

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing Section 5577., Jackson County Code, 1984, relating to possession of firearms and age restriction, and to enact in lieu thereof two new sections, Sections 5577. and 5578., relating to the same subject, with a severability clause and a penalty provision.

ORDINANCE NO. 5904, December 2, 2024

INTRODUCED BY Megan L. Marshall, County Legislator

WHEREAS, the safety and well-being of the residents of Jackson County, particularly minors, is a fundamental priority for the County Executive and County Legislature; and,

WHEREAS, the unauthorized transfer and unlawful possession of firearms by minors pose significant risks to public safety, increasing the likelihood of accidental injuries, violent crime, and other harm; and,

WHEREAS, this ordinance aligns with similar provisions in place in the City of Kansas City, Missouri, while offering additional safeguards and protections that were absent in the prior ordinance; and,

WHEREAS, these measures reflect Jackson County's commitment to proactive governance that prioritizes public safety, fiscal responsibility, and the avoidance of unnecessary legal challenges, now therefore;

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause.

Section 5577., of the Jackson County Code, 1984, is hereby repealed, and two new sections enacted in lieu thereof, to be known as Section 5577., and 5578., to read as follows:

[5577. Firearms and Age Restriction.

Possession of a handgun or semiautomatic assault rifle by minor persons.

(1) A person under twenty-one years of age may not purchase a handgun or handgun ammunition, and, except as otherwise provided in this chapter, no person may sell or transfer a handgun or handgun ammunition to a person under twenty-one years of age.

(2) No person may recklessly sell, lease, loan, give or transfer any firearm to another person less than eighteen years of age without the express permission of that person's custodial parent or legal guardian.

(3) A person at least eighteen years of age, but less than twenty-one years of age, may not possess a semiautomatic assault rifle except under the following conditions are met:

(a) In attendance at a firearms safety course; or,

(b) Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited; or,

(c) On real property under the control of his or her custodial parent, other relative, or legal guardian and who has the permission of the custodial parent or legal guardian to possess a firearm; or,

(d) Is a member of law enforcement, the armed forces of the United States, national guard, or organized reserves, when on duty.]

5577. Unlawful transfer of weapons; parental or guardian consent for delivery of a firearm to minors; failure to report stolen or lost firearm.

5577.1 Definitions.

(a) Bullet-cartridge.

Bullet-cartridge means an object consisting of a cartridge case, primer, powder, and projectile arranged in such a way that the projectile can be expelled by the action of an explosion.

(b) Minor.

Minor means a person less than 18 years old.

(c) Recklessly.

Recklessly means a person who consciously disregards a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

5577.2 Unlawful transfer of a weapon. A person commits the unlawful transfer of a weapon if the person recklessly sells, leases, loans, gives away or delivers any firearm, which includes a bullet-cartridge, to a minor without the consent of the minor'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 the officer's or member's official duty.

5577.3 Violation. A person violating this section shall be guilty of an ordinance violation.

5577.4 Penalty. Any person who violates this provision, shall on conviction be subject to punishment by a fine of not more than one thousand dollars (\$1000) or by imprisonment in the county jail for a term not exceeding one (1) year, or by both.

5577.5 Severability. If any section, subsection, word, or phrase in this law is held unenforceable, invalid, or illegal, every other section, subsection, word, and phrase shall continue to have the full force and effect of law.

5578. Unlawful possession of a handgun by a minor.

5578.1 Definitions.

(a) Concealed.

The word "concealed" means kept hidden or removed from sight and either on one's person or within a person's reach.

(b) Handgun.

The word "handgun" as used in this section means a firearm which has a short stock and is designed to be held and fired by the use of a single hand.

(c) Minor.

The word "minor" as used in this section means a person less than 18 years old.

5578.2 Unlawful possession of a handgun. A minor commits the unlawful possession of a handgun, if the minor knowingly carries concealed upon or about

his or her person a handgun or ammunition suitable only for use in a handgun in any place other than those specific places stated in subsection 5578.3.

5578.3 Exception. The provisions of this section shall not apply to the following places:

(a). A temporary transfer of a handgun or ammunition to a minor or to the possession or use of a handgun or ammunition by a minor if the handgun and ammunition are possessed and used by the minor:

(b). In the course of employment, in the course of ranching or farming related to activities at the residence of the minor (or on property used for ranching or farming at which the minor, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

(c). With the prior written consent of the minor's parent or guardian who is not prohibited by federal, state, or local law from possessing a firearm, except:

(i) During transportation by the minor of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in above is to take place and transportation by the minor of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or

(ii) With respect to ranching or farming activities as described above, a minor may possess and use a handgun or ammunition with the prior written approval of the minor's parent or legal guardian and at the direction of an adult who is not prohibited by federal, state or local law from possessing a firearm;

(d). The minor has the prior written consent in the minor's possession at all times when a handgun is in the possession of the minor; and

(e). In accordance with state law and the code of ordinances; or,

(i) A minor who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty; or,

(ii) A transfer by inheritance of title (but not possession) of a handgun or ammunition to a minor; or,

(iii) The possession of a handgun or ammunition by a minor taken in defense of the minor or other persons against an intruder into the residence of the minor or a residence in which the minor is an invited guest.

5578.4 Violation. A minor violating this section shall be guilty of a petty code violation.

(a) A minor violating this section shall be guilty of a petty code violation. For a first-time offender, a minor violating this section shall be subject to a fine not exceeding \$200.00, and if that minor does not qualify for a diversionary or probationary program, not more than 30 days in jail.

5578.5 Severability. If any section, subsection, word, or phrase in this law is held unenforceable, invalid, or illegal, every other section, subsection, word, and phrase shall continue to have the full force and effect of law.

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

Bryan Covinsky
Bryan Covinsky (Nov 26, 2024 11:23 CST)

County Counselor

I hereby certify that the attached ordinance, Ordinance No. 5904 introduced on December 2, 2024, was duly passed on _____, 2024 by the Jackson County Legislature. The votes thereon were as follows:

Yeas _____

Nays _____

Abstaining _____

Absent _____

This Ordinance is hereby transmitted to the County Executive for his signature.

Date

Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 5904.

Date

Frank White, Jr., County Executive