

SECOND REGULAR SESSION

# HOUSE BILL NO. 2081

99TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE NEWMAN.

5103H.011

D. ADAM CRUMBLISS, Chief Clerk

---

## AN ACT

To repeal section 571.060, RSMo, and to enact in lieu thereof one new section relating to a ban on the sale of continuous fire weaponry, with penalty provisions.

---

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

Section A. Section 571.060, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.060, to read as follows:

571.060. 1. **Except as provided in subsection 4 of this section**, a person commits the offense of unlawful transfer of weapons if he:

(1) Knowingly sells, leases, loans, gives away, or delivers a firearm or ammunition for a firearm to any person who, under the provisions of section 571.070, is not lawfully entitled to possess such;

(2) Knowingly sells, leases, loans, gives away, or delivers a blackjack to a person less than eighteen years old without the consent of the child's custodial parent or guardian, or recklessly, as defined in section 562.016, sells, leases, loans, gives away, or delivers any firearm to a person less than eighteen years old without the consent of the child's custodial parent or guardian; provided[;] that, this does not prohibit the delivery of such weapons to any peace officer or member of the Armed Forces or National Guard while performing his **or her** official duty; [~~or~~]

(3) **Knowingly sells, leases, loans, gives away, or delivers a fully automatic weapon to any person; provided that, this does not prohibit the delivery of such weapons to any peace officer or member of the Armed Forces or National Guard while performing his or her official duty;**

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.

17           **(4) Knowingly sells, leases, loans, gives away, or delivers any device for a weapon**  
18 **that increases the rate of fire achievable with such weapon by using energy from the recoil**  
19 **of the weapon to generate a reciprocating action that facilitates repeated activation of the**  
20 **trigger to any person; provided that, this does not prohibit the delivery of such weapons**  
21 **to any peace officer or member of the Armed Forces or National Guard while performing**  
22 **his or her official duty;**

23           **(5) Knowingly sells, leases, loans, gives away, or delivers any device to be attached**  
24 **to a weapon that repeatedly activates the trigger of the weapon through the use of a lever**  
25 **or other part that is turned in a circular motion, not including any weapon initially**  
26 **designed and manufactured to fire through the use of a crank or lever, to any person;**  
27 **provided that, this does not prohibit the delivery of such weapons to any peace officer or**  
28 **member of the Armed Forces or National Guard while performing his or her official duty;**

29           **(6) Knowingly sells, leases, loans, gives away, or delivers any magazine capable of**  
30 **firing more than thirty bullets to any person; provided that, this does not prohibit the**  
31 **delivery of such weapons to any peace officer or member of the Armed Forces or National**  
32 **Guard while performing his or her official duty;**

33           **(7) Knowingly sells, leases, loans, gives away, or delivers any grenade or rocket**  
34 **launcher to any person; provided that, this does not prohibit the delivery of such weapons**  
35 **to any peace officer or member of the Armed Forces or National Guard while performing**  
36 **his or her official duty; or**

37           **(8) Recklessly, as defined in section 562.016, sells, leases, loans, gives away, or delivers**  
38 **a firearm or ammunition for a firearm to a person who is intoxicated.**

39           **2. For purposes of this section, "fully automatic weapon" means any weapon that**  
40 **continuously fires rounds as long as the trigger is pressed or held and there is ammunition**  
41 **in the magazine or chamber.**

42           **3. Unlawful transfer of weapons under [~~subdivision~~] subdivisions (1), (3), (4), (5), (6),**  
43 **and (7) of subsection 1 of this section is a class E felony; unlawful transfer of weapons under**  
44 **subdivisions (2) and [~~3~~] (8) of subsection 1 of this section is a class A misdemeanor.**

45           **4. The provisions of this section shall not prohibit the transfer of any weapon or**  
46 **accessory described in subdivisions (3) to (7) of subsection 1 of this section under the**  
47 **following conditions:**

48           **(1) When transferred upon death through a legal will to any person who is not**  
49 **prohibited from possessing a firearm under section 571.070;**

50           **(2) When transferred to a person who has power of attorney for a person who has**  
51 **been adjudged mentally incompetent; or**

52           **(3) When voluntarily surrendered to a local law enforcement agency or to the**  
53 **highway patrol when the owner determines that he or she no longer wants to own the**  
54 **weapon or accessory.**

✓