

SECOND REGULAR SESSION

# HOUSE BILL NO. 1701

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SMITH (46).

4356H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 571.060, RSMo, and to enact in lieu thereof one new section relating to the unlawful transfer of weapons, with penalty provisions.

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

Section A. Section 571.060, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.060, to read as follows:

571.060. 1. A person commits the offense of unlawful transfer of weapons if he **or she**:

(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 **United States** Armed Forces or National Guard while performing his **or her** 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; **or**

(4) **Knowingly, in a commercial transaction, sells, leases, loans, or trades a fully automatic firearm or semi-automatic firearm to any person under twenty years of age, provided that this does not prohibit the delivery of such weapons to any peace officer or**

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 **member of the United States Armed Forces or National Guard while performing his or**  
19 **her official duty.**

20 **2. A person commits the offense of unlawful transfer of weapons if he or she is**  
21 **under twenty years of age and knowingly, in a commercial transaction, buys, trades, or**  
22 **leases a fully automatic firearm or semi-automatic firearm, provided that this does not**  
23 **prohibit the acceptance of such weapons by any peace officer or member of the United**  
24 **States Armed Forces or National Guard while performing his or her official duty.**

25 **3. For purposes of this section, the term "semi-automatic firearm" means any**  
26 **repeating firearm whose action mechanism automatically loads ammunition into the**  
27 **chamber and prepares it for subsequent firing but requires a shooter to manually**  
28 **discharge each shot. The term "semi-automatic firearm" shall include any firearm in**  
29 **which actuating the trigger or hammer rotates a new chamber in line with the barrel.**

30 **4. Unlawful transfer of weapons under subdivision (1) of subsection 1 of this section**  
31 **is a class E felony; unlawful transfer of weapons under [subdivisions] subdivision (2) [and],**  
32 **(3), or (4) of subsection 1 of this section or under subsection 2 of this section is a class A**  
33 **misdemeanor.**

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