

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 496

## 89TH GENERAL ASSEMBLY

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Reported from the Committee on Civil and Criminal Jurisprudence, February 2, 1998, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

S2294.03C

TERRY L. SPIELER, Secretary.

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### AN ACT

To repeal sections 571.010 and 571.080, RSMo 1994, relating to the transfer of concealable firearms, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

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

Section A. Sections 571.010 and 571.080, RSMo 1994, are repealed and two new sections enacted in lieu thereof, to be known as sections 571.010 and 571.080, to read as follows:

571.010. As used in this chapter:

(1) **"Antique, curio or relic firearm" means 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, wheellock, flintlock, percussion cap or similar type ignition system, or replica thereof;**

(b) **Curio or relic firearm is any firearm deriving value as a collectable 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" means 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;**

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

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

**[(3)] (4)** "Deface" means to alter or destroy the manufacturer's or importer's serial number or any other distinguishing number or identification mark;

**[(4)] (5)** "Explosive weapon" means any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury, or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon;

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

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

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

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

**[(9)] (10)** "Knife" means any dagger, dirk, stiletto, or bladed hand instrument that is readily capable of inflicting serious physical injury or death by cutting or stabbing a person. For purposes of this chapter, "knife" does not include any ordinary pocket knife with no blade more than four inches in length;

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

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

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

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

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

**[(15)] (16)** "Shotgun" means any firearm designed or adapted to be fired from the shoulder

and to use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile through a smooth bore barrel by a single function of the trigger;

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

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

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

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

571.080. 1. A person commits the crime of transfer of a concealable firearm without a permit if:

(1) He buys, leases, borrows, exchanges or otherwise receives any concealable firearm, unless he first obtains and delivers to the person delivering the firearm a valid permit authorizing the acquisition of the firearm; or

(2) He sells, leases, loans, exchanges, gives away or otherwise delivers any concealable firearm, unless he first demands and receives from the person receiving the firearm a valid permit authorizing such acquisition of the firearm.

2. A permit to acquire a concealable firearm shall only be valid for thirty days after the issuance thereof.

3. Subsection 1 of this section shall not apply to the acquisition by or transfer of concealable firearms among manufacturers, wholesalers or retailers of firearms for purposes of commerce; nor shall it apply to antique firearms or replicas thereof. The term "antique firearm" means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.]; **nor shall it apply to curio or relic firearms as defined in section 571.010.**

4. Transfer of concealable firearms without a permit is a class A misdemeanor.