

FIRST REGULAR SESSION

# HOUSE BILL NO. 697

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE JOHNSON.

1815H.011

DANA RADEMAN MILLER, Chief Clerk

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Section A. Sections 571.010 and 571.020, RSMo, are repealed and two new sections  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

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

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

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

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

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

15 (3) "Blasting agent", any material or mixture, consisting of fuel and oxidizer that is  
16 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 more  
48 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"[:];

53 (a) Any firearm that is capable of firing more than one shot automatically, without  
54 manual reloading, by a single function of the trigger; or

55 (b) **Any firearm that is capable of firing shots at a rate that is within the range of**  
56 **the typical firing rate of a firearm described in paragraph (a) of this subdivision**  
57 **regardless of whether the firearm was originally manufactured with such capability or**  
58 **was modified to have such capability by a switch, Glock switch, auto sear, bump stock,**  
59 **trigger crank, or any other manufactured or homemade component;**

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

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

66 (17) "School", any charter school, as such term is defined in section 160.400, any  
67 private school, as such term is defined in section 166.700, or any public school, as such term  
68 is defined in section 160.011;

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

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

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

78 (21) "Switchblade knife", any knife which has a blade that folds or closes into the  
79 handle or sheath, and:

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

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

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

3 (1) An explosive weapon;

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

6 (3) A gas gun;

- 7 (4) A bullet or projectile which explodes or detonates upon impact because of an  
8 independent explosive charge after having been shot from a firearm; ~~or~~
- 9 (5) Knuckles; ~~or~~
- 10 (6) **A machine gun; or**
- 11 (7) Any of the following in violation of federal law:
- 12 (a) ~~A machine gun;~~
- 13 ~~(b)~~ A short-barreled rifle or shotgun;
- 14 ~~(c)~~ (b) A firearm silencer; or
- 15 ~~(d)~~ (c) A switchblade knife.
- 16 2. A person does not commit an offense pursuant to this section if his or her conduct  
17 involved any of the items in subdivisions (1) to (5) of subsection 1 **of this section**, the item  
18 was possessed in conformity with any applicable federal law, and the conduct:
- 19 (1) Was incident to the performance of official duty by the Armed Forces, National  
20 Guard, a governmental law enforcement agency, or a penal institution; or
- 21 (2) Was incident to engaging in a lawful commercial or business transaction with an  
22 organization enumerated in subdivision (1) of this ~~section~~ **subsection**; or
- 23 (3) Was incident to using an explosive weapon in a manner reasonably related to a  
24 lawful industrial or commercial enterprise; or
- 25 (4) Was incident to displaying the weapon in a public museum or exhibition; or
- 26 (5) Was incident to using the weapon in a manner reasonably related to a lawful  
27 dramatic performance.
- 28 3. An offense pursuant to subdivision (1), (2), (3) ~~or~~, (6), **or (7)** of subsection 1 of  
29 this section is a class D felony; a crime pursuant to subdivision (4) or (5) of subsection 1 of  
30 this section is a class A misdemeanor.

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