

**SENATE AMENDMENT NO. \_\_\_\_\_**

**TO**

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Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SA# SS#3/SCS/Senate Bill No. 131, Page 3, Section B, Line 89,

2 by inserting immediately before "Section B." the following:

3 "571.010. As used in this chapter, the following terms  
4 shall mean:

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

9 (a) "Antique firearm" is any firearm not designed or  
10 redesigned for using rim fire or conventional center fire  
11 ignition with fixed ammunition and manufactured in or before  
12 1898, said ammunition not being manufactured any longer;  
13 this includes any matchlock, wheel lock, flintlock,  
14 percussion cap or similar type ignition system, or replica  
15 thereof;

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

21 (2) "Blackjack", any instrument that is designed or  
22 adapted for the purpose of stunning or inflicting physical

23 injury by striking a person, and which is readily capable of  
24 lethal use;

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

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

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

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

43 (7) "Explosive weapon", any explosive, incendiary, or  
44 poison gas bomb or similar device designed or adapted for  
45 the purpose of inflicting death, serious physical injury, or  
46 substantial property damage; or any device designed or  
47 adapted for delivering or shooting such a weapon. For the  
48 purposes of this subdivision, the term "explosive" shall  
49 mean any chemical compound mixture or device, the primary or  
50 common purpose of which is to function by explosion,  
51 including but not limited to, dynamite and other high  
52 explosives, pellet powder, initiating explosives,  
53 detonators, safety fuses, squibs, detonating cords, igniter  
54 cords, and igniters or blasting agents;

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

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

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

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

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

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

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

83           (15) "Projectile weapon", any bow, crossbow, pellet  
84 gun, slingshot or other weapon that is not a firearm, which  
85 is capable of expelling a projectile that could inflict  
86 serious physical injury or death by striking or piercing a  
87 person;

88           (16) "Rifle", any firearm designed [or adapted] to be  
89 exclusively fired from the shoulder and to use the energy of  
90 the explosive in a fixed metallic cartridge to fire a  
91 projectile through a rifled bore by a single function of the  
92 trigger;

93           (17) "Short barrel", a barrel length of less than  
94 sixteen inches for a rifle and eighteen inches for a  
95 shotgun, both measured from the face of the bolt or standing  
96 breech, or an overall rifle or shotgun length of less than  
97 twenty-six inches;

98           (18) "Shotgun", any firearm designed or adapted to be  
99 fired from the shoulder and to use the energy of the  
100 explosive in a fixed shotgun shell to fire a number of shot  
101 or a single projectile through a smooth bore barrel by a  
102 single function of the trigger;

103           (19) "Spring gun", any fused, timed or nonmanually  
104 controlled trap or device designed or adapted to set off an  
105 explosion for the purpose of inflicting serious physical  
106 injury or death;

107           (20) "Switchblade knife", any knife which has a blade  
108 that folds or closes into the handle or sheath, and:

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

111           (b) That opens or releases from the handle or sheath  
112 by the force of gravity or by the application of centrifugal  
113 force.

114           571.020. 1. A person commits an offense if such  
115 person knowingly possesses, manufactures, transports,  
116 repairs, or sells:

117           (1) An explosive weapon;

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

- 121 (3) A gas gun;
- 122 (4) A bullet or projectile which explodes or detonates  
123 upon impact because of an independent explosive charge after  
124 having been shot from a firearm; or
- 125 (5) Knuckles; **[or]**
- 126 (6) **[Any of the following in violation of federal law:**
- 127 **(a)]** A machine gun;
- 128 **[(b)]** (7) A short-barreled rifle or shotgun;
- 129 **[(c)]** (8) A firearm silencer; or
- 130 **[(d)]** (9) A switchblade knife.

131 2. A person does not commit an offense pursuant to  
132 this section if his or her conduct involved any of the items  
133 in subdivisions (1) to **[(5)]** (9) of subsection 1 of this  
134 section, and the item was possessed in conformity with any  
135 applicable state or federal law, or the item was possessed  
136 in conformity with any applicable federal law, and the  
137 conduct:

138 (1) Was incident to the performance of official duty  
139 by the Armed Forces, National Guard, a governmental law  
140 enforcement agency, or a penal institution; or

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

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

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

149 (5) Was incident to using the weapon in a manner  
150 reasonably related to a lawful dramatic performance.

151 3. An offense pursuant to subdivision (1), (2), (3) or  
152 (6) of subsection 1 of this section is a class D felony; a

153 crime pursuant to subdivision (4) or (5) of subsection 1 of  
154 this section is a class A misdemeanor."".