

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

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Action: Do Pass  
Vote: 3 - 2 - 0  
Yeas: Burdick, Metsger, Devlin  
Nays: Atkinson, Ferrioli  
Exc.: -  
Prepared By: Anna Braun, Counsel  
Meeting Dates: 2/19

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**WHAT THE MEASURE DOES:** Removes the ability for all felons to petition a court to be allowed to purchase and possess firearms. Allows felons who have been released from prison for more than fifteen years, with only one felony, to petition a court to purchase and possess a firearm if the conviction did not involve a firearm (switchblade knife) or criminal homicide. Allows petitions only in circuit court. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Broadness of SB 603 (2009)
- Aligning ability to purchase with ability to possess
- Scope of eligibility for petitioning a court to purchase and possess firearms
- Amount of time spent deliberating the measure

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** Senate Bill 1064 is meant to address an unintended effect of Senate Bill 603 (2009). Senate Bill 603 allowed felons to petition to remove the misdemeanor felon in possession, but in doing so opened up the ability for any felon to apply for relief from the misdemeanor. In addition, Senate Bill 603 allowed any felon to petition for relief from the felony felon in possession.

The statutes treat who can purchase a firearm and who can possess a firearm differently. Prior to Senate Bill 603, there were no restrictions on who could petition a court to purchase a firearm. However, for possessing a firearm, prior to Senate Bill 603, a felon was automatically excluded from the violation of felon in possession if he or she fit the 15 year criteria (and one felony not involving a firearm [or switchblade knife] and not criminal homicide). However, no felon could petition to remove the misdemeanor felon in possession for possessing a gun. This inconsistency was what Senate Bill 603 was meant to address.

Senate Bill 1064 requires felon to meet the criteria: (15 years, one felony--not involving a firearm or switchblade knife--and not criminal homicide) before being able to petition the court to remove the bar on purchasing and possession of firearms. In addition, Senate Bill 1064 removes consideration of petitions from justice courts and requires petitions to be filed in circuit court.