

SECOND REGULAR SESSION

# HOUSE BILL NO. 1478

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CUNNINGHAM (86).

Pre-filed December 18, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3087L.01I

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### AN ACT

To repeal sections 571.060 and 571.070, RSMo, and to enact in lieu thereof two new sections relating to the unlawful transfer and possession of firearms and ammunition, with penalty provisions.

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

Section A. Sections 571.060 and 571.070, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 571.060 and 571.070, to read as follows:

571.060. 1. A person commits the crime of unlawful transfer of weapons if [he] **such person:**

(1) [Knowingly] Sells, leases, loans, gives away [or] , delivers, **or otherwise disposes of** 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;] **knowing or having reasonable cause to believe that such person:**

(a) **Has pled guilty to or entered a plea of nolo contendere to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States; or**

(b) **Is a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States; or**

(c) **Is habitually in an intoxicated condition; 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.

14 (d) Is an unlawful user of or addicted to any controlled substance, as defined in  
15 section 195.010, RSMo; or

16 (e) Has been adjudged mentally incompetent or has been committed to any mental  
17 health facility, as defined in section 632.006, RSMo, or a similar institution located in  
18 another state following a hearing at which the defendant was represented by counsel or a  
19 representative; or

20 (f) Is an alien illegally or unlawfully in the United States or has been admitted to  
21 the United States under a non immigrant visa (as that term is defined in section 1101(a)(26)  
22 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)) except as provided in 18  
23 U.S.C. 922(7)(2); or

24 (g) Has been discharged under dishonorable conditions from the United States  
25 armed forces; or

26 (h) Who, having been a citizen of the United States, has renounced his or her  
27 citizenship; or

28 (i) Is the respondent of a valid full order of protection which is still in effect; or

29 (j) Has been convicted in any court of a misdemeanor crime of domestic violence;

30 (2) Knowingly sells, leases, loans, gives away [or] , delivers, **or otherwise disposes of**  
31 a blackjack to a person less than eighteen years old without the consent of the child's custodial  
32 parent or guardian, or recklessly, as defined in section 562.016, RSMo, sells, leases, loans, gives  
33 away [or] , delivers, **or otherwise disposes of** any firearm to a person less than eighteen years  
34 old without the consent of the child's custodial parent or guardian; provided, that this does not  
35 prohibit the delivery of such weapons to any peace officer or member of the armed forces or  
36 national guard while performing his **or her** official duty; or

37 (3) Recklessly, as defined in section 562.016, RSMo, sells, leases, loans, gives away [or]  
38 , delivers, **or otherwise disposes of** a firearm or ammunition for a firearm to a person who is  
39 intoxicated.

40 2. Unlawful transfer of weapons [under subdivision (1) of subsection 1 of this section]  
41 is a class [D felony; unlawful transfer of weapons under subdivisions (2) and (3) of subsection  
42 1 of this section is a class] A misdemeanor **unless the weapon involved is a concealable**  
43 **firearm in which case it is a class D felony.**

571.070. 1. A person commits the crime of unlawful possession of a [concealable]  
2 firearm **or ammunition** if [he has any concealable firearm in his possession and] **such person**  
3 **receives, purchases, possesses, or stores a firearm or ammunition and such person:**

4 (1) [He has pled guilty to or has been convicted of a dangerous felony, as defined in  
5 section 556.061, RSMo, or of an attempt to commit a dangerous felony, or of a crime under the  
6 laws of any state or of the United States which, if committed within this state, would be a

7 dangerous felony, or confined therefor in this state or elsewhere during the five-year period  
8 immediately preceding the date of such possession; or

9 (2) He is a fugitive from justice, is habitually in an intoxicated or drugged condition, or  
10 is currently adjudged mentally incompetent.] **Has pled guilty to or entered a plea of nolo**  
11 **contendere to or been convicted of a crime punishable by imprisonment for a term**  
12 **exceeding one year under the laws of any state or the United States; or**

13 (2) **Is a fugitive from justice or currently charged in an information or indictment**  
14 **with the commission of a crime punishable by imprisonment for a term exceeding one year**  
15 **under the laws of any state or of the United States; or**

16 (3) **Is habitually in an intoxicated condition; or**

17 (4) **Is an unlawful user of or addicted to any controlled substance, as defined in**  
18 **section 195.010, RSMo; or**

19 (5) **Has been adjudged mentally incompetent or has been committed to any mental**  
20 **health facility, as defined in section 632.006, RSMo, or a similar institution located in**  
21 **another state following a hearing at which the defendant was represented by counsel or a**  
22 **representative; or**

23 (6) **Is an alien illegally or unlawfully in the United States or has been admitted to**  
24 **the United States under a non immigrant visa (as that term is defined in section 1101(a)(26)**  
25 **of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)) except as provided in 18**  
26 **U.S.C. 922(7)(2); or**

27 (7) **Has been discharged under dishonorable conditions from the United States**  
28 **armed forces; or**

29 (8) **Who, having been a citizen of the United States, has renounced his or her**  
30 **citizenship; or**

31 (9) **Is the respondent of a valid full order of protection which is still in effect; or**

32 (10) **Has been convicted in any court of a misdemeanor crime of domestic violence.**

33 2. Unlawful possession of a [concealable] firearm is a class [C] D felony **unless the**  
34 **firearm involved is a concealable firearm in which case it is a class C felony.**

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