

SECOND REGULAR SESSION

SENATE BILL NO. 1101

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHUPP.

Read 1st time March 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6806S.011

AN ACT

To repeal sections 455.010, 455.050, 571.010, 571.020, and 571.070, RSMo, and to enact in lieu thereof five 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Section A. Sections 455.010, 455.050, 571.010, 571.020, and 571.070, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 455.010, 455.050, 571.010, 571.020, and 571.070, to read as follows:

455.010. As used in this chapter, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Abuse" includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner:

(a) "Assault", purposely or knowingly placing or attempting to place another in fear of physical harm;

(b) "Battery", purposely or knowingly causing physical harm to another with or without a deadly weapon;

(c) "Coercion", compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;

(d) "Harassment", engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child and serves no legitimate purpose. The course of conduct must be such as

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

18 would cause a reasonable adult or child to suffer substantial emotional distress
19 and must actually cause substantial emotional distress to the petitioner or
20 child. Such conduct might include, but is not limited to:

21 a. Following another about in a public place or places;

22 b. Peering in the window or lingering outside the residence of another; but
23 does not include constitutionally protected activity;

24 (e) "Sexual assault", causing or attempting to cause another to engage
25 involuntarily in any sexual act by force, threat of force, duress, or without that
26 person's consent;

27 (f) "Unlawful imprisonment", holding, confining, detaining or abducting
28 another person against that person's will;

29 (2) "Adult", any person seventeen years of age or older or otherwise
30 emancipated;

31 (3) "Child", any person under seventeen years of age unless otherwise
32 emancipated;

33 (4) "Court", the circuit or associate circuit judge or a family court
34 commissioner;

35 (5) "Domestic violence", abuse or stalking committed by a family or
36 household member, as such terms are defined in this section;

37 (6) "Ex parte order of protection", an order of protection issued by the
38 court before the respondent has received notice of the petition or an opportunity
39 to be heard on it;

40 (7) "Family" or "household member", spouses, former spouses, any person
41 related by blood or marriage, persons who are presently residing together or have
42 resided together in the past, any person who is or has been in a continuing social
43 relationship of a romantic or intimate nature with the victim, and anyone who
44 has a child in common regardless of whether they have been married or have
45 resided together at any time;

46 (8) "Full order of protection", an order of protection issued after a hearing
47 on the record where the respondent has received notice of the proceedings and
48 has had an opportunity to be heard;

49 (9) "Order of protection", either an ex parte order of protection or a full
50 order of protection;

51 (10) **"Extreme risk order of protection", either an ex parte order**
52 **or full order of protection filed by a family or household member of the**
53 **respondent or a law enforcement officer or agency pursuant to**

54 subsection 10 of section 455.050;

55 (11) "Pending", exists or for which a hearing date has been set;

56 [(11)] (12) "Petitioner", a family or household member who has been a
57 victim of domestic violence, or any person who has been the victim of stalking or
58 sexual assault, or a person filing on behalf of a child pursuant to section 455.503
59 who has filed a verified petition pursuant to the provisions of section 455.020 or
60 section 455.505;

61 [(12)] (13) "Respondent", the family or household member alleged to have
62 committed an act of domestic violence, or person alleged to have committed an act
63 of stalking or sexual assault, against whom a verified petition has been filed or
64 a person served on behalf of a child pursuant to section 455.503;

65 [(13)] (14) "Sexual assault", as defined under subdivision (1) of this
66 section;

67 [(14)] (15) "Stalking" is when any person purposely engages in an
68 unwanted course of conduct that causes alarm to another person, or a person who
69 resides together in the same household with the person seeking the order of
70 protection when it is reasonable in that person's situation to have been alarmed
71 by the conduct. As used in this subdivision:

72 (a) "Alarm" means to cause fear of danger of physical harm; and

73 (b) "Course of conduct" means a pattern of conduct composed of two or
74 more acts over a period of time, however short, that serves no legitimate
75 purpose. Such conduct may include, but is not limited to, following the other
76 person or unwanted communication or unwanted contact.

