

SECOND REGULAR SESSION

HOUSE BILL NO. 1849

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCCREERY.

4668H.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 firearms, 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Section A. Section 571.070, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.070, to read as follows: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;** [ø]

(2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, [ø] is currently adjudged mentally incompetent, **is illegally or unlawfully in the United States, has been discharged from the Armed Forces under dishonorable conditions, 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;**

(b) **Restrains such person from harassing, stalking, or threatening a petitioner, as defined in subdivision (11) of section 455.010, or a child of such petitioner, or engaging in other conduct that would place such petitioner in reasonable fear of bodily injury to the petitioner 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 petitioner or child; or**

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

23 2. Unlawful possession of a firearm is a class D felony.

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

 Section B. Because immediate action is necessary to protect Missouri citizens from the
2 dangers inherent in violent individuals having access to firearms, section A of this act is deemed
3 necessary for the immediate preservation of the public health, welfare, peace, and safety, and is
4 hereby declared to be an emergency act within the meaning of the constitution, and section A of
5 this act shall be in full force and effect upon its passage and approval.

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