other information or evidence relevant to the relief sought, including but not limited to evidence concerning any changes in the petitioner's condition since the disqualifying commitment or adjudication occurred.

Upon receipt of the petition, the clerk shall schedule a hearing and provide notice of the hearing to the petitioner.

3. The court shall grant the requested relief if it finds by clear and convincing evidence that:

   (1) The petitioner will not be likely to act in a manner dangerous to public safety; and

   (2) Granting the relief is not contrary to the public interest.

4. In order to determine whether to grant relief under this section, the court may request the local prosecuting attorney, circuit attorney, or attorney general to provide a written recommendation as to whether relief should be granted. In any order requiring such review the court may grant access to any and all mental health records, juvenile records, and criminal history of the petitioner wherever maintained. The court may allow presentation of evidence at the hearing if requested by the petitioner or by the local prosecuting attorney, circuit attorney, or attorney general. A record shall be kept of the proceedings.

5. If the petitioner is filing the petition as a result of an involuntary commitment under chapter 632, the hearing and records shall be closed to the public, unless the court finds that public interest would be better served by conducting the hearing in public. If the court determines the hearing should be open to the public, upon motion by the petitioner, the court may allow for the in-camera inspection of mental health records. The court may allow the use of the record but shall restrict it from public disclosure, unless it finds that the public interest would be better served by making the record public.

6. The court shall include in its order the specific findings of fact on which it bases its decision.

7. Upon a judicial determination to grant a petition under this section, the clerk in the county where the petition was granted shall forward the order to the Missouri state highway patrol for updating of the petitioner's record with the National Instant Criminal Background Check System (NICS). The Missouri state highway patrol shall contact the Federal Bureau of Investigation to effect this updating no later than 21 days from receipt of the order.

8. Any person who has been denied a petition for the removal of the disqualification to ship, transport, receive, purchase, possess, or transfer a firearm under this section shall not be eligible to file another petition for removal of such disqualification until the expiration of one year from the date of such denial.

9. In the event a petition is denied under this section, the petitioner may appeal such denial, and review shall be de novo.

Metal-Penetrating Bullets

§ Sec. 571.150 Use or possession of a metal-penetrating bullet during the commission of a crime – definition – penalty

1. As used in this section, the term "metal-penetrating bullet" means handgun bullet or projectile of 9 mm, .25, .32, .38, .357, .41, .44, or .451 or other caliber which is comprised of a hardened core equal to the minimum of the maximum attainable hardness by solid red metal alloy which purposely reduces the normal expansion or mushrooming of the bullet's or projectile's shape upon impact. Metal-penetrating bullet does not include any bullet or projectile composed of copper or brass jacket with lead or lead alloy cores or any bullet or projectile composed of lead or lead alloys.

2. Any person who uses or possesses a metal-penetrating bullet during the commission of a crime is guilty of a class B felony.
§ Sec. 475.375 Firearms, petition to remove disqualification, when, procedure

1. Any individual over the age of eighteen years who has been adjudged incapacitated under this chapter or who has been involuntarily committed under chapter 632 may file a petition for the removal of the disqualification to purchase, possess, or transfer a firearm when:

   (1) The individual no longer suffers from the condition that resulted in the individual's incapacity or involuntary commitment;

   (2) The individual no longer poses a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922; and

   (3) Granting relief under this section is not contrary to the public interest.

No individual who has been found guilty by reason of mental disease or defect may petition a court for restoration under this section.

2. The petition shall be filed in the circuit court that entered the letters of guardianship or the most recent order for involuntary commitment, whichever is later. Upon receipt of the petition, the clerk shall schedule a hearing and provide notice of the hearing to the petitioner.

3. The burden is on the petitioner to establish by clear and convincing evidence that:

   (1) The petitioner no longer suffers from the condition that resulted in the incapacity or the involuntary commitment;

   (2) The individual no longer poses a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922; and

   (3) Granting relief under this section is not contrary to the public interest.

4. Upon the filing of the petition the court shall review the petition and determine if the petition is based upon frivolous grounds and if so may deny the petition without a hearing. In order to determine whether petitioner has met the burden pursuant to this section, the court may request the local prosecuting attorney, circuit attorney, or attorney general to provide a written recommendation as to whether relief should be granted. In any order requiring such review the court may grant access to any and all mental health records, juvenile records, and criminal history of the petitioner wherever maintained. The court may allow presentation of evidence at the hearing if requested by the local prosecuting attorney, circuit attorney, or attorney general.

5. If the petitioner is filing the petition as a result of an involuntary commitment under chapter 632, the hearing and records shall be closed to the public, unless the court finds that public interest would be better served by conducting the hearing in public. If the court determines the hearing should be open to the public, upon motion by the petitioner, the court may allow for the in-camera inspection of mental health records. The court may allow the use of the record but shall restrict from public disclosure, unless it finds that the public interest would be better served by making the record public.

6. The court shall enter an order that:

   (1) The petitioner does or does not continue to suffer from the condition that resulted in commitment;

   (2) The individual does or does not continue to pose a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922; and

   (3) Granting relief under this section is not contrary to the public interest.

The court shall include in its order the specific findings of fact on which it bases its decision.

7. Upon a judicial determination to grant a petition under this section, the clerk in the county where the petition was granted shall forward the order to the Missouri state highway patrol for updating of the petitioner's record with the National Instant Criminal Background Check System (NICS).
(1) Any person who has been denied a petition for the removal of the disqualification to purchase, possess, or transfer a firearm pursuant to this section shall not be eligible to file another petition for removal of the disqualification to purchase, possess, or transfer a firearm until the expiration of one year from the date of such denial.

(2) If a person has previously filed a petition for the removal of the disqualification to purchase, possess, or transfer a firearm and the court determined that:

(a) The petitioner's petition was frivolous; or

(b) The petitioner's condition had not so changed such that the person continued to suffer form the condition that resulted in the individual's incapacity or involuntary commitment and continued to pose a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922; or

(3) Granting relief under this section would be contrary to the public interest, then the court shall deny the subsequent petition unless the petition contains the additional facts upon which the court could find the condition of the petitioner had so changed that a hearing was warranted.

Title 40. Additional Executive Departments
Chapter 632. Comprehensive Psychiatric Services
Sexually Violent Predators, Civil Commitment

§ Sec. 632.505 Conditional release — interagency agreements for supervision, plan — court review of plan, order, conditions — copy of order — continuing control and care — modifications — violations — agreements with private entities — fee, rulemaking authority — escape — notification to local law enforcement, when

3. The court shall review the plan and determine the conditions that it deems necessary to meet the person's need for treatment and supervision and to protect the safety of the public. The court shall order that the person shall be subject to the following conditions and other conditions as deemed necessary:

(4) Not possess a firearm or dangerous weapon;