

FIRST REGULAR SESSION

HOUSE BILL NO. 40

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BROWN (27).

0400H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 571.070, RSMo, and to enact in lieu thereof one new section relating to unlawful possession of firearms, with penalty provisions and an emergency clause.

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

Section A. Section 571.070, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.070, to read as follows:

571.070. 1. A person commits the offense 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]~~ ; **convicted** of a crime under the laws of any state or of the United States ~~[which]~~ **that**, if committed within this state, would be a felony; **or convicted of domestic assault in the fourth degree under section 565.076; [or]**

(2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, ~~[or]~~ is currently adjudged mentally incompetent, **is illegally or unlawfully in the United States, was discharged from the United States Armed Forces under dishonorable conditions, or has renounced his or her United States citizenship; or**

(3) Such person is subject to a court order that:

(a) Was issued after a hearing, of which such person received actual notice and at which such person had an opportunity to participate; and

(b) Restrains such person from harassing, stalking, or threatening a petitioner, as defined under subdivision (11) of section 455.010, or a child of the petitioner or from engaging in other conduct that would place such petitioner in reasonable fear of bodily injury to the petitioner or child, and:

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.

18 **a. The order includes a finding that such person represents a credible threat to the**
19 **physical safety of such petitioner or child; or**

20 **b. The terms of the order explicitly prohibit the use, attempted use, or threatened**
21 **use of physical force against such petitioner or child that would reasonably be expected to**
22 **cause bodily injury.**

23 2. Unlawful possession of a firearm is a class D felony, unless a person has been
24 convicted of a dangerous felony as defined in section 556.061, in which case it is a class C
25 felony.

26 3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to the
27 possession of an antique firearm.

 Section B. Because immediate action is necessary to protect victims of domestic violence
2 from potential future acts of domestic violence, the repeal and reenactment of section 571.070
3 of this act is deemed necessary for the immediate preservation of the public health, welfare,
4 peace, and safety and is hereby declared to be an emergency act within the meaning of the
5 constitution, and the repeal and reenactment of section 571.070 of this act shall be in full force
6 and effect upon its passage and approval.

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