

SECOND REGULAR SESSION

HOUSE BILL NO. 3286

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FUCHS.

6933H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 455.050, 455.523, 565.076, 565.227, and 571.070, RSMo, and to enact in lieu thereof six 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Section A. Sections 455.050, 455.523, 565.076, 565.227, and 571.070, RSMo, are 2 repealed and six new sections enacted in lieu thereof, to be known as sections 455.050, 3 455.096, 455.523, 565.076, 565.227, and 571.070, to read as follows:

455.050. 1. Any full or ex parte order of protection granted pursuant to sections 2 455.010 to 455.085 shall be to protect the petitioner from domestic violence, stalking, or 3 sexual assault and may include such terms as the court reasonably deems necessary to ensure 4 the petitioner's safety, including but not limited to:

5 (1) Temporarily enjoining the respondent from committing or threatening to commit 6 domestic violence, molesting, stalking, sexual assault, or disturbing the peace of the 7 petitioner, including violence against a pet;

8 (2) Temporarily enjoining the respondent from entering the premises of the dwelling 9 unit of the petitioner when the dwelling unit is:

10 (a) Jointly owned, leased or rented or jointly occupied by both parties; or
11 (b) Owned, leased, rented or occupied by petitioner individually; or
12 (c) Jointly owned, leased, rented or occupied by petitioner and a person other than
13 respondent; provided, however, no spouse shall be denied relief pursuant to this section by
14 reason of the absence of a property interest in the dwelling unit; or
15 (d) Jointly occupied by the petitioner and a person other than respondent; provided
16 that the respondent has no property interest in the dwelling unit; or

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.

17 (3) Temporarily enjoining the respondent from communicating with the petitioner in
18 any manner or through any medium.

19 2. Mutual orders of protection are prohibited unless both parties have properly filed
20 written petitions and proper service has been made in accordance with sections 455.010 to
21 455.085.

22 3. When the court has, after a hearing for any full order of protection, issued an order
23 of protection, it may, in addition:

24 (1) Award custody of any minor child born to or adopted by the parties when the court
25 has jurisdiction over such child and no prior order regarding custody is pending or has been
26 made, and the best interests of the child require such order be issued;

27 (2) Establish a visitation schedule that is in the best interests of the child;

28 (3) Award child support in accordance with supreme court rule 88.01 and chapter
29 452;

30 (4) Award maintenance to petitioner when petitioner and respondent are lawfully
31 married in accordance with chapter 452;

32 (5) Order respondent to make or to continue to make rent or mortgage payments on a
33 residence occupied by the petitioner if the respondent is found to have a duty to support the
34 petitioner or other dependent household members;

35 (6) Order the respondent to pay the petitioner's rent at a residence other than the one
36 previously shared by the parties if the respondent is found to have a duty to support the
37 petitioner and the petitioner requests alternative housing;

38 (7) Order that the petitioner be given temporary possession of specified personal
39 property, such as automobiles, checkbooks, keys, and other personal effects;

40 (8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of
41 specified property mutually owned or leased by the parties;

42 (9) Order the respondent to participate in a court-approved counseling program
43 designed to help batterers stop violent behavior or to participate in a substance abuse
44 treatment program;

45 (10) Order the respondent to pay a reasonable fee for housing and other services that
46 have been provided or that are being provided to the petitioner by a shelter for victims of
47 domestic violence;

48 (11) Order the respondent to pay court costs;

49 (12) Order the respondent to pay the cost of medical treatment and services that have
50 been provided or that are being provided to the petitioner as a result of injuries sustained to
51 the petitioner by an act of domestic violence committed by the respondent;

52 (13) Award possession and care of any pet, along with any moneys necessary to cover
53 medical costs that may have resulted from abuse of the pet.

