

SECOND REGULAR SESSION

# SENATE BILL NO. 759

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4031S.011

## AN ACT

To repeal sections 571.060 and 571.063, RSMo, and to enact in lieu thereof two new sections relating to firearms, with penalty provisions.

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

Section A. Sections 571.060 and 571.063, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 571.060 and 571.063, to read as follows:

571.060. 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 section 571.070, is not lawfully entitled to possess such;

(2) Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen years old without the consent of the child's custodial parent or guardian, or recklessly, as defined in section 562.016, sells, leases, loans, gives away or delivers any firearm to a person less than eighteen 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 section 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] D** felony; unlawful transfer of weapons under subdivisions (2) and (3) of subsection 1 of this section is a class **[A misdemeanor]**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 **E felony.**

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

2 (1) "Ammunition", any cartridge, shell, or projectile designed for use in a  
3 firearm;

4 (2) "Licensed dealer", a person who is licensed under 18 U.S.C. Section  
5 923 to engage in the business of dealing in firearms;

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

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

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

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

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

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

22 3. Fraudulent purchase of a firearm is a class **[E] D** felony.

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

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