

HOUSE AMENDMENT NO. _____
TO
HOUSE AMENDMENT NO. _____

Offered By

1 AMEND House Amendment No. _____ to House Committee Substitute for House Bill No. 301,
2 Page 4, Line 48, by deleting said line and inserting in lieu thereof the following:

3
4 "not necessary for the protection of the public.

5 571.010. As used in this chapter, the following terms shall mean:

6 (1) "Antique, curio or relic firearm", any firearm so defined by the National Gun Control
7 Act, 18 U.S.C. Title 26, Section 5845, and the United States Treasury/Bureau of Alcohol Tobacco
8 and Firearms, 27 CFR Section 178.11:

9 (a) "Antique firearm" is any firearm not designed or redesigned for using rim fire or
10 conventional center fire ignition with fixed ammunition and manufactured in or before 1898, said
11 ammunition not being manufactured any longer; this includes any matchlock, wheel lock, flintlock,
12 percussion cap or similar type ignition system, or replica thereof;

13 (b) "Curio or relic firearm" is any firearm deriving value as a collectible weapon due to its
14 unique design, ignition system, operation or at least fifty years old, associated with a historical
15 event, renown personage or major war;

16 (2) "Blackjack", any instrument that is designed or adapted for the purpose of stunning or
17 inflicting physical injury by striking a person, and which is readily capable of lethal use;

18 (3) "Blasting agent", any material or mixture, consisting of fuel and oxidizer that is intended
19 for blasting, but not otherwise defined as an explosive under this section, provided that the finished
20 product, as mixed for use of shipment, cannot be detonated by means of a numbered 8 test blasting
21 cap when unconfined;

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

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

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

30 (7) "Explosive weapon", any explosive, incendiary, or poison gas bomb or similar device
31 designed or adapted for the purpose of inflicting death, serious physical injury, or substantial
32 property damage; or any device designed or adapted for delivering or shooting such a weapon. For
33 the purposes of this subdivision, the term "explosive" shall mean any chemical compound mixture
34 or device, the primary or common purpose of which is to function by explosion, including but not

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1 limited to, dynamite and other high explosives, pellet powder, initiating explosives, detonators,
2 safety fuses, squibs, detonating cords, igniter cords, and igniters or blasting agents;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 571.020. 1. A person commits an offense if such person knowingly possesses,
43 manufactures, transports, repairs, or sells:

44 (1) An explosive weapon;

45 (2) An explosive, incendiary or poison substance or material with the purpose to possess,
46 manufacture or sell an explosive weapon;

47 (3) A gas gun;

48 (4) A bullet or projectile which explodes or detonates upon impact because of an
49 independent explosive charge after having been shot from a firearm; [Ø]

1 (5) Knuckles; ~~[or]~~

2 (6) ~~[Any of the following in violation of federal law:~~

3 ~~(a)]~~ A machine gun;

4 ~~[(b)]~~ (7) A short-barreled rifle or shotgun;

5 ~~[(c)]~~ (8) A firearm silencer; or

6 ~~[(d)]~~ (9) A switchblade knife.

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

10 (1) Was incident to the performance of official duty by the Armed Forces, National Guard, a
11 governmental law enforcement agency, or a penal institution; or

12 (2) Was incident to engaging in a lawful commercial or business transaction with an
13 organization enumerated in subdivision (1) of this section; or

14 (3) Was incident to using an explosive weapon in a manner reasonably related to a lawful
15 industrial or commercial enterprise; or

16 (4) Was incident to displaying the weapon in a public museum or exhibition; or

17 (5) Was incident to using the weapon in a manner reasonably related to a lawful dramatic
18 performance; or

19 (6) Was lawful according to any state law.

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

23
24 Further amend said bill by amending the title, enacting clause, and intersectional references
25 accordingly.

26
27 THIS AMENDMENT AMENDS 0695H02.33H.