54 **4. If, after a hearing for any full order of protection, the court issues an order of**
55 **protection, the court shall also:**

56 **(1) Prohibit the respondent from knowingly possessing or purchasing any**
57 **firearm while the order is in effect;**

58 **(2) Inform the respondent of such prohibition in writing and, if the respondent is**
59 **present, orally; and**

60 **(3) Forward the order to the Missouri state highway patrol so that the Missouri**
61 **state highway patrol can update the respondent's record in the National Instant**
62 **Criminal Background Check System (NICS). Upon receiving an order under this**
63 **subsection, the Missouri state highway patrol shall notify the Federal Bureau of**
64 **Investigation within twenty-four hours.**

65 **5. A verified petition seeking orders for maintenance, support, custody, visitation,**
66 **payment of rent, payment of monetary compensation, possession of personal property,**
67 **prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a**
68 **shelter for victims of domestic violence, shall contain allegations relating to those orders and**
69 **shall pray for the orders desired.**

70 **[5.] 6. In making an award of custody, the court shall consider all relevant factors**
71 **including the presumption that the best interests of the child will be served by placing the**
72 **child in the custody and care of the nonabusive parent, unless there is evidence that both**
73 **parents have engaged in abusive behavior, in which case the court shall not consider this**
74 **presumption but may appoint a guardian ad litem or a court-appointed special advocate to**
75 **represent the children in accordance with chapter 452 and shall consider all other factors in**
76 **accordance with chapter 452.**

77 **[6.] 7. The court shall grant to the noncustodial parent rights to visitation with any**
78 **minor child born to or adopted by the parties, unless the court finds, after hearing, that**
79 **visitation would endanger the child's physical health, impair the child's emotional**
80 **development or would otherwise conflict with the best interests of the child, or that no**
81 **visitation can be arranged which would sufficiently protect the custodial parent from further**
82 **domestic violence. The court may appoint a guardian ad litem or court-appointed special**
83 **advocate to represent the minor child in accordance with chapter 452 whenever the custodial**
84 **parent alleges that visitation with the noncustodial parent will damage the minor child.**

85 **[7.] 8. The court shall make an order requiring the noncustodial party to pay an**
86 **amount reasonable and necessary for the support of any child to whom the party owes a duty**
87 **of support when no prior order of support is outstanding and after all relevant factors have**
88 **been considered, in accordance with Missouri supreme court rule 88.01 and chapter 452.**

89 **[8.] 9.** The court may grant a maintenance order to a party for a period of time, not to
90 exceed one hundred eighty days. Any maintenance ordered by the court shall be in
91 accordance with chapter 452.

92 **[9.] 10.** (1) The court may, in order to ensure that a petitioner can maintain an
93 existing wireless telephone number or numbers, issue an order, after notice and an
94 opportunity to be heard, directing a wireless service provider to transfer the billing
95 responsibility for and rights to the wireless telephone number or numbers to the petitioner, if
96 the petitioner is not the wireless service accountholder.

97 (2) (a) The order transferring billing responsibility for and rights to the wireless
98 telephone number or numbers to the petitioner shall list the name and billing telephone
99 number of the accountholder, the name and contact information of the person to whom the
100 telephone number or numbers will be transferred, and each telephone number to be
101 transferred to that person. The court shall ensure that the contact information of the petitioner
102 is not provided to the accountholder in proceedings held under this chapter.

103 (b) Upon issuance, a copy of the full order of protection shall be transmitted, either
104 electronically or by certified mail, to the wireless service provider's registered agent listed
105 with the secretary of state, or electronically to the email address provided by the wireless
106 service provider. Such transmittal shall constitute adequate notice for the wireless service
107 provider acting under this section and section 455.523.

108 (c) If the wireless service provider cannot operationally or technically effectuate the
109 order due to certain circumstances, the wireless service provider shall notify the petitioner
110 within three business days. Such circumstances shall include, but not be limited to, the
111 following:

- 112 a. The accountholder has already terminated the account;
- 113 b. The differences in network technology prevent the functionality of a device on the
114 network; or
- 115 c. There are geographic or other limitations on network or service availability.

