

# HOUSE BILL NO. 1496

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BECK.

3640H.011

DANA RADEMAN MILLER, Chief Clerk

### 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Section A. Sections 571.060 and 571.070, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 571.060 and 571.070, to read as follows:

571.060. 1. A person commits the offense of unlawful transfer of weapons if he **or she**:

(1) Knowingly sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to any person who, under the provisions of section 571.070, is not lawfully entitled to possess such;

(2) Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen years old without the consent of the child's custodial parent or guardian, or recklessly, as defined in section 562.016, sells, leases, loans, gives away or delivers any firearm to a person less than eighteen years old without the consent of the child's custodial parent or guardian; provided, that this does not prohibit the delivery of such weapons to any peace officer or member of the Armed Forces or National Guard while performing his official duty; ~~or~~

(3) Recklessly, as defined in section 562.016, sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated;

**(4) Knowingly sells, leases, loans, gives away, or delivers a firearm to any person whose name appears on the Terrorist Screening Center's No Fly List; or**

**(5) Knowingly sells, leases, loans, gives away, or delivers a firearm to any person who is a member of a group of two or more individuals, regardless if organized, that engages in or has a subgroup that engages in international or domestic terrorism.**

2. Unlawful transfer of weapons under subdivision (1), **(4)**, or **(5)** of subsection 1 of this section is a class E felony; unlawful transfer of weapons under subdivisions (2) and (3) of subsection 1 of this section is a class A misdemeanor.

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.

21 **3. For purposes of this section, "terrorism" means activities that:**  
 22 **(1) Involve a violent act or acts dangerous to human life that violate the criminal**  
 23 **laws of the United States or a state thereof or that would be a criminal violation if**  
 24 **committed within the jurisdiction of the United States or a state thereof; and**  
 25 **(2) Appear to be intended to:**  
 26 **(a) Intimidate or coerce a civilian population;**  
 27 **(b) Influence the policy of a government by intimidation or coercion; or**  
 28 **(c) Affect the conduct of a government by mass destruction, assassination, or**  
 29 **kidnapping.**

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 crime  
 4 under the laws of any state or of the United States which, if committed within this state, would  
 5 be a felony; [ø]

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's name appears on the Terrorist Screening Center's No Fly List;  
 9 or

10 (4) Such person is a member of a group of two or more individuals, regardless if  
 11 organized, that engages in or has a subgroup that engages in international or domestic  
 12 terrorism. For purposes of this subdivision, "terrorism" means activities that:

13 (a) Involve a violent act or acts dangerous to human life that are a violation of the  
 14 criminal laws of the United States or a state thereof or that would be a criminal violation  
 15 if committed within the jurisdiction of the United States or a state thereof; and

16 (b) Appear to be intended to:  
 17 a. Intimidate or coerce a civilian population;  
 18 b. Influence the policy of a government by intimidation or coercion; or  
 19 c. Affect the conduct of a government by mass destruction, assassination, or  
 20 kidnapping.

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

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

✓