

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1172
94TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, April 10, 2008, with recommendation that the Senate Committee Substitute do pass.

5212S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 571.010, 571.020, and 571.070, RSMo, and to enact in lieu thereof three new sections relating to weapons, with penalty provisions.

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

Section A. Sections 571.010, 571.020, and 571.070, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 571.010,
3 571.020, and 571.070, to read as follows:

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

2 (1) "Antique, curio or relic firearm" [means], 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" [means], any instrument that is designed or adapted for
14 the purpose of stunning or inflicting physical injury by striking a person, and
15 which is readily capable of lethal use;

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

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

23 [(4)] (5) "Deface" [means], to alter or destroy the manufacturer's or
24 importer's serial number or any other distinguishing number or identification
25 mark;

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

31 [(5)] (7) "Explosive weapon" [means], any explosive, incendiary, or poison
32 gas bomb or similar device designed or adapted for the purpose of inflicting death,
33 serious physical injury, or substantial property damage; or any device designed
34 or adapted for delivering or shooting such a weapon. **For the purposes of this**
35 **subdivision, the term "explosive" shall mean any chemical compound**
36 **mixture or device, the primary or common purpose of which is to**
37 **function by explosion, including but not limited to, dynamite and other**
38 **high explosives, pellet powder, initiating explosives, detonators, safety**
39 **fuses, squibs, detonating cords, igniter cords, and igniters or blasting**
40 **agents;**

41 [(6)] (8) "Firearm" [means], any weapon that is designed or adapted to
42 expel a projectile by the action of an explosive;

43 [(7)] (9) "Firearm silencer" [means], any instrument, attachment, or
44 appliance that is designed or adapted to muffle the noise made by the firing of
45 any firearm;

46 [(8)] (10) "Gas gun" [means], any gas ejection device, weapon, cartridge,
47 container or contrivance other than a gas bomb, that is designed or adapted for
48 the purpose of ejecting any poison gas that will cause death or serious physical
49 injury, but not any device that ejects a repellant or temporary incapacitating
50 substance;

51 [(9)] (11) "Intoxicated" [means], substantially impaired mental or
52 physical capacity resulting from introduction of any substance into the body;

53 [(10)] (12) "Knife" [means], any dagger, dirk, stiletto, or bladed hand

54 instrument that is readily capable of inflicting serious physical injury or death
55 by cutting or stabbing a person. For purposes of this chapter, "knife" does not
56 include any ordinary pocketknife with no blade more than four inches in length;

57 [(11)] (13) "Knuckles" [means], any instrument that consists of finger
58 rings or guards made of a hard substance that is designed or adapted for the
59 purpose of inflicting serious physical injury or death by striking a person with a
60 fist enclosed in the knuckles;

61 [(12)] (14) "Machine gun" [means], any firearm that is capable of firing
62 more than one shot automatically, without manual reloading, by a single function
63 of the trigger;

64 [(13)] (15) "Projectile weapon" [means], any bow, crossbow, pellet gun,
65 slingshot or other weapon that is not a firearm, which is capable of expelling a
66 projectile that could inflict serious physical injury or death by striking or piercing
67 a person;

68 [(14)] (16) "Rifle" [means], any firearm designed or adapted to be fired
69 from the shoulder and to use the energy of the explosive in a fixed metallic
70 cartridge to fire a projectile through a rifled bore by a single function of the
71 trigger;

72 [(15)] (17) "Short barrel" [means], a barrel length of less than sixteen
73 inches for a rifle and eighteen inches for a shotgun, both measured from the face
74 of the bolt or standing breech, or an overall rifle or shotgun length of less than
75 twenty-six inches;

76 [(16)] (18) "Shotgun" [means], any firearm designed or adapted to be
77 fired from the shoulder and to use the energy of the explosive in a fixed shotgun
78 shell to fire a number of shot or a single projectile through a smooth bore barrel
79 by a single function of the trigger;

80 [(17)] (19) "Spring gun" [means], any fused, timed or nonmanually
81 controlled trap or device designed or adapted to set off an explosion for the
82 purpose of inflicting serious physical injury or death;

83 [(18)] (20) "Switchblade knife" [means], any knife which has a blade that
84 folds or closes into the handle or sheath, and:

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

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

571.020. 1. A person commits a crime 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
5 purpose to possess, manufacture or sell an explosive weapon;

6 (3) A machine gun;

7 (4) A gas gun;

8 (5) A short barreled rifle or shotgun;

9 (6) A firearm silencer;

10 (7) A switchblade knife;

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

13 (9) Knuckles.

14 2. A person does not commit a crime pursuant to this section if his
15 conduct:

16 (1) Was incident to the performance of official duty by the armed forces,
17 national guard, a governmental law enforcement agency, or a penal institution;
18 or

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

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

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

25 (5) Was incident to dealing with the weapon solely as a curio, ornament,
26 or keepsake, or to using it in a manner reasonably related to a lawful dramatic
27 performance; but if the weapon is a type described in subdivision (1)[,] **or** (4) [or
28 (6)] of subsection 1 of this section it must be in such a nonfunctioning condition
29 that it cannot readily be made operable. No short barreled rifle, short barreled
30 shotgun, [or] machine gun, **or firearm silencer** may be possessed,
31 manufactured, transported, repaired or sold as a curio, ornament, or keepsake,
32 unless such person is an importer, manufacturer, dealer, or collector licensed by
33 the Secretary of the Treasury pursuant to the Gun Control Act of 1968, U.S.C.,
34 Title 18, or unless such firearm is an "antique firearm" as defined in subsection
35 3 of section 571.080, or unless such firearm has been designated a "collectors
36 item" by the Secretary of the Treasury pursuant to the U.S.C., Title 26, Section
37 5845(a).

38 3. A crime pursuant to subdivision (1), (2), (3), (4), (5) or (6) of subsection
39 1 of this section is a class C felony; a crime pursuant to subdivision (7), (8) or (9)
40 of subsection 1 of this section is a class A misdemeanor.

 571.070. 1. A person commits the crime of unlawful possession of a
2 concealable firearm **or explosive weapon** if he **or she** has any concealable
3 firearm **or explosive weapon** in his **or her** possession and:

4 (1) He **or she** has pled guilty to or has been convicted of a dangerous
5 felony, as defined in section 556.061, RSMo, or of an attempt to commit a
6 dangerous felony, or of a crime under the laws of any state or of the United States
7 which, if committed within this state, would be a dangerous felony, or confined
8 therefor in this state or elsewhere during the five-year period immediately
9 preceding the date of such possession; or

10 (2) He **or she** is a fugitive from justice, is habitually in an intoxicated or
11 drugged condition, or is currently adjudged mentally incompetent.

12 2. Unlawful possession of a concealable firearm **or explosive weapon**
13 is a class C felony.

Bill ✓

Copy