

FIRST REGULAR SESSION

# SENATE BILL NO. 544

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEWIS.

0267S.01H

KRISTINA MARTIN, 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2 repealed and two new sections enacted in lieu thereof, to be  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]

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

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;

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 C  
30 felony, unless a person has been convicted of a dangerous  
31 felony as defined in section 556.061, or the person has a  
32 prior conviction for unlawful possession of a firearm in  
33 which case it is a class B felony.

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

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