

FIRST REGULAR SESSION

SENATE BILL NO. 768

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

1951S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 561.021, 561.026, and 571.070, RSMo, and to enact in lieu thereof four new sections relating to the restoration of the civil right to ship, transport, possess, or receive a firearm, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 561.021, 561.026, and 571.070, RSMo,
2 are repealed and four new sections enacted in lieu thereof, to
3 be known as sections 561.021, 561.026, 571.070, and 571.074, to
4 read as follows:

561.021. 1. A person holding any public office,
2 elective or appointive, under the government of this state
3 or any agency or political subdivision thereof, who is
4 convicted of an offense shall, upon sentencing, forfeit such
5 office if:

6 (1) He or she is convicted under the laws of this
7 state of a felony or under the laws of another jurisdiction
8 of an offense which, if committed within this state, would
9 be a felony, or he or she pleads guilty or nolo contendere
10 of such an offense; or

11 (2) He or she is convicted of or pleads guilty or nolo
12 contendere to an offense involving misconduct in office, or
13 dishonesty; or

14 (3) The Constitution or a statute other than the code
15 so provides.

16 2. Except as provided in subsection 3 of this section,
17 a person who pleads guilty or nolo contendere or is
18 convicted under the laws of this state of a felony or under
19 the laws of another jurisdiction of an offense which, if
20 committed within this state, would be a felony, shall be
21 ineligible to hold any public office, elective or
22 appointive, under the government of this state or any agency
23 or political subdivision thereof, until the completion of
24 his or her sentence or period of probation.

25 3. **Except as provided in subsection 4 of this section,**
26 a person who pleads guilty or nolo contendere or is
27 convicted under the laws of this state or under the laws of
28 another jurisdiction of a felony connected with the exercise
29 of the right of suffrage shall be forever disqualified from
30 holding any public office, elective or appointive, under the
31 government of this state or any agency or political
32 subdivision thereof.

33 4. **The provisions of subsection 3 of this section**
34 **shall not apply to any person who has had his or her civil**
35 **rights restored under section 571.074.**

561.026. 1. Notwithstanding any other provision of
2 law except for section 610.140 **and except as provided in**
3 **subsection 2 of this section,** a person who is convicted:

4 (1) Of any offense shall be disqualified from
5 registering and voting in any election under the laws of
6 this state while confined under a sentence of imprisonment;

7 (2) Of a felony or misdemeanor connected with the
8 exercise of the right of suffrage shall be forever
9 disqualified from registering and voting;

10 (3) Of any felony shall be forever disqualified from
11 serving as a juror.

12 **2. The provisions of subdivision (2) of subsection 1**
13 **of this section shall not apply to any person who has had**
14 **his or her civil rights restored under section 571.074.**

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

16 3. The provisions of subdivision (1) of subsection 1
17 of this section shall not apply to:

18 (1) **Any person who has had his or her civil right to**
19 **ship, transport, possess, or receive a firearm restored**
20 **under section 571.074 after each crime that would otherwise**
21 **have been the basis for a violation of subdivision (1) of**
22 **subsection 1 of this section; or**

23 (2) The possession of an antique firearm.

571.074. 1. **Except as provided in subsection 2 of**
2 **this section, any person who has been deprived of his or her**
3 **civil right to ship, transport, possess, or receive a**
4 **firearm because of a conviction for a felony under the laws**
5 **of this state or of a crime under the laws of any state or**
6 **of the United States which, if committed within this state,**

7 would be a felony shall have his or her civil right to ship,
8 transport, possess, or receive a firearm automatically
9 restored upon such person's discharge from confinement,
10 probation, or parole, whichever occurs later.

11 2. The provisions of subsection 1 of this section
12 shall not apply to:

13 (1) Any person who has been convicted of an offense
14 which requires registration as a sex offender unless such
15 person has been removed from the sex offender registry or
16 exempted from having to register as a sex offender;

17 (2) Any person convicted of any offense listed in
18 subsection 1 of section 566.147; or

19 (3) Any person who has been convicted of a violent
20 felony as defined in subsection 3 of this section.