116 (3) (a) Upon transfer of billing responsibility for and rights to a wireless telephone
117 number or numbers to the petitioner under this subsection by a wireless service provider, the
118 petitioner shall assume all financial responsibility for the transferred wireless telephone
119 number or numbers, monthly service costs, and costs for any mobile device associated with
120 the wireless telephone number or numbers.

121 (b) This section shall not preclude a wireless service provider from applying any
122 routine and customary requirements for account establishment to the petitioner as part of this
123 transfer of billing responsibility for a wireless telephone number or numbers and any devices
124 attached to that number or numbers including, but not limited to, identification, financial
125 information, and customer preferences.

126 (4) This section shall not affect the ability of the court to apportion the assets and
127 debts of the parties as provided for in law, or the ability to determine the temporary use,
128 possession, and control of personal property.

129 (5) No cause of action shall lie against any wireless service provider, its officers,
130 employees, or agents, for actions taken in accordance with the terms of a court order issued
131 under this section.

132 (6) As used in this section and section 455.523, a "wireless service provider" means a
133 provider of commercial mobile service under Section 332(d) of the federal
134 [Telecommunications] Communications Act of [1996] 1934 (47 U.S.C. Section [151, et
135 seq.] 332).

455.096. 1. This section shall be known and may be cited as "Hailey's Law".

2 **2. In addition to any other jurisdictional grounds provided by law, a court shall
3 have jurisdiction to enter an extreme risk order of protection restraining or enjoining a
4 respondent from possessing any firearms.**

5 **3. (1) Upon the filing of a verified petition by a law enforcement officer or
6 agency under this section, and for good cause shown in the petition, the court may
7 immediately issue an ex parte order of protection. An immediate and present danger of
8 the respondent causing personal injury to himself or herself or others shall constitute
9 good cause shown for purposes of this section. An ex parte order of protection entered
10 by the court shall take effect when entered and shall remain in effect until there is valid
11 service of process and a hearing is held on the motion within fifteen days of the filing of
12 the petition.**

13 **(2) Failure to serve an ex parte order of protection on the respondent shall not
14 affect the validity or enforceability of such order. If the respondent is under eighteen
15 years of age, unless otherwise emancipated, service of process shall be made upon a
16 custodial parent or guardian of the respondent, or upon a guardian ad litem appointed
17 by the court, requiring that the person appear and bring the respondent before the
18 court at the time and place stated.**

19 **(3) If an ex parte order is entered and the respondent is under eighteen years of
20 age, the court shall transfer the case to juvenile court for a hearing on a full order of
21 protection. The court shall appoint a guardian ad litem for any such respondent not
22 represented by a parent or guardian.**

23 **(4) The law enforcement officer or agency shall be responsible for providing
24 notice to a family or household member of the respondent and to any known third party
25 who may be at risk of violence. The notice shall state that the law enforcement officer or
26 agency intends to petition the court for an extreme risk order of protection or has
27 already done so, and include referrals to appropriate resources, including mental health,**

28 domestic violence, and counseling resources. The law enforcement officer or agency
29 shall attest in the petition to having provided such notice, or attest to the steps that shall
30 be taken to provide such notice.

31 4. Upon issuance of any ex parte order of protection under subsection 3 of this
32 section, the court shall order the respondent to surrender to the local law enforcement
33 agency where the respondent resides all firearms in the respondent's custody, control, or
34 possession. The law enforcement officer serving any ex parte order of protection shall
35 provide the respondent to the order an opportunity to comply with the order by
36 surrendering all firearms in his or her custody, control, or possession. If the respondent
37 does not comply, the law enforcement officer serving the order shall conduct a lawful
38 search and seizure of any firearms of the respondent and in any area where probable
39 cause exists that a firearm to be surrendered under the order is located. The law
40 enforcement agency shall hold all surrendered firearms until a hearing is held on the
41 petition for the extreme risk order of protection. Such firearms shall not be held for
42 more than one hundred twenty days unless the court issues a full extreme risk order of
43 protection as provided in this section.

