

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Section A. Section 571.070, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.070, to read as follows: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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