

HOUSE AMENDMENT NO. \_\_\_\_  
TO  
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Offered By

1 AMEND House Amendment No. \_\_\_\_ to House Committee Substitute for House Bill No. 436,  
2 Page 7 Line 17 by inserting after said line the following:  
3 "AMEND House Committee Substitute for House Bill No. 859, Page 3, Section 50.535, Line 41, by  
4 inserting after all of said section and line, the following:

5 "571.018. 1. Any person who has been found guilty or pleaded guilty or nolo contendere to  
6 a prior felony offense and who commits a subsequent felony offense, regardless of whether use of a  
7 firearm is an element of the subsequent felony offense, and during the commission of such felony  
8 offense the person possesses, displays, brandishes, threatens to use, attempts to use, or discharges  
9 any firearm is guilty of the offense of unlawful possession or use of a firearm during the commission  
10 of a felony. Such offense shall be in addition to and not in lieu of any underlying felony offense or  
11 any other offense for which such person may be charged and found guilty of or plead guilty or nolo  
12 contendere to.

13 2. Any person who violates the provisions of this section shall be subject to the following  
14 terms of imprisonment:

15 (1) For possession of a firearm during the commission of a felony, a term of imprisonment of  
16 ten years;

17 (2) For displaying, brandishing, threatening to use, or attempting to use a firearm during the  
18 commission of a felony, a term of imprisonment of twenty years; and

19 (3) For discharging a firearm during the commission of a felony, a term of imprisonment of  
20 life.

21  
22 The terms of imprisonment in this subsection shall be imposed consecutively to any other terms of  
23 imprisonment imposed for any other felony offense.

24 3. For purposes of this section, the following terms shall mean:

25 (1) "Firearm", any weapon that is designed or adapted to expel a projectile by the action of  
26 an explosion;

27 (2) "Possession", with respect to a firearm, carrying it on the person. Possession may also be  
28 established by demonstrating that the person had a firearm within immediate physical reach with  
29 ready access and the intent to use the firearm during the commission of a felony.

30 4. This section shall not apply to law enforcement officers or United States military

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 personnel who are performing their lawful duties or who are traveling to or from their places of  
2 employment or assignment to perform their lawful duties."; and"; and

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4 Further amend said bill by amending the title, enacting clause, and intersectional references  
5 accordingly.