

SENATE BILL NO. 346

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOSLEY.

0048S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 571.070 and 571.080, RSMo, and to enact in lieu thereof three new sections relating to firearms, with penalty provisions.

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

Section A. Sections 571.070 and 571.080, RSMo, are
2 repealed and three new sections enacted in lieu thereof, to be
3 known as sections 571.023, 571.070, and 571.080, to read as
4 follows:

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

3 (1) "Assault weapon", any:

4 (a) Semi-automatic rifle that has the capacity to
5 accept a detachable magazine and has one or more of the
6 following:

7 a. A pistol grip or thumbhole stock;

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

10 c. A folding or telescoping stock; or

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

15 (b) Semi-automatic pistol or semi-automatic rifle with
16 a fixed magazine that has the capacity to accept more than
17 ten rounds of ammunition;

18 (c) Semi-automatic pistol that has the capacity to
19 accept a detachable magazine and has:

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

- 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) Semi-automatic 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.**

571.070. 1. A person commits the offense of unlawful
2 possession of a firearm if such person knowingly has any
3 firearm in his or her possession and:

4 (1) Such person has been convicted of a felony under
5 the laws of this state, or of a crime under the laws of any
6 state or of the United States which, if committed within
7 this state, would be a felony; or

8 (2) Such person is a fugitive from justice, is
9 habitually in an intoxicated or drugged condition, or is
10 currently adjudged mentally incompetent **or has been**
11 **committed to any state mental institution at sixteen years**
12 **of age or older.**

13 2. Unlawful possession of a firearm is a class C
14 felony, unless a person has been convicted of a dangerous
15 felony as defined in section 556.061, or the person has a
16 prior conviction for unlawful possession of a firearm in
17 which case it is a class B felony.

18 3. The provisions of subdivision (1) of subsection 1
19 of this section shall not apply to the possession of an
20 antique firearm.

571.080. A person commits the **[crime] offense** of
2 transfer of a concealable firearm if such person violates 18
3 U.S.C. Section 922(b), **18 U.S.C. Section 922(t)**, or 18
4 U.S.C. Section 922(x).

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