

# SENATE BILL NO. 186

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BECK.

0516S.01I

ADRIANE D. CROUSE, 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2 repealed and two new sections enacted in lieu thereof, to be  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 official duty; [or]

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;

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

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 (3)  
31 of subsection 1 of this section is a class A misdemeanor.

32           3. For purposes of this section, "terrorism" means  
33 activities that:

34           (1) Involve a violent act or acts dangerous to human  
35 life that violate the criminal laws of the United States or  
36 a state thereof that would be a criminal violation if  
37 committed within the jurisdiction of the United States or a  
38 state thereof; and

39           (2) Appear to be intended to:

40           (a) Intimidate or coerce a civilian population;

41           (b) Influence the policy of a government by  
42 intimidation or coercion; or

43           (c) Affect the conduct of a government by mass  
44 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 D  
30           felony, unless a person has been convicted of a dangerous  
31           felony as defined in section 556.061, in which case it is a  
32           class C felony.

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

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