

SECOND REGULAR SESSION

# SENATE BILL NO. 1561

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR MCCREERY.

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4515S.01I

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KRISTINA MARTIN, Secretary

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### AN ACT

To repeal sections 571.010 and 571.020, RSMo, and to enact in lieu thereof two new sections relating to firearm accessories, with penalty provisions.

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

Section A. Sections 571.010 and 571.020, RSMo, are  
2 repealed and two new sections enacted in lieu thereof, to be  
3 known as sections 571.010 and 571.020, to read as follows:

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

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

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

14 (b) "Curio or relic firearm" is any firearm deriving  
15 value as a collectible weapon due to its unique design,  
16 ignition system, operation or at least fifty years old,

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted  
and is intended to be omitted in the law.**

17 associated with a historical event, renown personage or  
18 major war;

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

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

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

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

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

41 (7) "Explosive weapon", any explosive, incendiary, or  
42 poison gas bomb or similar device designed or adapted for  
43 the purpose of inflicting death, serious physical injury, or  
44 substantial property damage; or any device designed or  
45 adapted for delivering or shooting such a weapon. For the  
46 purposes of this subdivision, the term "explosive" shall  
47 mean any chemical compound mixture or device, the primary or  
48 common purpose of which is to function by explosion,

49 including but not limited to, dynamite and other high  
50 explosives, pellet powder, initiating explosives,  
51 detonators, safety fuses, squibs, detonating cords, igniter  
52 cords, and igniters or blasting agents;

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

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

58 (10) "Gas gun", any gas ejection device, weapon,  
59 cartridge, container or contrivance other than a gas bomb  
60 that is designed or adapted for the purpose of ejecting any  
61 poison gas that will cause death or serious physical injury,  
62 but not any device that ejects a repellent or temporary  
63 incapacitating substance;

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

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

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

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

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

86 (16) "Rapid fire device", any accessory, conversion  
87 kit, device, or tool that attaches to a semiautomatic  
88 firearm and allows the firearm to discharge two or more  
89 shots when the device is activated, or a manual or power  
90 driven device that, when attached to a semiautomatic  
91 firearm, increases the rate of fire of that firearm;

92                   **(17)** "Rifle", any firearm designed or adapted to be  
93    fired from the shoulder and to use the energy of the  
94    explosive in a fixed metallic cartridge to fire a projectile  
95    through a rifled bore by a single function of the trigger;

96        [(17)] (18) "School", any charter school, as such term  
97    is defined in section 160.400, any private school, as such  
98    term is defined in section 166.700, or any public school, as  
99    such term is defined in section 160.011;

100            [(18)] (19) "Short barrel", a barrel length of less  
101    than sixteen inches for a rifle and eighteen inches for a  
102    shotgun, both measured from the face of the bolt or standing  
103    breech, or an overall rifle or shotgun length of less than  
104    twenty-six inches;

105           [(19)] (20) "Shotgun", any firearm designed or adapted  
106    to be fired from the shoulder and to use the energy of the  
107    explosive in a fixed shotgun shell to fire a number of shot  
108    or a single projectile through a smooth bore barrel by a  
109    single function of the trigger;

110 [ (20) ] (21) "Spring gun", any fused, timed or  
111 nonmanually controlled trap or device designed or adapted to

112 set off an explosion for the purpose of inflicting serious  
113 physical injury or death;

114 **[(21)] (22)** "Switchblade knife", any knife which has a  
115 blade that folds or closes into the handle or sheath, and:

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

118 (b) That opens or releases from the handle or sheath  
119 by the force of gravity or by the application of centrifugal  
120 force.

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

4 (1) An explosive weapon;

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

8 (3) A gas gun;

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

12 (5) Knuckles; **[or]**

13 (6) Any of the following in violation of federal law:

14 (a) A machine gun;

15 (b) A short-barreled rifle or shotgun;

16 (c) A firearm silencer; **[or]**

17 (d) A switchblade knife; **or**

18 **(7) A rapid fire device.**

19 2. A person does not commit an offense pursuant to  
20 this section if his or her conduct involved any of the items  
21 in subdivisions (1) to (5) of subsection 1, the item was  
22 possessed in conformity with any applicable federal law, and  
23 the conduct:

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

27 (2) Was incident to engaging in a lawful commercial or  
28 business transaction with an organization enumerated in  
29 subdivision (1) of this [section] **subsection**; or

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

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

35 (5) Was incident to using the weapon in a manner  
36 reasonably related to a lawful dramatic performance.

37 3. An offense pursuant to subdivision (1), (2), (3)

38 [or], (6), or (7) of subsection 1 of this section is a

39 D felony; a crime pursuant to subdivision (4) or (5) of  
40 subsection 1 of this section is a class A misdemeanor.