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

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

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

11 (a) Jointly owned, leased or rented or jointly occupied by both parties; or

12 (b) Owned, leased, rented or occupied by petitioner individually; or

13 (c) Jointly owned, leased, rented or occupied by petitioner and a person

14 other than respondent; provided, however, no spouse shall be denied relief
15 pursuant to this section by reason of the absence of a property interest in the
16 dwelling unit; or

17 (d) Jointly occupied by the petitioner and a person other than respondent;
18 provided that the respondent has no property interest in the dwelling unit; or

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

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

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

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

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

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

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

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

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

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

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

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

49 (10) Order the respondent to pay a reasonable fee for housing and other

50 services that have been provided or that are being provided to the petitioner by
51 a shelter for victims of domestic violence;

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

53 (12) Order the respondent to pay the cost of medical treatment and
54 services that have been provided or that are being provided to the petitioner as
55 a result of injuries sustained to the petitioner by an act of domestic violence
56 committed by the respondent.

57 4. A verified petition seeking orders for maintenance, support, custody,
58 visitation, payment of rent, payment of monetary compensation, possession of
59 personal property, prohibiting the transfer, encumbrance, or disposal of property,
60 or payment for services of a shelter for victims of domestic violence, shall contain
61 allegations relating to those orders and shall pray for the orders desired.

62 5. In making an award of custody, the court shall consider all relevant
63 factors including the presumption that the best interests of the child will be
64 served by placing the child in the custody and care of the nonabusive parent,
65 unless there is evidence that both parents have engaged in abusive behavior, in
66 which case the court shall not consider this presumption but may appoint a
67 guardian ad litem or a court-appointed special advocate to represent the children
68 in accordance with chapter 452 and shall consider all other factors in accordance
69 with chapter 452.

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

79 7. The court shall make an order requiring the noncustodial party to pay
80 an amount reasonable and necessary for the support of any child to whom the
81 party owes a duty of support when no prior order of support is outstanding and
82 after all relevant factors have been considered, in accordance with Missouri
83 supreme court rule 88.01 and chapter 452.

84 8. The court may grant a maintenance order to a party for a period of
85 time, not to exceed one hundred eighty days. Any maintenance ordered by the

86 court shall be in accordance with chapter 452.

87 9. (1) The court may, in order to ensure that a petitioner can maintain
88 an existing wireless telephone number or numbers, issue an order, after notice
89 and an opportunity to be heard, directing a wireless service provider to transfer
90 the billing responsibility for and rights to the wireless telephone number or
91 numbers to the petitioner, if the petitioner is not the wireless service
92 accountholder.

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

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

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

110 a. The accountholder has already terminated the account;

111 b. The differences in network technology prevent the functionality of a
112 device on the network; or

113 c. There are geographic or other limitations on network or service
114 availability.

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

121 (b) This section shall not preclude a wireless service provider from

122 applying any routine and customary requirements for account establishment to
123 the petitioner as part of this transfer of billing responsibility for a wireless
124 telephone number or numbers and any devices attached to that number or
125 numbers including, but not limited to, identification, financial information, and
126 customer preferences.

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

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

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

136 **10. The court may grant an extreme risk order of protection**
137 **provided that:**

138 **(1) A petition for an extreme risk order of protection shall allege**
139 **that:**

140 **(a) The respondent poses a significant danger of causing**
141 **personal injury to self or others by having in his or her custody or**
142 **control, purchasing, possessing, or receiving a firearm, and be**
143 **accompanied by an affidavit made under oath stating the specific**
144 **statements, actions, or facts that give rise to a reasonable fear of future**
145 **dangerous acts by the respondent;**

146 **(b) Identify the number, types, and locations of any firearms the**
147 **petitioner believes to be in the respondent's current ownership,**
148 **possession, custody, or control;**

149 **(c) Identify whether there is a pending lawsuit, complaint,**
150 **petition, or other action between the parties to the petition under the**
151 **laws of Missouri;**

152 **(2) The court clerk or administrator shall verify the terms of any**
153 **existing order governing the parties. The court shall not delay**
154 **granting relief because of the existence of a pending action between the**
155 **parties or the necessity of verifying the terms of an existing order. A**
156 **petition for an extreme risk protection order shall be granted whether**
157 **or not there is a pending action between the parties;**

