

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1220**  
**98TH GENERAL ASSEMBLY**

2599H.02C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal section 571.070, RSMo, and to enact in lieu thereof two new sections relating to unlawful possession of a firearm.

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

Section A. Section 571.070, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 571.070 and 571.073, to read as follows:

571.070. 1. A person commits the crime 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 C felony.

3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to:

(1) The possession of an antique firearm; or

(2) **A person who has been granted relief under section 571.073.**

**571.073. 1. A person who is prohibited from possessing a firearm under subsection 1 of section 571.070 may file a petition to have his or her right to possess a firearm reinstated. If the underlying offense was committed in this state, the petition shall be filed in the circuit court in the county where the offense occurred. If the underlying offense was from another state or the federal government, the petition shall be filed in the circuit court in the county where the petitioner resides.**

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.

7           **2. A petitioner shall give notice of the petition to the prosecuting attorney or circuit**  
8 **attorney of the county in which the petition is filed. The prosecuting attorney or circuit**  
9 **attorney may present evidence or testimony to the circuit court where the petition is filed**  
10 **pertaining to petitioner’s reinstatement of rights.**

11           **3. The court shall grant relief under the petition if the court, after a hearing, makes**  
12 **findings upon proof of clear and convincing evidence that:**

13           **(1) Ten years or more have passed since the petitioner was discharged from**  
14 **confinement, parole, or probation, whichever occurred later, and has not subsequently**  
15 **been arrested;**

16           **(2) The petitioner has not been found guilty at any other time of a felony under the**  
17 **laws of this state, or of a crime under the laws of any state or of the United States which,**  
18 **if committed within this state, would be a felony;**

19           **(3) The petitioner is not the respondent of an ex parte order of protection or a full**  
20 **order of protection;**

21           **(4) The petitioner has not been found guilty of a dangerous felony under section**  
22 **556.061;**

23           **(5) The petitioner is not required to register as a sexual offender;**

24           **(6) The petitioner is not violent; and**

25           **(7) The petitioner does not present a threat to public safety.**

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