21 3. As used in this section, the term "violent felony"
22 shall mean a felony conviction of any of the following
23 offenses:

24 (1) Violating an ex parte order of protection or a
25 full order of protection under section 455.085;

26 (2) Violating an ex parte order of protection for a
27 child or a full order of protection for a child under
28 section 455.538;

29 (3) Murder in the first degree under section 565.020;

30 (4) Murder in the second degree under section 565.021;

31 (5) Voluntary manslaughter under section 565.023;

32 (6) Involuntary manslaughter in the first and second
33 degrees under section 565.024;

34 (7) Assault in the first degree under section 565.050;

35 (8) Assault in the second degree under section 565.052;

36 (9) Unlawful endangerment of another under section
37 565.065 as it existed prior to December 31, 2016, and
38 creating a danger under section 579.070;

39 (10) Assault in the third degree under section 565.054;

40 (11) Domestic assault in the first degree under
41 section 565.072;

42 (12) Domestic assault in the second degree under
43 section 565.073;

44 (13) Domestic assault in the third degree under
45 section 565.074;

46 (14) Assault while on school property under section
47 565.075 as it existed prior to December 31, 2016;

48 (15) Assault of a law enforcement officer, corrections
49 officer, emergency personnel, highway worker in a
50 construction zone or work zone, utility worker, cable
51 worker, or probation and parole officer in the first degree
52 under section 565.081 as it existed prior to December 31,
53 2016;

54 (16) Assault of a law enforcement officer, corrections
55 officer, emergency personnel, highway worker in a
56 construction zone or work zone, utility worker, cable
57 worker, or probation and parole officer in the second degree
58 under section 565.082 as it existed prior to December 31,
59 2016;

60 (17) Assault when the victim is a special victim as
61 defined in section 565.002;

62 (18) Tampering with a judicial officer under section
63 575.095;

64 (19) Endangering a corrections employee, a visitor to
65 a correctional facility, or another offender or prisoner
66 under section 575.155;

67 (20) Endangering a department of mental health
68 employee, a visitor or other person at a secure facility, or
69 another offender under section 575.157;

70 (21) Harassment under section 565.090;

- 71 (22) Cross burning under section 574.140;
- 72 (23) Kidnapping under section 565.110 as it existed
73 prior to December 31, 2016, and kidnapping in the first
74 degree under section 565.110;
- 75 (24) Child kidnapping under section 565.115;
- 76 (25) Felonious restraint under section 565.120 as it
77 existed prior to December 31, 2016, and kidnapping in the
78 second degree under section 565.120;
- 79 (26) False imprisonment under section 565.130 as it
80 existed prior to December 31, 2016, and kidnapping in the
81 third degree under section 565.130;
- 82 (27) Interference with custody under section 565.150;
- 83 (28) Parental kidnapping under section 565.153;
- 84 (29) Child abduction under section 565.156;
- 85 (30) Elder abuse in the first degree under section
86 565.180 as it existed prior to December 31, 2016;
- 87 (31) Elder abuse in the second degree under section
88 565.182 as it existed prior to December 31, 2016;
- 89 (32) An owner or employee of a skilled nursing
90 facility or an Alzheimer's special unit or program having
91 sexual intercourse or deviate sexual intercourse with a
92 resident under section 565.200;
- 93 (33) Vulnerable person abuse in the first degree under
94 section 565.210 as it existed prior to December 31, 2016;
- 95 (34) Vulnerable person abuse in the second degree
96 under section 565.212 as it existed prior to December 31,
97 2016;
- 98 (35) Stalking and aggravated stalking under section
99 565.225 as it existed prior to December 31, 2016, and
100 stalking in the first degree under section 565.225;

101 (36) Invasion of privacy in the first degree under
102 section 565.252 as it existed prior to December 31, 2016,
103 and invasion of privacy under section 565.252;

104 (37) Invasion of privacy in the second degree under
105 section 565.253 as it existed prior to December 31, 2016;

106 (38) Infanticide under section 565.300;

107 (39) Tampering with a prescription or a prescription
108 drug order under section 579.090;

109 (40) Forcible rape under section 566.030 as it existed
110 prior to August 28, 2013, and rape in the first degree under
111 section 566.030;

112 (41) Statutory sodomy or attempted statutory sodomy in
113 the first degree under section 566.032;

114 (42) Forcible sodomy under section 566.060 as it
115 existed prior to August 28, 2013, and sodomy in the first
116 degree under section 566.060;

117 (43) Statutory sodomy or attempted statutory sodomy in
118 the first degree under section 566.062;

119 (44) Child molestation in the first degree under
120 section 566.067;

121 (45) Child molestation in the second degree under
122 section 566.068;

123 (46) Sexual misconduct involving a child under section
124 566.083;

125 (47) Sexual abuse under section 566.100 as it existed
126 prior to August 28, 2013, and sexual abuse in the first
127 degree under section 566.100;

128 (48) Sexual abuse in the second degree under section
129 566.101;

130 (49) Sexual contact with a prisoner or offender under
131 section 566.145;

