

# SENATE BILL NO. 405

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASHINGTON.

0859S.01I

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapter 571, RSMo, by adding thereto one new section relating to firearms, with a penalty provision.

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

Section A. Chapter 571, RSMo, is amended by adding thereto one new section, to be known as section 571.023, to read as follows:

**571.023. 1. As used in this section, the following terms mean:**

(1) "Assault weapon", any:

(a) Semiautomatic rifle that has the capacity to accept a detachable magazine and has one or more of the following:

a. A pistol grip or thumbhole stock;

b. Any feature capable of functioning as a protruding grip that can be held by the nontrigger hand;

c. A folding or telescoping stock; or

d. A shroud attached to the barrel, or that partially or completely encircles the barrel, that allows the bearer to hold the firearm with the nontrigger hand without being burned, excluding a slide that encloses the barrel;

(b) Semiautomatic pistol or semiautomatic rifle with a fixed magazine that has the capacity to accept more than ten rounds of ammunition;

- 18 (c) Semiautomatic pistol that has the capacity to  
19 accept a detachable magazine and has:
- 20 a. Any feature capable of functioning as a protruding  
21 grip that can be held by the nontrigger hand;
  - 22 b. A folding, telescoping, or thumbhole stock;
  - 23 c. A shroud attached to the barrel, or that partially  
24 or completely encircles the barrel, that allows the bearer  
25 to hold the firearm with the nontrigger hand without being  
26 burned, excluding a slide that encloses the barrel; or
  - 27 d. The capacity to accept a detachable magazine at any  
28 location other than the pistol grip;
- 29 (d) Semiautomatic shotgun that has:
- 30 a. A pistol grip or thumbhole stock;
  - 31 b. Any feature capable of functioning as a protruding  
32 grip that can be held by the nontrigger hand;
  - 33 c. A folding or telescoping stock;
  - 34 d. A fixed magazine capacity in excess of five rounds;
- 35 or
- 36 e. An ability to accept a detachable magazine;
- 37 (e) Shotgun with a revolving cylinder; or
- 38 (f) Conversion kit, part, or combination of parts from  
39 which an assault weapon can be assembled if in the  
40 possession or under the control of a single person.

41 "Assault weapon" shall not include any firearm made  
42 permanently inoperable;

43 (2) "Detachable magazine", either:

- 44 (a) An ammunition feeding device that can be loaded or  
45 unloaded while detached from a firearm and can be readily  
46 inserted into a firearm; or

47 (b) A magazine that can be detached from a firearm by  
48 pressing a button on the firearm either with a finger, tool,  
49 or bullet;

50 (3) "Fixed magazine", an ammunition feeding device  
51 contained in, or permanently attached to, a firearm in such  
52 a manner that the device cannot be removed without  
53 disassembly of the firearm action;

54 (4) "Large capacity magazine", any ammunition feeding  
55 device with the capacity to accept more than ten rounds, but  
56 excluding:

57 (a) A feeding device that has been permanently altered  
58 so that it cannot accommodate more than ten rounds;

59 (b) A twenty-two caliber tubular magazine; or

60 (c) A tubular magazine contained in a lever-action  
61 firearm.

62 2. No person, corporation, or other entity in the  
63 state of Missouri shall manufacture, import, possess,  
64 purchase, sell, or transfer any assault weapon or large  
65 capacity magazine.

66 3. The provisions of this section shall not apply to:

67 (1) Any government officer, agent, or employee; member  
68 of the United States Armed Forces; or peace officer, to the  
69 extent that the person is authorized to acquire or possess  
70 an assault weapon or large capacity magazine and does so  
71 while acting within the scope of his or her duties;

72 (2) The manufacture of an assault weapon or large  
73 capacity magazine by a firearms manufacturer for the purpose  
74 of sale to an entity or person described under subdivision  
75 (1) of this subsection, provided that the manufacturer is  
76 properly licensed under federal and state laws;

77 (3) The sale or transfer of an assault weapon or large  
78 capacity ammunition feeding device by a dealer, who is

79 properly licensed under federal, state, and local laws, to  
80 an entity or person described under subdivision (1) of this  
81 subsection for use by that entity or person for official  
82 purposes; or

83 (4) Any person who, prior to and continuously since  
84 the effective date of this section, was legally in  
85 possession of an assault weapon or large capacity magazine.

86 4. A violation of this section is a class C felony.

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