44 5. Not later than fifteen days after the filing of a verified petition that meets the
45 requirements of this section, a hearing shall be held unless the court deems, for good
46 cause shown, that a continuance should be granted. At the hearing, if the law
47 enforcement officer or agency has proved the allegation that the respondent poses a
48 significant danger to himself or herself or others by clear and convincing evidence, the
49 court shall issue a full extreme risk order of protection for a period of one year.

50 6. (1) Upon issuance of any full extreme risk order of protection under
51 subsection 5 of this section, the court shall order the respondent to surrender to the local
52 law enforcement agency where the respondent resides all firearms in the respondent's
53 custody, control, or possession. If the respondent has been identified in the petition as
54 being required to carry a firearm as a condition of the respondent's employment, the
55 court shall notify the respondent's employer of the existence of the order. If the
56 respondent holds a concealed carry permit under section 571.101 or 571.205, the court
57 shall order a revocation of the concealed carry permit.

58 (2) The law enforcement officer serving any extreme risk order of protection
59 shall provide the respondent to the order an opportunity to comply with the order by
60 surrendering all firearms in his or her custody, control, or possession. If the respondent
61 does not comply, the law enforcement officer serving the order shall:

62 (a) Conduct a lawful search of the respondent and any area where probable
63 cause exists that a firearm to be surrendered under the order is located; and

64 (b) Take possession of all firearms belonging to the respondent that are
65 surrendered in plain sight or discovered under a lawful search conducted under
66 paragraph (a) of this subdivision.

67 (3) If personal service by a law enforcement officer is not possible or not
68 required because the respondent was present at the extreme risk order of protection
69 hearing, the respondent shall surrender the firearms in a safe manner to the control of
70 the local law enforcement agency within forty-eight hours of being served with the order
71 by alternate service or within forty-eight hours of the hearing or final decision at which
72 the respondent was present.

73 (4) At the time of surrender, a law enforcement officer taking possession of a
74 firearm shall issue a receipt identifying all firearms that have been surrendered and
75 provide a copy of the receipt to the respondent. Within seventy-two hours after service
76 of the order, the officer serving the order shall file the original receipt with the court and
77 shall ensure that his or her law enforcement agency retains a copy of the receipt.

78 (5) Upon the sworn statement or testimony of any law enforcement officer
79 alleging that the respondent has failed to comply with the surrender of firearms as
80 required by an order issued under this subsection and subsection 4 of this section, the
81 court shall determine whether probable cause exists to believe that the respondent has
82 failed to surrender all firearms in his or her possession, custody, or control. If probable
83 cause exists, the court shall issue a warrant describing the firearms and authorizing a
84 search of the locations where the firearms are reasonably believed to be and the seizure
85 of any firearms discovered pursuant to such search.

86 (6) If a person other than the respondent claims title to any firearms
87 surrendered under this subsection and subsection 4 of this section and he or she is
88 determined by the law enforcement agency to be the lawful owner of the firearm, the
89 firearm shall be returned to him or her, provided that:

90 (a) The firearm is removed from the respondent's custody, control, or possession
91 and the lawful owner agrees to store the firearm in a manner such that the respondent
92 does not have access to or control of the firearm; and

93 (b) The firearm is not otherwise unlawfully possessed by the owner.

94 (7) A respondent to an extreme risk order of protection may file a motion to
95 modify or rescind that order of protection. The respondent may request a hearing on
96 such a motion with the court that issued the original extreme risk order of protection.
97 The court shall conduct a hearing on the motion to modify or rescind an extreme risk
98 order of protection within fifteen days after the motion is filed. At the hearing, if the
99 respondent has proved by clear and convincing evidence that the extreme risk order of

100 protection should be modified or rescinded, the court shall modify or rescind the
101 extreme risk order of protection.

