

SENATE AMENDMENT NO. _____

TO

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SA# SS#3/SCS/Senate Bill No. 131, Page 3, Section B, Line 89,

2 by inserting immediately before "Section B." the following:

3 "571.010. As used in this chapter, the following terms
4 shall mean:

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

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

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

21 (2) "Blackjack", any instrument that is designed or
22 adapted for the purpose of stunning or inflicting physical

23 injury by striking a person, and which is readily capable of
24 lethal use;

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

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

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

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

43 (7) "Explosive weapon", any explosive, incendiary, or
44 poison gas bomb or similar device designed or adapted for
45 the purpose of inflicting death, serious physical injury, or
46 substantial property damage; or any device designed or
47 adapted for delivering or shooting such a weapon. For the
48 purposes of this subdivision, the term "explosive" shall
49 mean any chemical compound mixture or device, the primary or
50 common purpose of which is to function by explosion,
51 including but not limited to, dynamite and other high
52 explosives, pellet powder, initiating explosives,
53 detonators, safety fuses, squibs, detonating cords, igniter
54 cords, and igniters or blasting agents;

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

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

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

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

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

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

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

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

88 (16) "Rifle", any firearm designed [or adapted] to be
89 exclusively fired from the shoulder and to use the energy of
90 the explosive in a fixed metallic cartridge to fire a
91 projectile through a rifled bore by a single function of the
92 trigger;

93 (17) "Short barrel", a barrel length of less than
94 sixteen inches for a rifle and eighteen inches for a
95 shotgun, both measured from the face of the bolt or standing
96 breech, or an overall rifle or shotgun length of less than
97 twenty-six inches;

98 (18) "Shotgun", any firearm designed or adapted to be
99 fired from the shoulder and to use the energy of the
100 explosive in a fixed shotgun shell to fire a number of shot
101 or a single projectile through a smooth bore barrel by a
102 single function of the trigger;

103 (19) "Spring gun", any fused, timed or nonmanually
104 controlled trap or device designed or adapted to set off an
105 explosion for the purpose of inflicting serious physical
106 injury or death;

107 (20) "Switchblade knife", any knife which has a blade
108 that folds or closes into the handle or sheath, and:

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

111 (b) That opens or releases from the handle or sheath
112 by the force of gravity or by the application of centrifugal
113 force.

114 571.020. 1. A person commits an offense if such
115 person knowingly possesses, manufactures, transports,
116 repairs, or sells:

117 (1) An explosive weapon;

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

- 121 (3) A gas gun;
- 122 (4) A bullet or projectile which explodes or detonates
123 upon impact because of an independent explosive charge after
124 having been shot from a firearm; or
- 125 (5) Knuckles; **[or]**
- 126 (6) **[Any of the following in violation of federal law:**
- 127 **(a)]** A machine gun;
- 128 **[(b)]** (7) A short-barreled rifle or shotgun;
- 129 **[(c)]** (8) A firearm silencer; or
- 130 **[(d)]** (9) A switchblade knife.
- 131 2. A person does not commit an offense pursuant to
132 this section if his or her conduct involved any of the items
133 in subdivisions (1) to **[(5)]** (9) of subsection 1 of this
134 section, and the item was possessed in conformity with any
135 applicable state or federal law, or the item was possessed
136 in conformity with any applicable federal law, and the
137 conduct:
- 138 (1) Was incident to the performance of official duty
139 by the Armed Forces, National Guard, a governmental law
140 enforcement agency, or a penal institution; or
- 141 (2) Was incident to engaging in a lawful commercial or
142 business transaction with an organization enumerated in
143 subdivision (1) of this section; or
- 144 (3) Was incident to using an explosive weapon in a
145 manner reasonably related to a lawful industrial or
146 commercial enterprise; or
- 147 (4) Was incident to displaying the weapon in a public
148 museum or exhibition; or
- 149 (5) Was incident to using the weapon in a manner
150 reasonably related to a lawful dramatic performance.
- 151 3. An offense pursuant to subdivision (1), (2), (3) or
152 (6) of subsection 1 of this section is a class D felony; a

153 crime pursuant to subdivision (4) or (5) of subsection 1 of
154 this section is a class A misdemeanor."".