

SECOND REGULAR SESSION

HOUSE BILL NO. 2442

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BLAND MANLOVE.

4271H.021

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 571.010 and 571.020, RSMo, and to enact in lieu thereof two new sections relating to possession of certain weapons, with penalty provisions.

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

Section A. Sections 571.010 and 571.020, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 571.010 and 571.020, to read as follows:

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

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

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

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

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

(3) "Blasting agent", any material or mixture, consisting of fuel and oxidizer that is intended for blasting, but not otherwise defined as an explosive under this section, provided that the finished product, as mixed for use of shipment, cannot be detonated by means of a numbered 8 test blasting cap when unconfined;

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

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

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

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

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

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

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

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

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

48 (13) "Knuckles", any instrument that consists of finger rings or guards made of a hard
49 substance that is designed or adapted for the purpose of inflicting serious physical injury or death
50 by striking a person with a fist enclosed in the knuckles;

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51 (14) **"Large capacity ammunition feeding device", a magazine, belt, drum, feed**
52 **strip, or similar device that has a capacity of, or that can be readily restored or converted**
53 **to accept, more than ten rounds of ammunition;**

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

56 ~~[(15)]~~ (16) "Projectile weapon", any bow, crossbow, pellet gun, slingshot or other
57 weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious
58 physical injury or death by striking or piercing a person;

59 ~~[(16)]~~ (17) "Rifle", any firearm designed or adapted to be fired from the shoulder and to
60 use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled
61 bore by a single function of the trigger;

62 ~~[(17)]~~ (18) "Short barrel", a barrel length of less than sixteen inches for a rifle and
63 eighteen inches for a shotgun, both measured from the face of the bolt or standing breech, or an
64 overall rifle or shotgun length of less than twenty-six inches;

65 ~~[(18)]~~ (19) "Shotgun", any firearm designed or adapted to be fired from the shoulder and
66 to use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single
67 projectile through a smooth bore barrel by a single function of the trigger;

68 ~~[(19)]~~ (20) "Spring gun", any fused, timed or nonmanually controlled trap or device
69 designed or adapted to set off an explosion for the purpose of inflicting serious physical injury
70 or death;

71 ~~[(20)]~~ (21) "Switchblade knife", any knife which has a blade that folds or closes into the
72 handle or sheath, and:

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

75 (b) That opens or releases from the handle or sheath by the force of gravity or by the
76 application of centrifugal force.

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

3 (1) An explosive weapon;

4 (2) An explosive, incendiary or poison substance or material with the purpose to possess,
5 manufacture or sell an explosive weapon;

6 (3) A gas gun;

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- 7 (4) A bullet or projectile which explodes or detonates upon impact because of an
 8 independent explosive charge after having been shot from a firearm; ~~or~~
- 9 (5) Knuckles; ~~or~~
- 10 (6) **A large capacity ammunition feeding device; or**
- 11 (7) Any of the following in violation of federal law:
- 12 (a) A machine gun;
- 13 (b) A short-barreled rifle or shotgun;
- 14 (c) A firearm silencer; or
- 15 (d) A switchblade knife.
- 16 2. A person does not commit an offense pursuant to this section if his or her conduct
 17 involved any of the items in subdivisions (1) to ~~(5)~~ **(6)** of subsection 1 **of this section**, the item
 18 was possessed in conformity with any applicable federal law, and the conduct:
- 19 (1) Was incident to the performance of official duty by the Armed Forces, National
 20 Guard, a governmental law enforcement agency, or a penal institution; ~~or~~
- 21 (2) Was incident to engaging in a lawful commercial or business transaction with an
 22 organization enumerated in subdivision (1) of this ~~section~~ **subsection**; ~~or~~
- 23 (3) Was incident to using an explosive weapon in a manner reasonably related to a lawful
 24 industrial or commercial enterprise; ~~or~~
- 25 (4) Was incident to displaying the weapon in a public museum or exhibition; or
- 26 (5) Was incident to using the weapon in a manner reasonably related to a lawful dramatic
 27 performance.
- 28 3. An offense pursuant to subdivision (1), (2), (3) or ~~(6)~~ **(7)** of subsection 1 of this
 29 section is a class D felony~~;-a crime~~ . **An offense** pursuant to subdivision (4) ~~or~~ , (5), **or (6)**
 30 of subsection 1 of this section is a class A misdemeanor.

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