

SECOND REGULAR SESSION

SENATE BILL NO. 628

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WILSON.

Pre-filed December 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

3414S.011

AN ACT

To repeal sections 571.010 and 571.090, RSMo, and to enact in lieu thereof two new sections relating to taser guns, with penalty provisions.

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

Section A. Sections 571.010 and 571.090, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 571.010 and 571.090, to read as follows:

571.010. As used in this chapter:

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

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

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

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

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

(4) "Deface" means to alter or destroy the manufacturer's or importer's serial number or any other distinguishing number or identification mark;

20 (5) "Explosive weapon" means any explosive, incendiary, or poison gas
21 bomb or similar device designed or adapted for the purpose of inflicting death,
22 serious physical injury, or substantial property damage; or any device designed
23 or adapted for delivering or shooting such a weapon;

24 (6) "Firearm" means any weapon that is designed or adapted to expel a
25 projectile by the action of an explosive;

26 (7) "Firearm silencer" means any instrument, attachment, or appliance
27 that is designed or adapted to muffle the noise made by the firing of any firearm;

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

32 (9) "Intoxicated" means substantially impaired mental or physical capacity
33 resulting from introduction of any substance into the body;

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

38 (11) "Knuckles" means any instrument that consists of finger rings or
39 guards made of a hard substance that is designed or adapted for the purpose of
40 inflicting serious physical injury or death by striking a person with a fist enclosed
41 in the knuckles;

42 (12) "Machine gun" means any firearm that is capable of firing more than
43 one shot automatically, without manual reloading, by a single function of the
44 trigger;

45 (13) "Projectile weapon" means any bow, crossbow, pellet gun, slingshot
46 or other weapon that is not a firearm, which is capable of expelling a projectile
47 that could inflict serious physical injury or death by striking or piercing a person;

48 (14) "Rifle" means any firearm designed or adapted to be fired from the
49 shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire
50 a projectile through a rifled bore by a single function of the trigger;

51 (15) "Short barrel" means a barrel length of less than sixteen inches for
52 a rifle and eighteen inches for a shotgun, both measured from the face of the bolt
53 or standing breech, or an overall rifle or shotgun length of less than twenty-six
54 inches;

55 (16) "Shotgun" means any firearm designed or adapted to be fired from

56 the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire
57 a number of shot or a single projectile through a smooth bore barrel by a single
58 function of the trigger;

59 (17) "Spring gun" means any fused, timed or nonmanually controlled trap
60 or device designed or adapted to set off an explosion for the purpose of inflicting
61 serious physical injury or death;

62 (18) "**Stun gun or taser**", any portable device or weapon from
63 which an electric current, impulse, wave, or beam is produced that is
64 capable of incapacitating temporarily, injuring, or killing a human
65 being;

66 (19) "Switchblade knife" means any knife which has a blade that folds or
67 closes into the handle or sheath, and:

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

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

571.090. 1. A permit to acquire a concealable firearm **or stun gun or**
2 **taser** shall be issued by the sheriff of the county in which the applicant resides,
3 if all of the statements in the application are true, and the applicant:

4 (1) Is at least twenty-one years of age, a citizen of the United States and
5 has resided in this state for at least six months;

6 (2) Has not pled guilty to or been convicted of a crime punishable by
7 imprisonment for a term exceeding one year under the laws of any state or of the
8 United States other than a crime classified as a misdemeanor under the laws of
9 any state and punishable by a term of imprisonment of two years or less that does
10 not involve an explosive weapon, firearm, firearm silencer, **stun gun or taser**,
11 or gas gun;

12 (3) Is not a fugitive from justice or currently charged in an information
13 or indictment with the commission of a crime punishable by imprisonment for a
14 term exceeding one year under the laws of any state or of the United States other
15 than a crime classified as a misdemeanor under the laws of any state and
16 punishable by a term of imprisonment of two years or less that does not involve
17 an explosive weapon, firearm, firearm silencer, **stun gun or taser**, or gas gun;

18 (4) Has not been discharged under dishonorable conditions from the
19 United States armed forces;

20 (5) Is not publicly known to be habitually in an intoxicated or drugged

21 condition; and

22 (6) Is not currently adjudged mentally incompetent and has not been
23 committed to a mental health facility, as defined in section 632.005, RSMo, or a
24 similar institution located in another state.

