

FIRST REGULAR SESSION

SENATE BILL NO. 378

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GOODMAN.

Read 1st time January 25, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1538S.011

AN ACT

To repeal sections 571.010 and 571.070, RSMo, and to enact in lieu thereof two new sections relating to explosive weapons, with penalty provisions.

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

Section A. Sections 571.010 and 571.070, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 571.010 and 571.070, to read as follows: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) **"Blasting agent" means any material or mixture, consisting of fuel and oxidizer that is intended for blasting, but not otherwise defined as an explosive under this section, provided that the finished**

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

19 **product, as mixed for use of shipment, cannot be detonated by means**
20 **of a numbered 8 test blasting cap when unconfined;**

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

23 [(4)] (5) "Deface" means to alter or destroy the manufacturer's or
24 importer's serial number or any other distinguishing number or identification
25 mark;

26 (6) "Detonator" means any device containing a detonating charge
27 that is used for initiating detonation in an explosive, including but not
28 limited to, electric blasting caps of instantaneous and delay types,
29 blasting caps for use with safety fuses and detonating-cord delay
30 connectors;

31 [(5)] (7) "Explosive weapon" means any explosive, incendiary, or poison
32 gas bomb or similar device designed or adapted for the purpose of inflicting death,
33 serious physical injury, or substantial property damage; or any device designed
34 or adapted for delivering or shooting such a weapon. **For the purposes of this**
35 **subdivision, the term "explosive" shall mean any chemical compound**
36 **mixture or device, the primary or common purpose of which is to**
37 **function by explosion, including but not limited to, dynamite and other**
38 **high explosives, pellet powder, initiating explosives, detonators, safety**
39 **fuses, squibs, detonating cords, igniter cords, and igniters or blasting**
40 **agents;**

41 [(6)] (8) "Firearm" means any weapon that is designed or adapted to
42 expel a projectile by the action of an explosive;

43 [(7)] (9) "Firearm silencer" means any instrument, attachment, or
44 appliance that is designed or adapted to muffle the noise made by the firing of
45 any firearm;

46 [(8)] (10) "Gas gun" means any gas ejection device, weapon, cartridge,
47 container or contrivance other than a gas bomb, that is designed or adapted for
48 the purpose of ejecting any poison gas that will cause death or serious physical
49 injury, but not any device that ejects a repellant or temporary incapacitating
50 substance;

51 [(9)] (11) "Intoxicated" means substantially impaired mental or physical
52 capacity resulting from introduction of any substance into the body;

53 [(10)] (12) "Knife" means any dagger, dirk, stiletto, or bladed hand
54 instrument that is readily capable of inflicting serious physical injury or death

55 by cutting or stabbing a person. For purposes of this chapter, "knife" does not
56 include any ordinary pocketknife with no blade more than four inches in length;

57 [(11)] (13) "Knuckles" means any instrument that consists of finger rings
58 or guards made of a hard substance that is designed or adapted for the purpose
59 of inflicting serious physical injury or death by striking a person with a fist
60 enclosed in the knuckles;

61 [(12)] (14) "Machine gun" means any firearm that is capable of firing
62 more than one shot automatically, without manual reloading, by a single function
63 of the trigger;

64 [(13)] (15) "Projectile weapon" means any bow, crossbow, pellet gun,
65 slingshot or other weapon that is not a firearm, which is capable of expelling a
66 projectile that could inflict serious physical injury or death by striking or piercing
67 a person;

68 [(14)] (16) "Rifle" means any firearm designed or adapted to be fired from
69 the shoulder and to use the energy of the explosive in a fixed metallic cartridge
70 to fire a projectile through a rifled bore by a single function of the trigger;

71 [(15)] (17) "Short barrel" means a barrel length of less than sixteen
72 inches for a rifle and eighteen inches for a shotgun, both measured from the face
73 of the bolt or standing breech, or an overall rifle or shotgun length of less than
74 twenty-six inches;

75 [(16)] (18) "Shotgun" means any firearm designed or adapted to be fired
76 from the shoulder and to use the energy of the explosive in a fixed shotgun shell
77 to fire a number of shot or a single projectile through a smooth bore barrel by a
78 single function of the trigger;

79 [(17)] (19) "Spring gun" means any fused, timed or nonmanually
80 controlled trap or device designed or adapted to set off an explosion for the
81 purpose of inflicting serious physical injury or death;

82 [(18)] (20) "Switchblade knife" means any knife which has a blade that
83 folds or closes into the handle or sheath, and

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

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

571.070. 1. A person commits the crime of unlawful possession of a
2 concealable firearm **or explosive weapon** if he **or she** has any concealable
3 firearm **or explosive weapon** in his **or her** possession and:

4 (1) He **or she** has pled guilty to or has been convicted of a dangerous
5 felony, as defined in section 556.061, RSMo, or of an attempt to commit a
6 dangerous felony, or of a crime under the laws of any state or of the United States
7 which, if committed within this state, would be a dangerous felony, or confined
8 therefor in this state or elsewhere during the five-year period immediately
9 preceding the date of such possession; or

10 (2) He **or she** is a fugitive from justice, is habitually in an intoxicated or
11 drugged condition, or is currently adjudged mentally incompetent.

12 2. Unlawful possession of a concealable firearm **or explosive weapon**
13 is a class C felony.

Unofficial



Bill

Copy