

HOUSE AMENDMENT NO. _____
TO
HOUSE AMENDMENT NO. _____

Offered By _____

AMEND House Amendment No. _____ to Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 189, 36 & 37, Page 30, Line 36, by deleting said line and inserting in lieu thereof the following:

"offense of unlawful posting of certain information over the internet is a class D felony.
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;

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

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

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

(7) "Explosive weapon", 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. For the purposes of this subdivision, the term "explosive" shall mean any chemical compound mixture

Action Taken _____ Date _____

1 or device, the primary or common purpose of which is to function by explosion, including but not
 2 limited to, dynamite and other high explosives, pellet powder, initiating explosives, detonators,
 3 safety fuses, squibs, detonating cords, igniter cords, and igniters or blasting agents;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (b) That opens or releases from the handle or sheath by the force of gravity or by the
 42 application of centrifugal force."; and"; and

43
 44 Further amend said amendment, Page 31, Line 30, by deleting said line and inserting in lieu thereof
 45 the following:

46
 47 "years.

48 571.020. 1. A person commits an offense if such person knowingly possesses,
 49 manufactures, transports, repairs, or sells:

1 (1) An explosive weapon;
 2 (2) An explosive, incendiary or poison substance or material with the purpose to possess,
 3 manufacture or sell an explosive weapon;
 4 (3) A gas gun;
 5 (4) A bullet or projectile which explodes or detonates upon impact because of an
 6 independent explosive charge after having been shot from a firearm; [Ø]

7 (5) Knuckles; [Ø]
 8 (6) [~~Any of the following in violation of federal law:~~
 9 ~~(a)~~ A machine gun;
 10 ~~(b)~~ (7) A short-barreled rifle or shotgun;
 11 ~~(c)~~ (8) A firearm silencer; or
 12 ~~(d)~~ (9) A switchblade knife.

13 2. A person does not commit an offense pursuant to this section if his or her conduct
 14 involved any of the items in subdivisions (1) to [~~(5)~~] (9) of subsection 1, and the item was possessed
 15 in conformity with any applicable state or federal law, or the item was possessed in conformity with
 16 any applicable federal law, and the conduct:

17 (1) Was incident to the performance of official duty by the Armed Forces, National Guard, a
 18 governmental law enforcement agency, or a penal institution; or
 19 (2) Was incident to engaging in a lawful commercial or business transaction with an
 20 organization enumerated in subdivision (1) of this section; or
 21 (3) Was incident to using an explosive weapon in a manner reasonably related to a lawful
 22 industrial or commercial enterprise; or
 23 (4) Was incident to displaying the weapon in a public museum or exhibition; or
 24 (5) Was incident to using the weapon in a manner reasonably related to a lawful dramatic
 25 performance.

26 3. An offense pursuant to subdivision (1), (2), (3)[~~Ø~~], (6), (7), (8), or (9) of subsection 1 of
 27 this section is a class D felony; a crime pursuant to subdivision (4) or (5) of subsection 1 of this
 28 section is a class A misdemeanor."; and"; and
 29

30 Further amend said bill by amending the title, enacting clause, and intersectional references
 31 accordingly.
 32

33 THIS AMENDMENT AMENDS 0077S05.08H.