

FIRST REGULAR SESSION

HOUSE BILL NO. 1068

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LICHTENEGGER.

2085H.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 571.070, RSMo, and to enact in lieu thereof one new section relating to unlawful possession of a firearm, 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Section A. Section 571.070, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.070, to read as follows: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 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 has been convicted in any court of a misdemeanor crime of domestic violence as defined in Section 921(a)(33) of Title 18 of the United States Code;** [øø]

(2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, [øø] is currently adjudged mentally incompetent, **is illegally or unlawfully in the United States, or having been a citizen of the United States has renounced 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 an intimate partner, as defined in Section 921(a)(32) of Title 18 of the United States Code, or a child of such intimate partner, or engaging in other conduct that would place such intimate partner in reasonable fear of bodily injury to the intimate partner 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. Includes a finding that such person represents a credible threat to the physical**
19 **safety of such intimate partner or child; or**

20 **b. By its terms explicitly prohibits the use, attempted use, or threatened use of**
21 **physical force against such intimate partner or child that would reasonably be expected**
22 **to cause bodily injury.**

23 **2. Notwithstanding the provisions of subsection 1 of this section or any other**
24 **provision of law to the contrary, for a period of twenty-four hours after being served with**
25 **a court order meeting the requirements of subdivision (3) of subsection 1 of this section,**
26 **such person may continue to possess and transport any firearm possessed by such person**
27 **at the time of service for the purposes of selling or transferring any such firearm to any**
28 **person who is not otherwise prohibited by law from possessing such firearm.**

29 **3. Unlawful possession of a firearm is a class D felony.**

30 ~~[3-]~~ **4. The provisions of [subdivision (1) of subsection 1 of] this section shall not apply**
31 **to the 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, section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace, and safety, and is hereby declared
4 to be an emergency act within the meaning of the constitution, and section A of this act shall be
5 in full force and effect upon its passage and approval.

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