

SECOND REGULAR SESSION

SENATE BILL NO. 532

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS WIGGINS AND CLAY.

Pre-filed December 1, 1999, and 1,000 copies ordered printed.

2334S.011

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 571, RSMo, by adding thereto nine new sections relating to firearms, with penalty provisions.

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

Section A. Chapter 571, RSMo, is amended by adding thereto nine new sections, to be known as sections 571.200, 571.203, 571.206, 571.209, 571.212, 571.215, 571.218, 571.221 and 571.224, to read as follows:

571.200. 1. As used in sections 571.200 to 571.224 "assault weapon" means:

(1) Any selective-fire firearm capable of fully automatic, semiautomatic or burst fire at the option of the user or any of the following specified semiautomatic firearms: Algimec Agmi; Armalite AR-180; Australian Automatic Arms SAP Pistol; Auto-Ordnance Thompson type; Avtomat Kalashnikov AK-47 type; Barrett Light-Fifty model 82A1; Beretta AR-70; Bushmaster Auto Rifle and Auto Pistol; Calico models M-900, M-950 and 100-P; Chartered Industries of Singapore SR-88; Colt AR-15 and Sporter; Daewoo K-1, K-2, Max-1 and Max-2; Encom MK-IV, MP-9 and MP-45; Fabrique Nationale FN/FAL, FN/LAR, or FN/FNC; FAMAS MAS 223; Feather AT-9 and Mini-AT; Federal XC-900 and XC-450; Franchi SPAS-12 and LAW-12; Galil AR and ARM; Goncz High-Tech Carbine and High-Tech Long Pistol; Heckler & Koch HK-91, HK-93, HK-94 and SP-89; Holmes MP-83; MAC-10, MAC-11 and MAC-11 Carbine type; Intratec TEC-9 and Scorpion; Iver Johnson Enforcer model 3000; Ruger Mini-14/5F folding stock model only; Scarab Skorpion; SIG 57 AMT and 500 series; Spectre Auto Carbine and Auto Pistol; Springfield Armory BM59, SAR-48 and G-3; Sterling MK-6 and MK-7; Steyr AUG; Street Sweeper and Striker 12 revolving cylinder shotguns; USAS-12; UZI Carbine, Mini-Carbine and Pistol; Weaver Arms Nighthawk; Wilkinson "Linda" Pistol;

(2) A part or combination of parts designed or intended to convert a firearm into

an assault weapon, or any combination of parts from which an assault weapon may be rapidly assembled if those parts are in the possession or under the control of the same person; or

(3) Any of the following:

(a) A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and any one of the following:

- a. A pistol grip that protrudes conspicuously beneath the action of the weapon;**
- b. A thumbhole stock;**
- c. A folding or telescoping stock;**
- d. A grenade launcher or flare launcher;**
- e. A flash suppressor;**
- f. A forward pistol grip;**

(b) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than ten rounds;

(c) A semiautomatic, centerfire rifle that has an overall length of less than thirty inches;

(d) A semiautomatic pistol that has the capacity to accept a detachable magazine and any one of the following:

a. A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer;

b. A second handgrip;

c. A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning his or her hand, except a slide that encloses the barrel;

d. The capacity to accept a detachable magazine at some location outside of the pistol grip;

(e) A semiautomatic pistol with a fixed magazine that has the capacity to accept more than ten rounds;

(f) A semiautomatic shotgun that has both of the following:

a. A folding or telescoping stock;

b. A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip;

(g) A semiautomatic shotgun that has the ability to accept a detachable magazine; or

(h) Any shotgun with a revolving cylinder.

2. "Assault weapon" does not include any antique firearm.

3. As used in this section, the following terms mean:

(1) "Capacity to accept more than ten rounds", capable of accommodating more

than ten rounds, but shall not be construed to include a feeding device that has been permanently altered so that it cannot accommodate more than ten rounds;

(2) "Magazine", any ammunition feeding device.

4. As used in sections 571.200 to 571.224 the term "assault weapon" does not include any firearm modified to render it permanently inoperable.

571.203. 1. Any person who, within this state, distributes, transports or imports into the state, keeps for sale, or offers or exposes for sale, or who gives any assault weapon, except as provided in sections 571.200 to 571.224 shall be guilty of a class C felony.

