

SECOND REGULAR SESSION

# HOUSE BILL NO. 2492

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE WEBER.

4346H.02I

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal section 571.014, RSMo, and to enact in lieu thereof two new sections relating to a voluntary self-exclusion list for the purchase 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Section A. Section 571.014, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 571.014 and 571.515, to read as follows:

571.014. 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, **other than the provisions of section 571.515**, no federal firearms dealer licensed under 18 U.S.C. Section 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.

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

(1) "Contact person", the person designated as a contact pursuant to subsection 3 of this section by the person voluntarily waiving the right to purchase 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.

4           (2) "Department", the Missouri department of public safety;

5           (3) "Voluntary waiver", a voluntary waiver of the right to purchase a firearm as  
6 described in this section.

7           2. (1) A person may voluntarily waive the right to purchase a firearm. While  
8 such waiver is in effect, no person shall sell or otherwise transfer a firearm to a person  
9 who voluntarily waived the right to purchase a firearm.

10          (2) The department shall promulgate forms for a person to file either in person  
11 or electronically for a voluntary waiver, to update contact information, and to revoke a  
12 voluntary waiver.

13          3. (1) To voluntarily waive the right to purchase a firearm, a person shall file a  
14 voluntary waiver with the department. The department shall verify the person's  
15 identity prior to accepting the voluntary waiver.

16          (2) A person who voluntarily waives the right to purchase a firearm may  
17 designate one or more contact persons who will be contacted, pursuant to this section, if  
18 the person attempts to purchase a firearm while the voluntary waiver is in effect or if  
19 the person revokes the voluntary waiver.

20          (3) The department shall immediately notify the person who filed the voluntary  
21 waiver and each contact person when the department accepts the filer's voluntary  
22 waiver.

23          (4) No later than twenty-four hours after accepting a voluntary waiver, the  
24 department shall enter the voluntary waiver into the National Instant Criminal  
25 Background Check System and any other federal or state computer-based systems used  
26 by law enforcement agencies or others to identify prohibited purchasers of firearms.

27          (5) All forms or records filed pursuant to this section shall be confidential and  
28 shall be closed records under chapter 610.

29          4. Within twenty-four hours of an attempted transfer of a firearm to a person  
30 with a voluntary waiver, the department shall notify each contact person for such  
31 person.

32          5. (1) To revoke a voluntary waiver, a person shall file for revocation with the  
33 department. The department shall verify the person's identity prior to accepting the  
34 revocation. The waiver shall remain in effect for thirty days after the department  
35 accepts the revocation.

36          (2) The department shall notify each contact person of the revocation no later  
37 than twenty-four hours after the department receives the revocation request.

38          (3) Thirty days after the department accepts the revocation, and unless the  
39 person is otherwise ineligible to possess a firearm pursuant to state or federal law, the  
40 department shall remove the person's information from the National Instant Criminal

41 **Background Check System and any other federal or state computer-based systems in**  
42 **which the person was entered and that are used by law enforcement agencies or others**  
43 **to identify prohibited purchasers of firearms, and the department shall destroy all**  
44 **records of the voluntary waiver.**

45 **6. The submission of a voluntary waiver shall be made only by the person to**  
46 **whom the voluntary waiver shall apply. Any person that attempts to submit a voluntary**  
47 **waiver on behalf of another person shall be guilty of a class A misdemeanor.**

48 **7. The department may promulgate rules to implement the provisions of this**  
49 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
50 **created under the authority delegated in this section shall become effective only if it**  
51 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
52 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
53 **vested with the general assembly pursuant to chapter 536 to review, to delay the**  
54 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**  
55 **then the grant of rulemaking authority and any rule proposed or adopted after August**  
56 **28, 2026, shall be invalid and void.**

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