158 **(3) If the petitioner is a law enforcement officer or agency, the**
159 **petitioner shall make a good faith effort to provide notice to a family**
160 **or household member of the respondent and to any known third party**
161 **who may be at risk of violence. The notice shall state that the**
162 **petitioner intends to petition the court for an extreme risk protection**
163 **order or has already done so, and include referrals to appropriate**
164 **resources, including mental health, domestic violence, and counseling**
165 **resources. The petitioner shall attest in the petition to having provided**
166 **such notice, or attest to the steps that shall be taken to provide such**
167 **notice;**

168 **(4) If the petition states that disclosure of the petitioner's**
169 **address would risk harm to the petitioner or any member of the**
170 **petitioner's family or household, the petitioner's address may be**
171 **omitted from all documents filed with the court. If the petitioner has**
172 **not disclosed an address under this subsection, the petitioner shall**
173 **designate an alternative address at which the respondent may serve**
174 **notice of any motions. If the petitioner is a law enforcement officer or**
175 **agency, the address of record shall be that of the law enforcement**
176 **agency;**

177 **(5) Within ninety days of receipt of the master copy from the**
178 **administrative office of the courts, all court clerk's offices shall make**
179 **available the standardized forms, instructions, and informational**
180 **brochures required by section 16 of this section. Any assistance or**
181 **information provided by clerks under this section does not constitute**
182 **the practice of law and clerks are not responsible for incorrect**
183 **information contained in a petition;**

184 **(6) No fees for filing or service of process may be charged by a**
185 **court or any public agency to petitioners seeking relief under this**
186 **chapter. Petitioners shall be provided the necessary number of**
187 **certified copies, forms, and instructional brochures free of charge;**

188 **(7) A person is not required to post a bond to obtain relief in any**
189 **proceeding under this section.**

190 **11. Upon issuance of any extreme risk order of protection under**
191 **this section, the court shall order the respondent to surrender to the**
192 **local law enforcement agency all firearms in the respondent's custody,**
193 **control, or possession.**

194 **(1) The law enforcement officer serving any extreme risk order**

195 of protection under this section shall request that the respondent
196 immediately surrender all firearms in his or her custody, control, or
197 possession, and conduct any search permitted by law for such
198 firearms. The law enforcement officer shall take possession of all
199 firearms belonging to the respondent that are surrendered, in plain
200 sight, or discovered pursuant to a lawful search. Alternatively, if
201 personal service by a law enforcement officer is not possible, or not
202 required because the respondent was present at the extreme risk order
203 of protection hearing, the respondent shall surrender the firearms in
204 a safe manner to the control of the local law enforcement agency within
205 forty-eight hours of being served with the order by alternate service or
206 within forty-eight hours of the hearing at which the respondent was
207 present.

208 (2) At the time of surrender, a law enforcement officer taking
209 possession of a firearm shall issue a receipt identifying all firearms
210 that have been surrendered and provide a copy of the receipt to the
211 respondent. Within seventy-two hours after service of the order, the
212 officer serving the order shall file the original receipt with the court
213 and shall ensure that his or her law enforcement agency retains a copy
214 of the receipt.

215 (3) Upon the sworn statement or testimony of the petitioner or of
216 any law enforcement officer alleging that the respondent has failed to
217 comply with the surrender of firearms as required by an order issued
218 under this chapter, the court shall determine whether probable cause
219 exists to believe that the respondent has failed to surrender all
220 firearms in his or her possession, custody, or control. If probable cause
221 exists, the court shall issue a warrant describing the firearms and
222 authorizing a search of the locations where the firearms are reasonably
223 believed to be and the seizure of any firearms discovered pursuant to
224 such search.

225 (4) If a person other than the respondent claims title to any
226 firearms surrendered pursuant to this section, and he or she is
227 determined by the law enforcement agency to be the lawful owner of
228 the firearm, the firearm shall be returned to him or her, provided that:

229 (a) The firearm is removed from the respondent's custody,
230 control, or possession and the lawful owner agrees to store the firearm
231 in a manner such that the respondent does not have access to or

232 **control of the firearm; and**

233 **(b) The firearm is not otherwise unlawfully possessed by the**
234 **owner.**

235 **12. If an extreme risk protection order is terminated or expires**
236 **without renewal, a law enforcement agency holding any firearm that**
237 **has been surrendered pursuant to this section shall return any**
238 **surrendered firearm requested by a respondent only after confirming,**
239 **through a background check, that the respondent is currently eligible**
240 **to own or possess firearms under federal and state law and after**
241 **confirming with the court that the extreme risk protection order has**
242 **terminated or has expired without renewal.**