- 132 (50) Abusing an individual through forced labor under
133 section 566.203;
- 134 (51) Trafficking under section 566.206;
- 135 (52) Trafficking under section 566.209;
- 136 (53) Sexual trafficking of a child under section
137 566.211;
- 138 (54) Sexual trafficking of a child under section
139 566.210;
- 140 (55) Contributing to human trafficking under section
141 566.215;
- 142 (56) Promoting prostitution in the first degree under
143 section 567.050;
- 144 (57) Promoting prostitution in the second degree under
145 section 567.060;
- 146 (58) Incest under section 568.020;
- 147 (59) Endangering the welfare of a child in the first
148 degree under section 568.045;
- 149 (60) Endangering the welfare of a child in the second
150 degree under section 568.050;
- 151 (61) Abuse or neglect of a child under section 568.060;
- 152 (62) Genital mutilation under section 568.065;
- 153 (63) Use of a child in a sexual performance under
154 section 573.200;
- 155 (64) Trafficking in children under section 568.175;
- 156 (65) Robbery in the first degree under section 570.023;
- 157 (66) Pharmacy robbery in the first degree under
158 section 569.025 until December 31, 2016;
- 159 (67) Robbery in the second degree under section
160 570.025;
- 161 (68) Pharmacy robbery in the second degree under
162 section 569.035 until December 31, 2016;
- 163 (69) Arson in the first degree under section 569.040;

- 164 (70) Arson in the second degree under section 569.050;
165 (71) Knowingly burning or exploding under section
166 569.055;
167 (72) Causing a catastrophe under section 574.080;
168 (73) Water contamination under section 577.078;
169 (74) Property damage in the first degree under section
170 569.100;
171 (75) Burglary in the first degree under section
172 569.160;
173 (76) Burglary in the second degree under section
174 569.170;
175 (77) Stealing under section 570.030 when the actor
176 physically takes the property from the person of the victim;
177 (78) Receiving stolen property under section 570.080
178 when the property has been physically taken from the person
179 of the victim until December 31, 2016;
180 (79) Financial exploitation of an elderly or disabled
181 person under section 570.145 when the exploitation is by
182 intimidation or force;
183 (80) Disrupting a house of worship under section
184 574.035;
185 (81) Promoting civil disorder in the first degree
186 under section 574.070;
187 (82) Making a terrorist threat under section 574.115;
188 (83) Hindering prosecution under section 575.030 when
189 it is by means of force or intimidation;
190 (84) Resisting or interfering with arrest, detention,
191 or stop under section 575.150;
192 (85) Disarming a peace officer or correctional officer
193 under section 575.153;
194 (86) Escape from commitment under section 575.195;

195 (87) Escape or attempted escape from confinement under
196 section 575.210;

197 (88) Aiding escape of a prisoner under section 575.230;

198 (89) Tampering with a judicial proceeding under
199 section 575.260;

200 (90) Tampering with a witness or victim tampering
201 under section 575.270;

202 (91) Killing or disabling a police animal under
203 section 575.350 as it existed prior to December 31, 2016,
204 and assault on a law enforcement animal under section
205 575.353;

206 (92) Treason under section 576.070;

207 (93) Agroterrorism under section 574.130;

208 (94) Animal abuse under section 578.012;

209 (95) Bus hijacking under section 577.703;

210 (96) Bombing or planting or placing any bomb or other
211 explosive material or thing in, upon, or near any terminal
212 or bus under section 577.706; and

213 (97) Hazing under section 578.365.

214 4. Any person who has been convicted of a violent
215 felony as defined in subsection 3 of this section and who
216 has been deprived of his or her civil right to ship,
217 transport, possess, or receive a firearm as a result of such
218 conviction may file a petition in the circuit court of the
219 county in which he or she was convicted or in the county in
220 which he or she resides to restore such person's civil right
221 to ship, transport, possess, or receive a firearm. The
222 court may grant the relief sought if the person shows good
223 cause to do so, the person has been discharged from
224 confinement, probation, or parole, whichever occurred later,
225 the conviction occurred three or more years before the
226 filing of the petition, and the person has not been

227 convicted at any other time for a felony under the laws of
228 this state or of a crime under the laws of any state or of
229 the United States which, if committed within this state,
230 would be a felony. If the petition is denied, the person
231 shall not file another petition until three years have
232 elapsed without the permission of the court. If the
233 petition is granted, the petitioner's civil right to ship,
234 transport, possess, or receive a firearm shall be restored
235 and the court's order shall so provide.

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