

FIRST REGULAR SESSION

HOUSE BILL NO. 1381

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BURTON.

2460H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 571.010, RSMo, and to enact in lieu thereof one new section relating to firearms.

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

Section A. Section 571.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.010, to read as follows: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

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 that the finished product, as mixed for use of shipment, cannot be detonated by means of a
18 numbered 8 test blasting cap when unconfined;

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

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

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

27 (7) "Explosive weapon", any explosive, incendiary, or poison gas bomb or similar
28 device designed or adapted for the purpose of inflicting death, serious physical injury, or
29 substantial property damage; or any device designed or adapted for delivering or shooting
30 such a weapon. For the purposes of this subdivision, the term "explosive" shall mean any
31 chemical compound mixture or device, the primary or common purpose of which is to
32 function by explosion, including but not limited to, dynamite and other high explosives, pellet
33 powder, initiating explosives, detonators, safety fuses, squibs, detonating cords, igniter cords,
34 and igniters or blasting agents;

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

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

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

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

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

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

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

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

57 (16) "Rifle", any firearm designed or [~~adapted~~] **redesigned, made or remade, and**
58 **intended** to be fired from the shoulder, and **designed or redesigned and made or remade** to
59 use the energy of [~~the~~] **an** explosive in a fixed metallic cartridge to fire **only a single**
60 projectile through a rifled bore by a single function of the trigger:

61 (a) **For purposes of this definition, the term "designed or redesigned, made or**
62 **remade, and intended to be fired from the shoulder" shall include a firearm that is**
63 **equipped with an accessory, component, or other rearward attachment that provides**
64 **surface area that allows the firearm to be fired from the shoulder, provided other**
65 **factors, as described in paragraph (b) of this subdivision, indicate that the firearm is**
66 **designed, made, and intended to be fired from the shoulder;**

67 (b) **When a firearm provides surface area that allows the firearm to be fired**
68 **from the shoulder, the following factors shall also be considered in determining whether**
69 **the firearm is designed, made, and intended to be fired from the shoulder:**

70 a. **Whether the firearm has a weight or length consistent with the weight or**
71 **length of similarly designed rifles;**

72 b. **Whether the firearm has a length of pull, measured from the center of the**
73 **trigger to the center of the shoulder stock or other rearward accessory, component, or**
74 **attachment including an adjustable or telescoping attachment with the ability to lock**
75 **into various positions along a buffer tube, receiver extension, or other attachment**
76 **method, that is consistent with similarly designed rifles;**

77 c. **Whether the firearm is equipped with sights or a scope with eye relief that**
78 **requires the firearm to be fired from the shoulder in order to be used as designed;**

79 d. **Whether the surface area that allows the firearm to be fired from the shoulder**
80 **is created by a buffer tube, receiver extension, or any other accessory, component, or**
81 **other rearward attachment that is necessary for the cycle of operations;**

82 e. **The manufacturer's direct and indirect marketing and promotional materials**
83 **indicating the intended use of the firearm; and**

84 f. **Information demonstrating the likely use of the firearm in the general**
85 **community;**

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

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

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

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

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

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

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