243 **(1) A law enforcement agency shall, if requested, provide prior**
244 **notice of the return of a firearm to a respondent to family or household**
245 **members of the respondent.**

246 **(2) Any firearm surrendered by a respondent pursuant to**
247 **subsection 11 of this section that remains unclaimed by the lawful**
248 **owner shall be disposed of in accordance with the law enforcement**
249 **agency's policies and procedures for the disposal of firearms in police**
250 **custody.**

571.010. As used in this chapter, the following terms shall mean:

2 (1) "Antique, curio or relic firearm", any firearm so defined by the
3 National Gun Control Act, 18 U.S.C. Title 26, Section 5845, and the United States
4 Treasury/Bureau of Alcohol Tobacco and Firearms, 27 CFR Section 178.11:

5 (a) "Antique firearm" is any firearm not designed or redesigned for using
6 rim fire or conventional center fire ignition with fixed ammunition and
7 manufactured in or before 1898, said ammunition not being manufactured any
8 longer; this includes any matchlock, wheel lock, flintlock, percussion cap or
9 similar type ignition system, or replica thereof;

10 (b) "Curio or relic firearm" is any firearm deriving value as a collectible
11 weapon due to its unique design, ignition system, operation or at least fifty years
12 old, associated with a historical event, renown personage or major war;

13 (2) "Blackjack", any instrument that is designed or adapted for the
14 purpose of stunning or inflicting physical injury by striking a person, and which
15 is readily capable of lethal use;

16 (3) "Blasting agent", any material or mixture, consisting of fuel and
17 oxidizer that is intended for blasting, but not otherwise defined as an explosive

18 under this section, provided that the finished product, as mixed for use of
19 shipment, cannot be detonated by means of a numbered 8 test blasting cap when
20 unconfined;

21 (4) "Concealable firearm", any firearm with a barrel less than sixteen
22 inches in length, measured from the face of the bolt or standing breech;

23 (5) "Deface", to alter or destroy the manufacturer's or importer's serial
24 number or any other distinguishing number or identification mark;

25 (6) "Detonator", any device containing a detonating charge that is used for
26 initiating detonation in an explosive, including but not limited to, electric blasting
27 caps of instantaneous and delay types, nonelectric blasting caps for use with
28 safety fuse or shock tube and detonating cord delay connectors;

29 (7) "Explosive weapon", any explosive, incendiary, or poison gas bomb or
30 similar device designed or adapted for the purpose of inflicting death, serious
31 physical injury, or substantial property damage; or any device designed or
32 adapted for delivering or shooting such a weapon. For the purposes of this
33 subdivision, the term "explosive" shall mean any chemical compound mixture or
34 device, the primary or common purpose of which is to function by explosion,
35 including but not limited to, dynamite and other high explosives, pellet powder,
36 initiating explosives, detonators, safety fuses, squibs, detonating cords, igniter
37 cords, and igniters or blasting agents;

38 (8) "Firearm", any weapon that is designed or adapted to expel a projectile
39 by the action of an explosive;

40 (9) "Firearm silencer", any instrument, attachment, or appliance that is
41 designed or adapted to muffle the noise made by the firing of any firearm;

42 (10) "Gas gun", any gas ejection device, weapon, cartridge, container or
43 contrivance other than a gas bomb that is designed or adapted for the purpose of
44 ejecting any poison gas that will cause death or serious physical injury, but not
45 any device that ejects a repellant or temporary incapacitating substance;

46 (11) "Intoxicated", substantially impaired mental or physical capacity
47 resulting from introduction of any substance into the body;

48 (12) "Knife", any dagger, dirk, stiletto, or bladed hand instrument that is
49 readily capable of inflicting serious physical injury or death by cutting or
50 stabbing a person. For purposes of this chapter, "knife" does not include any
51 ordinary pocketknife with no blade more than four inches in length;

52 (13) "Knuckles", any instrument that consists of finger rings or guards
53 made of a hard substance that is designed or adapted for the purpose of inflicting

54 serious physical injury or death by striking a person with a fist enclosed in the
55 knuckles;

56 (14) "Machine gun", any firearm that is capable of firing more than one
57 shot automatically, without manual reloading, by a single function of the trigger;