102 7. If an extreme risk order of protection is terminated or expires without
103 renewal, a law enforcement agency holding any firearm that has been surrendered
104 under subsections 4 and 6 of this section shall return any surrendered firearm requested
105 by a respondent only after confirming through a background check administered by the
106 Missouri state highway patrol under section 43.543 that the respondent is currently
107 eligible to own or possess firearms under federal and state law and after confirming
108 with the court that the extreme risk order of protection has terminated or has expired
109 without renewal.

110 8. (1) The law enforcement officer or agency may renew the extreme risk order
111 of protection if probable cause is shown that the respondent continues to pose a
112 significant risk of personal injury to himself or herself or others by possessing a firearm.
113 The extreme risk order of protection may be renewed for up to one year from the
114 expiration of the preceding extreme risk order of protection. Written notice of a
115 hearing on the motion to renew an extreme risk order of protection shall be given to the
116 respondent by the court.

117 (2) A law enforcement agency shall, if requested, provide prior notice of the
118 return of a firearm to a respondent or to family or household members of the
119 respondent.

120 (3) Any firearm surrendered by a respondent under subsections 4 and 6 of this
121 section that remains unclaimed by the lawful owner shall be disposed of in accordance
122 with the law enforcement agency's policies and procedures for the disposal of firearms
123 in police custody.

124 9. The clerk of any court that issues an extreme risk order of protection shall
125 send the Missouri state highway patrol a copy of the order issued by that court within
126 forty-eight hours of the court issuing the order. Upon receiving an extreme risk order of
127 protection, the Missouri state highway patrol shall enter the extreme risk order of
128 protection into the Missouri uniform law enforcement system (MULES) within forty-
129 eight hours of receiving notice of the order.

130 10. A violation of the terms and conditions of an ex parte order of protection
131 under this section of which the respondent has notice shall be a class A misdemeanor
132 unless the respondent has previously pled guilty to or has been found guilty in any
133 division of the circuit court of violating an ex parte order of protection or a full order of
134 protection within five years of the date of the subsequent violation, in which case the
135 subsequent violation shall be a class E felony. Evidence of prior pleas of guilty or
136 findings of guilt shall be heard by the court out of the presence of the jury prior to

137 **submission of the case to the jury. If the court finds the existence of such prior pleas of**
138 **guilty or findings of guilt beyond a reasonable doubt, the court shall decide the extent or**
139 **duration of sentence or other disposition and shall not instruct the jury as to the range**
140 **of punishment or allow the jury to assess and declare the punishment as a part of its**
141 **verdict.**

142 **11. A violation of the terms and conditions of a full order of protection under this**
143 **section shall be a class A misdemeanor unless the respondent has previously pled guilty**
144 **to or has been found guilty in any division of the circuit court of violating an ex parte**
145 **order of protection or a full order of protection within five years of the date of the**
146 **subsequent violation, in which case the subsequent violation shall be a class E felony.**
147 **Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the**
148 **presence of the jury prior to submission of the case to the jury. If the court finds the**
149 **existence of such prior pleas of guilty or findings of guilt beyond a reasonable doubt, the**
150 **court shall decide the extent or duration of the sentence or other disposition and shall**
151 **not instruct the jury as to the range of punishment or allow the jury to assess and**
152 **declare the punishment as a part of its verdict. For the purposes of this subsection, in**
153 **addition to the notice provided by actual service of the order, a party is deemed to have**
154 **notice of an order of protection if:**

155 **(1) The law enforcement officer responding to a call of a reported violation of an**
156 **order of protection presented a copy of the order of protection to the respondent; or**
157 **(2) Notice is given by actual communication to the respondent in a manner**
158 **reasonably likely to advise the respondent.**

