

FIRST REGULAR SESSION

HOUSE BILL NO. 232

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BASYE.

0721H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 571.045, 571.050, and 571.063, RSMo, and to enact in lieu thereof three new sections relating to firearm offenses, with penalty provisions.

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

Section A. Sections 571.045, 571.050, and 571.063, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 571.045, 571.050, and 571.063, to read as follows:

571.045. 1. A person commits the crime of defacing a firearm if he **or she** knowingly **alters, defaces, destroys, mars, or removes the manufacturer's serial number, or other identification mark required by law, of** any firearm.

2. Defacing a firearm is a class ~~A misdemeanor~~ **B felony**.

571.050. 1. A person commits the crime of possession of a defaced firearm if he ~~knowingly~~ **or she** possesses a firearm ~~which is~~ **with a manufacturer's serial number, or other identification mark required by law, altered, defaced, destroyed, marred, or removed.**

2. **It is an affirmative defense to prosecution for a violation of this section if:**

(1) The person reported the possession to the police or other governmental agency prior to arrest or the issuance of an arrest warrant or summons; or

(2) The firearm was manufactured before any law requiring a serial number or other identification mark existed.

3. Possession of a defaced firearm is a class B ~~misdemeanor~~ **felony**. **However, possession of a defaced firearm is a class D misdemeanor if the manufacturer's serial number, or other identification mark required by law, is merely covered or obstructed but still retrievable.**

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.

571.063. 1. As used in this section the following terms shall mean:

- 2 (1) "Ammunition", any cartridge, shell, or projectile designed for use in a firearm;
3 (2) "Licensed dealer", a person who is licensed under 18 U.S.C. Section 923 to engage
4 in the business of dealing in firearms;
5 (3) "Materially false information", any information that portrays an illegal transaction
6 as legal or a legal transaction as illegal;
7 (4) "Private seller", a person who sells or offers for sale any firearm, as defined in section
8 571.010, or ammunition.

9 2. A person commits the crime of fraudulent purchase of a firearm if such person:

- 10 (1) Knowingly solicits, persuades, encourages or entices a licensed dealer or private
11 seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which
12 the person knows would violate the laws of this state or the United States; or
13 (2) Provides to a licensed dealer or private seller of firearms or ammunition what the
14 person knows to be materially false information with intent to deceive the dealer or seller about
15 the legality of a transfer of a firearm or ammunition; ~~[or]~~
16 (3) Willfully procures another to violate the provisions of subdivision (1) or (2) of this
17 subsection; **or**
18 **(4) Attempts to violate or to induce another to violate the provisions of subdivision**
19 **(1) of this subsection.**

20 3. Fraudulent purchase of a firearm is a class E felony.

21 4. This section shall not apply to criminal investigations conducted by the United States
22 Bureau of Alcohol, Tobacco, Firearms and Explosives, authorized agents of such investigations,
23 or to a peace officer, as defined in section 542.261, acting at the explicit direction of the United
24 States Bureau of Alcohol, Tobacco, Firearms and Explosives.

✓