

SECOND REGULAR SESSION

HOUSE BILL NO. 1395

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROORDA.

3524L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 571.010, 571.070, and 571.072, RSMo, and to enact in lieu thereof two new sections relating to certain unlawful weapons offenses, with a penalty provision.

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

Section A. Sections 571.010, 571.070, and 571.072 RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 571.010 and 571.070, to read as follows: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;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

56 (16) "Rifle", any firearm designed or adapted to be fired from the shoulder and to use
57 the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore
58 by a single function of the trigger;

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

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

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

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

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

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

571.070. 1. A person commits the crime of unlawful possession of a **concealable**
2 firearm if such person knowingly has any **concealable** firearm in his or her possession and:

3 (1) Such person has been convicted of a felony under the laws of this state, or of a crime
4 under the laws of any state or of the United States which, if committed within this state, would
5 be a felony; or

6 (2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged
7 condition, or is currently adjudged mentally incompetent.

8 2. Unlawful possession of a **concealable** firearm is a class C felony.

[571.072. 1. A person commits the crime of unlawful possession of an
2 explosive weapon if he or she has any explosive weapon in his or her possession
3 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 an explosive weapon is a class C felony.]

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