

SECOND REGULAR SESSION

# HOUSE BILL NO. 1461

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BROWN (27).

3034H.011

DANA RADEMAN MILLER, Chief Clerk

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## 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.

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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Section A. Section 571.070, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.070, to read as follows: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 "petitioner" is defined under 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**  
19 **the physical safety of such petitioner or child; or**

20           **b. The terms of the order explicitly prohibit the use, attempted use, or**  
21 **threatened use of physical force against such petitioner or child that would reasonably**  
22 **be expected to 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  
27 the possession of an antique firearm.

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

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