455.523. 1. Any full order of protection granted under sections 455.500 to 455.538
2 shall be to protect the victim from domestic violence, including danger to the child's pet,
3 stalking, and sexual assault may include such terms as the court reasonably deems necessary
4 to ensure the petitioner's safety, including but not limited to:

5 **(1) Temporarily enjoining the respondent from committing domestic violence or**
6 **sexual assault, threatening to commit domestic violence or sexual assault, stalking, molesting,**
7 **or disturbing the peace of the victim;**

8 **(2) Temporarily enjoining the respondent from entering the family home of the**
9 **victim, except as specifically authorized by the court;**

10 **(3) Temporarily enjoining the respondent from communicating with the victim in any**
11 **manner or through any medium, except as specifically authorized by the court.**

12 **2. If, after a hearing for any full order of protection, the court issues an order of**
13 **protection, the court shall also:**

14 **(1) Prohibit the respondent from knowingly possessing or purchasing any**
15 **firearm while the order is in effect;**

16 **(2) Inform the respondent of such prohibition in writing and, if the respondent is**
17 **present, orally; and**

18 **(3) Forward the order to the Missouri state highway patrol so that the Missouri**
19 **state highway patrol can update the respondent's record in the National Instant**
20 **Criminal Background Check System (NICS). Upon receiving an order under this**
21 **subsection, the Missouri state highway patrol shall notify the Federal Bureau of**
22 **Investigation within twenty-four hours.**

23 3. When the court has, after hearing for any full order of protection, issued an order of
24 protection, it may, in addition:

25 (1) Award custody of any minor child born to or adopted by the parties when the court
26 has jurisdiction over such child and no prior order regarding custody is pending or has been
27 made, and the best interests of the child require such order be issued;

28 (2) Award visitation;

29 (3) Award child support in accordance with supreme court rule 88.01 and chapter
30 452;

31 (4) Award maintenance to petitioner when petitioner and respondent are lawfully
32 married in accordance with chapter 452;

33 (5) Order respondent to make or to continue to make rent or mortgage payments on a
34 residence occupied by the victim if the respondent is found to have a duty to support the
35 victim or other dependent household members;

36 (6) Order the respondent to participate in a court-approved counseling program
37 designed to help stop violent behavior or to treat substance abuse;

38 (7) Order the respondent to pay, to the extent that he or she is able, the costs of his or
39 her treatment, together with the treatment costs incurred by the victim;

40 (8) Order the respondent to pay a reasonable fee for housing and other services that
41 have been provided or that are being provided to the victim by a shelter for victims of
42 domestic violence;

43 (9) Order a wireless service provider, in accordance with the process, provisions, and
44 requirements set out in subdivisions (1) to (6) of subsection [9] 10 of section 455.050, to
45 transfer the billing responsibility for and rights to the wireless telephone number or numbers
46 of any minor children in the petitioner's care to the petitioner, if the petitioner is not the
47 wireless service accountholder;

48 (10) Award possession and care of any pet, along with any moneys necessary to cover
49 medical costs that may have resulted from abuse of the pet.

565.076. 1. A person commits the offense of domestic assault in the fourth degree if
2 the act involves a domestic victim, as the term "domestic victim" is defined under section
3 565.002, and:

4 (1) The person attempts to cause or recklessly causes physical injury, physical pain,
5 or illness to such domestic victim;

10 (4) The person recklessly engages in conduct which creates a substantial risk of death
11 or serious physical injury to such domestic victim;

12 (5) The person knowingly causes physical contact with such domestic victim
13 knowing he or she will regard the contact as offensive; or

14 (6) The person knowingly attempts to cause or causes the isolation of such domestic
15 victim by unreasonably and substantially restricting or limiting his or her access to other
16 persons, telecommunication devices or transportation for the purpose of isolation.