2. Any person who transfers, sells or gives any assault weapon to a person under eighteen years of age in violation of subsection 1 of this section shall be guilty of a class B felony.

3. The provisions of subsection 1 of this section shall not apply to:

(1) The sale of assault weapons to the department of public safety, police departments or other law enforcement agencies, the department of corrections or the military or naval forces of this state or of the United States for use in the discharge of their official duties;

(2) A person who is the executor or administrator of an estate that includes an assault weapon for which a certificate of possession has been issued pursuant to section 571.209 which is disposed of as authorized by the probate court;

(3) The transfer by bequest or intestate succession of an assault weapon for which a certificate of possession has been issued pursuant to section 571.209.

571.206. 1. Except as provided in section 571.212, any person who, within this state, possesses any assault weapon, except as provided in sections 571.200 to 571.224 shall be guilty of a class C felony; except that a first-time violation of this subsection shall be a class A misdemeanor if:

(1) The person presents proof that he lawfully possessed the assault weapon prior to August 28, 2000; and

(2) The person has otherwise possessed the firearm in compliance with subsection 4 of section 571.209.

2. The provisions of subsection 1 of this section shall not apply to the possession of assault weapons by members or employees of the department of public safety, police departments or other law enforcement agencies, the department of corrections or the military or naval forces of this state or of the United States for use in the discharge of their official duties; nor shall anything in sections 571.200 to 571.224 prohibit the possession or use of assault weapons by sworn members of these agencies when on duty and the use is within the scope of their duties.

3. The provisions of subsection 1 of this section shall not apply to the possession

of an assault weapon by any person prior to August 28, 2000, if all of the following are applicable:

(1) The person is eligible pursuant to sections 571.200 to 571.224 to apply for a certificate of possession for the assault weapon by August 28, 2001;

(2) The person lawfully possessed the assault weapon prior to August 28, 2000; and

(3) The person is otherwise in compliance with sections 571.200 to 571.224.

4. The provisions of subsection 1 of this section shall not apply to a person who is the executor or administrator of an estate that includes an assault weapon for which a certificate of possession has been issued pursuant to section 571.209 if the assault weapon is possessed at a place set forth in subdivision (1) of subsection 4 of section 571.209 or as authorized by the probate court.

571.209. 1. Any person who lawfully possesses an assault weapon, as defined in section 571.200, prior to August 28, 2000, shall apply by August 28, 2001, or, if such person is a member of the military or naval forces of this state or of the United States and is unable to apply by August 28, 2001, because he or she is or was on official duty outside of this state, shall apply within ninety days of returning to the state, to the department of public safety for a certificate of possession with respect to such assault weapon. The certificate shall contain a description of the firearm that identifies it uniquely, including all identification marks, the full name, address, date of birth and thumbprint of the owner, and any other information as the department may deem appropriate. The department shall adopt rules and regulations in accordance not later than January 1, 2001, to establish procedures with respect to the application for and issuance of certificates of possession pursuant to this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

2. No assault weapon possessed pursuant to this section may be sold or transferred on or after January 1, 2001, to any person within this state other than to a licensed gun dealer or by bequest or intestate succession. Any person who obtains title to an assault weapon for which a certificate of possession has been issued under this section by bequest or intestate succession shall, within ninety days of obtaining title, apply to the department of public safety for a certificate of possession as provided

in subsection 1 of this section, render the weapon permanently inoperable, sell the weapon to a licensed gun dealer or remove the weapon from the state. Any person who moves into the state in lawful possession of an assault weapon, shall, within ninety days, either render the weapon permanently inoperable, sell the weapon to a licensed gun dealer or remove the weapon from this state, except any person who is a member of the military or naval forces of this state or of the United States, is in lawful possession of an assault weapon and has been transferred into the state after August 28, 2001, may, within ninety days of arriving in the state, apply to the department of public safety for a certificate of possession with respect to such assault weapon.