58 (15) **"Multi-burst trigger activator", a device that attaches to a**
59 **semiautomatic firearm and allows the firearm to discharge two or more**
60 **shots in burst when the device is activated or a manual or power-**
61 **driven trigger-activating device that, when attached to a semiautomatic**
62 **firearm, increases the rate of fire of that firearm;**

63 (16) "Projectile weapon", any bow, crossbow, pellet gun, slingshot or other
64 weapon that is not a firearm, which is capable of expelling a projectile that could
65 inflict serious physical injury or death by striking or piercing a person;

66 [(16)] (17) "Rifle", any firearm designed or adapted to be fired from the
67 shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire
68 a projectile through a rifled bore by a single function of the trigger;

69 [(17)] (18) "Short barrel", a barrel length of less than sixteen inches for
70 a rifle and eighteen inches for a shotgun, both measured from the face of the bolt
71 or standing breech, or an overall rifle or shotgun length of less than twenty-six
72 inches;

73 [(18)] (19) "Shotgun", any firearm designed or adapted to be fired from
74 the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire
75 a number of shot or a single projectile through a smooth bore barrel by a single
76 function of the trigger;

77 [(19)] (20) "Spring gun", any fused, timed or nonmanually controlled trap
78 or device designed or adapted to set off an explosion for the purpose of inflicting
79 serious physical injury or death;

80 [(20)] (21) "Switchblade knife", any knife which has a blade that folds or
81 closes into the handle or sheath, and:

82 (a) That opens automatically by pressure applied to a button or other
83 device located on the handle; or

84 (b) That opens or releases from the handle or sheath by the force of
85 gravity or by the application of centrifugal force;.

571.020. 1. A person commits an offense if such person knowingly
2 possesses, manufactures, transports, repairs, or sells:

3 (1) An explosive weapon;

4 (2) An explosive, incendiary or poison substance or material with the

5 purpose to possess, manufacture or sell an explosive weapon;

6 (3) A gas gun;

7 (4) A bullet or projectile which explodes or detonates upon impact because
8 of an independent explosive charge after having been shot from a firearm; [or]

9 (5) Knuckles; [or]

10 (6) Any of the following in violation of federal law:

11 (a) A machine gun;

12 (b) A short-barreled rifle or shotgun;

13 (c) A firearm silencer; or

14 (d) A switchblade knife; **or**

15 **(7) A multi-burst trigger activator.**

16 2. A person does not commit an offense pursuant to this section if his or
17 her conduct involved any of the items in subdivisions (1) to (5) of subsection 1, the
18 item was possessed in conformity with any applicable federal law, and the
19 conduct:

20 (1) Was incident to the performance of official duty by the Armed Forces,
21 National Guard, a governmental law enforcement agency, or a penal institution;
22 or

23 (2) Was incident to engaging in a lawful commercial or business
24 transaction with an organization enumerated in subdivision (1) of this section; or

25 (3) Was incident to using an explosive weapon in a manner reasonably
26 related to a lawful industrial or commercial enterprise; or

27 (4) Was incident to displaying the weapon in a public museum or
28 exhibition; or

29 (5) Was incident to using the weapon in a manner reasonably related to
30 a lawful dramatic performance.

31 3. An offense pursuant to subdivision (1), (2), (3), [or] (6) **or (7)** of
32 subsection 1 of this section is a class D felony; a crime pursuant to subdivision
33 (4) or (5) of subsection 1 of this section is a class A misdemeanor.

571.070. 1. A person commits the offense of unlawful possession of a
2 firearm if such 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
4 state, or of a crime under the laws of any state or of the United States which, if
5 committed within this state, would be a felony; [or]

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

8 **(3) Such person is subject to a full order of protection or extreme**
9 **risk order of protection as such terms are defined in section 455.010; or**

10 **(4) Such person has been convicted of a misdemeanor domestic**
11 **violence offense within the preceding five years, or a misdemeanor**
12 **under a law of another jurisdiction which is substantially similar to**
13 **such misdemeanor offense. As used in this subdivision, the term**
14 **"domestic violence" shall have the same meaning as in section 455.010.**

15 2. Unlawful possession of a firearm is a class D felony, **unless such**
16 **offense occurred in violation of subdivision 3 or 4 of subsection 1 of**
17 **this section whereas it shall be a class C felony.**

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

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