25 2. Applications shall be made to the sheriff of the county in which the
26 applicant resides. An application shall be filed in writing, signed and verified by
27 the applicant, and shall state only the following: the name, Social Security
28 number, occupation, age, height, color of eyes and hair, residence and business
29 addresses of the applicant, the reason for desiring the permit, and whether the
30 applicant complies with each of the requirements specified in subsection 1 of this
31 section.

32 3. Before a permit is issued, the sheriff shall make only such inquiries as
33 he deems necessary into the accuracy of the statements made in the
34 application. The sheriff may require that the applicant display a Missouri
35 operator's license or other suitable identification. The sheriff shall issue the
36 permit within a period not to exceed seven days after submission of the properly
37 completed application excluding Saturdays, Sundays or legal holidays.
38 The sheriff may refuse to issue the permit if he determines that any of the
39 requirements specified in subsection 1 of this section have not been met, or if he
40 has reason to believe that the applicant has rendered a false statement regarding
41 any of the provisions in subsection 1 of this section. If the application is
42 approved, the sheriff shall issue a permit and a copy thereof to the applicant.

43 4. The permit shall recite the date of issuance, that it is invalid after
44 thirty days, the name and address of the person to whom granted, the nature of
45 the transaction, and a physical description of the applicant. The applicant shall
46 sign the permit in the presence of the sheriff.

47 5. If the permit is used, the person who receives the permit from the
48 applicant shall return it to the sheriff within thirty days after its expiration, with
49 a notation thereon showing the date and manner of disposition of the firearm **or**
50 **stun gun or taser** and a description of the firearm **or stun gun or taser**
51 including the make, model and serial number. The sheriff shall keep a record of
52 all applications for permits, his action thereon, and shall preserve all returned
53 permits.

54 6. No person shall in any manner transfer, alter or change a permit, or
55 make a false notation thereon, or obtain a permit upon any false representation,
56 or use, or attempt to use a permit issued to another.

57 7. For the processing of the permit, the sheriff in each county and the city
58 of St. Louis shall charge a fee not to exceed ten dollars which shall be paid into
59 the treasury of the county or city to the credit of the general revenue fund.

60 8. In any case when the sheriff refuses to issue or to act on an application
61 for a permit, such refusal shall be in writing setting forth the reasons for such
62 refusal. Such written refusal shall explain the denied applicant's right to appeal
63 and, with a copy of the completed application, shall be given to the denied
64 applicant within a period not to exceed seven days after submission of the
65 properly completed application excluding Saturdays, Sundays or legal
66 holidays. The denied applicant shall have the right to appeal the denial within
67 ten days of receiving written notice of the denial. Such appeals shall be heard in
68 small claims court as defined in section 482.300, RSMo, and the provisions of
69 sections 482.300, 482.310 and 482.335, RSMo, shall apply to such appeals.

70 9. A denial of or refusal to act on an application for permit may be
71 appealed by filing with the clerk of the small claims court a copy of the sheriff's
72 written refusal and a form substantially similar to the appeal form provided in
73 this section. Appeal forms shall be provided by the clerk of the small claims court
74 free of charge to any person:

75 SMALL CLAIMS COURT

76 In the Circuit Court of Missouri

77 Case Number

78, Denied Applicant)

79)

80 vs.)

81)

82, Sheriff)

83 Return Date

84 DENIAL OF PERMIT APPEAL

85 The denied applicant states that his properly completed application for a
86 permit to acquire a firearm with a barrel of less than sixteen inches **or stun gun**
87 **or taser** was denied by the sheriff of County, Missouri, without just
88 cause. The denied applicant affirms that all of the statements in the application
89 are true.

90

91 Denied Applicant

92 10. The notice of appeal in a denial of permit appeal shall be made to the

93 sheriff in a manner and form determined by the small claims court judge.

94 11. If at the hearing the person shows he is entitled to the requested
95 permit, the court shall issue an appropriate order to cause the issuance of the
96 permit. Costs shall not be assessed against the sheriff in any case.

97 12. Any person aggrieved by any final judgment rendered by a small
98 claims court in a denial of permit appeal may have a trial de novo as provided in
99 sections 512.180 to 512.320, RSMo.

100 13. Violation of any provision of this section is a class A misdemeanor.

Unofficial

Bill

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