3. If an owner of an assault weapon sells or transfers the weapon to a licensed gun dealer, he shall, at the time of delivery of the weapon, execute a certificate of transfer and cause the certificate to be mailed or delivered to the director of the department of public safety. The certificate shall contain:

- (1) The date of sale or transfer;**
- (2) The name and address of the seller or transferor and the licensed gun dealer, their social security numbers or motor vehicle operator license numbers, if applicable;**
- (3) The licensed gun dealer's federal firearms license number and seller's permit number;**
- (4) A description of the weapon, including the caliber of the weapon and its make, model and serial number; and**
- (5) Any other information the director of the department of public safety prescribes.**

The licensed gun dealer shall present his motor vehicle operator's license or social security card, federal firearms license and seller's permit to the seller or transferor for inspection at the time of purchase or transfer. The director of the department of public safety shall maintain a file of all certificates of transfer at his central office.

4. A person who has been issued a certificate of possession of an assault weapon under this section may possess it only under the following conditions:

- (1) At that person's residence, place of business or other property owned by that person, or on property owned by another with the owner's express permission;**
- (2) While on the premises of a firearm range as defined by section 537.294, RSMo;**
- (3) While attending any exhibition, display or educational project which is about firearms and which is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms; or**
- (4) While transporting the assault weapon between any of the places mentioned in this subsection, or to any licensed gun dealer, as defined in subsection 4 of section 571.215, for servicing or repair pursuant to subsection 3 of section 571.215, provided the**

assault weapon is transported as required by section 571.215.

571.212. Any individual may arrange in advance to relinquish an assault weapon to a law enforcement agency or the department of public safety. The assault weapon shall be transported in accordance with the provisions of section 571.215.

571.215. 1. While transporting an assault weapon between any of the places mentioned in subdivisions (1) to (6) of subsection 4 of section 571.209, no person shall carry a loaded assault weapon concealed from public view or knowingly have, in any motor vehicle owned, operated or occupied by him:

(1) A loaded assault weapon; or

(2) An unloaded assault weapon unless such weapon is kept in the trunk of such vehicle or in a case or other container which is inaccessible to any occupant of the vehicle.

Any person who violates the provisions of this subsection shall be guilty of a class B misdemeanor.

2. Any licensed gun dealer, as defined in subsection 4 of this section, who lawfully possesses an assault weapon pursuant to section 571.209 in addition to the uses allowed in section 571.209 may transport the assault weapon between dealers or out of the state, display it at any gun show licensed by a state or local governmental entity or sell it to a resident outside the state. Any transporting of the assault weapon allowed by this subsection must be done as required by subsection 1 of this section.

3. (1) Any licensed gun dealer, as defined in subsection 4 of this section, may take possession of any assault weapon for the purposes of servicing or repair from any person to whom has been issued a certificate of possession for such weapon pursuant to sections 571.200 to 571.224.

(2) Any licensed gun dealer may transfer possession of any assault weapon received pursuant to subdivision (1) of this subsection, to a gunsmith for purposes of accomplishing service or repair of the same. Transfers are permissible only to the following persons:

(a) A gunsmith who is in the dealer's employ;

(b) A gunsmith with whom the dealer has contracted for gunsmithing services, provided the gunsmith receiving the assault weapon is a licensed gun dealer.

4. The term "licensed gun dealer", as used in sections 571.200 to 571.224 means an importer, manufacturer, dealer, or collector licensed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968, U.S.C., Title 18.

571.218. Any person who lawfully possesses an assault weapon pursuant to sections 571.200 to 571.224 that is stolen from him shall report the theft to law enforcement authorities within seventy-two hours of when such person discovered the theft.

571.221. The provisions of subsection 1 of section 571.203 and subsection 1 of section 571.206 shall not apply to the temporary transfer or possession of an assault weapon, for which a certificate of possession has been issued pursuant to section 571.209, for purposes of transporting such weapon to and from any shooting competition or exhibition, display or educational project which is about firearms and which is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms, which competition, exhibition, display or educational project is held outside this state.

571.224. Nothing in sections 571.200 to 571.224 shall be construed to prohibit any person, firm or corporation engaged in the business of manufacturing assault weapons in this state from manufacturing or transporting assault weapons in this state for sale within this state in accordance with subdivision (1) of subsection 2 of section 571.203 or for sale outside this state.

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