

FIRST REGULAR SESSION

# HOUSE BILL NO. 1068

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE LICHTENEGGER.

2085H.021

D. ADAM CRUMBLISS, Chief Clerk

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### 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 and an emergency clause.

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*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Section A. Section 571.070, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.070, to read as follows: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 as defined in Section 921(a)(33) of Title 18 of the United States Code;** [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, 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; and

(b) Restrains such person from harassing, stalking, or threatening an intimate partner, as defined in Section 921(a)(32) of Title 18 of the United States Code, or a child of such intimate partner, or engaging in other conduct that would place such intimate partner in reasonable fear of bodily injury to the intimate partner 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 intimate partner or child; or**

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

23           **2. Notwithstanding the provisions of subsection 1 of this section or any other**  
24 **provision of law to the contrary, for a period of twenty-four hours after being served with**  
25 **a court order meeting the requirements of subdivision (3) of subsection 1 of this section,**  
26 **such person may continue to possess and transport any firearm possessed by such person**  
27 **at the time of service for the purposes of selling or transferring any such firearm to any**  
28 **person who is not otherwise prohibited by law from possessing such firearm.**

29           **3. Unlawful possession of a firearm is a class D felony.**

30           ~~[3:]~~ **4. The provisions of [subdivision (1) of subsection 1 of] this section shall not apply**  
31 **to the possession of an antique firearm.**

          Section B. Because immediate action is necessary to protect victims of domestic violence  
2 from potential future acts of domestic violence, section A of this act is deemed necessary for the  
3 immediate preservation of the public health, welfare, peace, and safety, and is hereby declared  
4 to be an emergency act within the meaning of the constitution, and section A of this act shall be  
5 in full force and effect upon its passage and approval.

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