17 2. The offense of domestic assault in the fourth degree is a class A misdemeanor,
18 unless the person has previously been found guilty of the offense of domestic assault, of any
19 assault offense under this chapter, or of any offense against a domestic victim committed in
20 violation of any county or municipal ordinance in any state, any state law, any federal law, or
21 any military law which if committed in this state two or more times would be a violation of
22 this section, in which case it is a class E felony. The offenses described in this subsection
23 may be against the same domestic victim or against different domestic victims.

24 3. Upon a person's conviction for the offense of domestic assault in the fourth
25 degree, the court shall forward the record of conviction to the Missouri state highway
26 patrol so that the Missouri state highway patrol can update the offender's record in the
27 National Instant Criminal Background Check System (NICS). Upon receiving a record
28 under this subsection, the Missouri state highway patrol shall notify the Federal Bureau
29 of Investigation within twenty-four hours.

565.227. 1. A person commits the offense of stalking in the second degree if he or
2 she purposely, through his or her course of conduct, disturbs, or follows with the intent to
3 disturb another person.

4 2. This section shall not apply to activities of federal, state, county, or municipal law
5 enforcement officers conducting investigations of any violation of federal, state, county, or
6 municipal law.

7 3. Any law enforcement officer may arrest, without a warrant, any person he or she
8 has probable cause to believe has violated the provisions of this section.

9 4. The offense of stalking in the second degree is a class A misdemeanor, unless the
10 defendant has previously been found guilty of a violation of this section or section 565.225, or
11 of any offense committed in another jurisdiction which, if committed in this state, would be

12 chargeable or indictable as a violation of any offense listed in this section or section 565.225,
13 or unless the victim is intentionally targeted as a law enforcement officer, as defined in
14 section 556.061, or the victim is targeted because he or she is a relative within the second
15 degree of consanguinity or affinity to a law enforcement officer, in which case stalking in the
16 second degree is a class E felony.

17 **5. Upon a person's conviction for the offense of stalking in the second degree, the**
18 **court shall forward the record of conviction to the Missouri state highway patrol so that**
19 **the Missouri state highway patrol can update the offender's record in the National**
20 **Instant Criminal Background Check System (NICS). Upon receiving a record under**
21 **this subsection, the Missouri state highway patrol shall notify the Federal Bureau of**
22 **Investigation within twenty-four hours.**

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

3 (1) Such person has been convicted of a felony under the laws of this state, or of a
4 crime under the laws of any state or of the United States which, if committed within this state,
5 would be a felony; [or]

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

8 **(3) Such person has been convicted of a misdemeanor offense of domestic**
9 **violence under the laws of this state, or of a crime under the laws of any state or of the**
10 **United States that if committed in this state would be a misdemeanor offense of domestic**
11 **violence; or**

12 **(4) Such person is subject to an order of protection granted under sections**
13 **455.010 to 455.095 or sections 455.500 to 455.538 that was issued after a hearing of**
14 **which the person had actual notice and at which the person had an opportunity to**
15 **participate or such person is subject to an equivalent order issued under the laws of**
16 **another state or the United States.**

17 2. Unlawful possession of a firearm is a class C felony, unless a person has been
18 convicted of a dangerous felony as defined in section 556.061, or the person has a prior
19 conviction for unlawful possession of a firearm in which case it is a class B felony.

20 3. The provisions of [subdivision] subdivisions (1) and (3) of subsection 1 of this
21 section shall not apply to the possession of an antique firearm.

22 **4. As used in this section, the following terms mean:**

23 (1) "Family" or "household member", the same meaning given to the terms in
24 section 455.010;

25 (2) "Misdemeanor offense of domestic violence":

26 (a) Domestic assault in the fourth degree under section 565.076;

27 **(b) Stalking in the second degree under section 565.227; or**
28 **(c) Any misdemeanor offense committed by a family or household member of**
29 **the victim that involves the use or attempted use of physical force or the threatened use**
30 **of a deadly weapon.**

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