

SECOND REGULAR SESSION

HOUSE BILL NO. 2788

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ANDERSON.

6149H.01I

JOSEPH ENGLER, 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.

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Section A. Section 571.070, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.070, to read as follows: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. **The provisions of this subdivision shall not apply as follows:**

(a) **If such felony conviction was a conviction of a violent felony under the laws of this state or of a crime under the laws of any state or of the United States that if committed within this state would be a violent felony, possession under this subdivision shall not be an offense after a period of ten years has passed following the date of sentence completion for the felony conviction; and**

(b) **If such felony conviction was a conviction of a nonviolent felony under the laws of this state or of a crime under the laws of any state or of the United States that if committed within this state would be a nonviolent felony, possession under this subdivision shall not be an offense after a period of three years has passed following the date of sentence completion for the felony conviction; or**

(2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.

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 2. Unlawful possession of a firearm is a class C felony, unless a person has been
19 convicted of a dangerous felony as defined in section 556.061, or the person has a prior
20 conviction for unlawful possession of a firearm in which case it is a class B felony.

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

23 **4. As used in this section, the following terms mean:**

24 **(1) "Nonviolent felony", any felony offense that does not involve the use of force,**
25 **or threat of force, against another person;**

26 **(2) "Sentence completion", the date on which a person has satisfied all**
27 **obligations placed on the person as part of the sentence, including any period of**
28 **incarceration and any period of supervised probation or parole;**

29 **(3) "Violent felony", any felony offense that involves the use of force, or threat of**
30 **force, against another person.**

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