

SENATE BILL NO. 895

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BECK.

3312S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 571.060 and 571.070, RSMo, and to enact in lieu thereof two new sections relating to firearms, with penalty provisions.

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

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2 repealed and two new sections enacted in lieu thereof, to be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

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

3 (1) Knowingly sells, leases, loans, gives away or
4 delivers a firearm or ammunition for a firearm to any person
5 who, under the provisions of section 571.070, is not
6 lawfully entitled to possess such;

7 (2) Knowingly sells, leases, loans, gives away or
8 delivers a blackjack to a person less than eighteen years
9 old without the consent of the child's custodial parent or
10 guardian, or recklessly, as defined in section 562.016,
11 sells, leases, loans, gives away or delivers any firearm to
12 a person less than eighteen years old without the consent of
13 the child's custodial parent or guardian; provided, that
14 this does not prohibit the delivery of such weapons to any
15 peace officer or member of the Armed Forces or National
16 Guard while performing his **or her** official duty; [or]

17 (3) Recklessly, as defined in section 562.016, sells,
18 leases, loans, gives away or delivers a firearm or
19 ammunition for a firearm to a person who is intoxicated;

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 (4) Knowingly sells, leases, loans, gives away, or
21 delivers a firearm to any person whose name appears on the
22 Terrorist Screening Center's No Fly List; or

23 (5) Knowingly sells, leases, loans, gives away, or
24 delivers a firearm to any person who is a member of a group
25 of two or more individuals, regardless if organized, that
26 engages in or has a subgroup that engages in international
27 or domestic terrorism.

28 2. Unlawful transfer of weapons under subdivision (1)
29 of subsection 1 of this section is a class E felony;
30 unlawful transfer of weapons under subdivisions (2) [and],
31 (3), (4), and (5) of subsection 1 of this section is a class
32 A misdemeanor.

33 3. For purposes of this section, "terrorism" means
34 activities that:

35 (1) Involve a violent act or acts dangerous to human
36 life that violate the criminal laws of the United States or
37 a state thereof that would be a criminal violation if
38 committed within the jurisdiction of the United States or a
39 state thereof; and

40 (2) Appear to be intended to:

41 (a) Intimidate or coerce a civilian population;

42 (b) Influence the policy of a government by
43 intimidation or coercion; or

44 (c) Affect the conduct of a government by mass
45 destruction, assassination, or kidnapping.

571.070. 1. A person commits the offense of unlawful
2 possession of a firearm if such person knowingly has any
3 firearm in his or her possession and:

4 (1) Such person has been convicted of a felony under
5 the laws of this state, or of a crime under the laws of any

6 state or of the United States which, if committed within
7 this state, would be a felony; [or]

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

11 (3) Such person's name appears on the Terrorist
12 Screening Center's No Fly List; or

13 (4) Such person is a member of a group of two or more
14 individuals, regardless if organized, that engages in or has
15 a subgroup that engages in international or domestic
16 terrorism. For purposes of this subdivision, "terrorism"
17 means activities that:

18 (a) Involve a violent act or acts dangerous to human
19 life that are a violation of the criminal laws of the United
20 States or a state thereof or that would be a criminal
21 violation if committed within the jurisdiction of the United
22 States or a state thereof; and

23 (b) Appear to be intended to:

24 a. Intimidate or coerce a civilian population;

25 b. Influence the policy of a government by
26 intimidation or coercion; or

27 c. Affect the conduct of a government by mass
28 destruction, assassination, or kidnapping.

29 2. Unlawful possession of a firearm is a class D
30 felony, unless a person has been convicted of a dangerous
31 felony as defined in section 556.061, in which case it is a
32 class C felony.

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

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