

FIRST REGULAR SESSION

# HOUSE BILL NO. 545

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES ELLINGER (Sponsor), SCHUPP,  
MCNEIL AND WALTON GRAY (Co-sponsors).

0776L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 571, RSMo, by adding thereto one new section relating to the manufacture, import, possession, purchase, sale, or transfer of any assault weapon or large capacity magazine, with a penalty provision.

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

Section A. Chapter 571, RSMo, is amended by adding thereto one new section, to be  
2 known as section 571.023, to read as follows:

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

2 **(1) "Assault weapon", any:**

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

5 **a. A pistol grip or thumbhole stock;**

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

8 **c. A folding or telescoping stock; or**

9 **d. A shroud attached to the barrel, or that partially or completely encircles the**  
10 **barrel, allowing the bearer to hold the firearm with the nontrigger hand without being**  
11 **burned, but excluding a slide that encloses the barrel;**

12 **(b) Semi-automatic pistol, or any semi-automatic, centerfire or rimfire rifle with**  
13 **a fixed magazine, that has the capacity to accept more than ten rounds of ammunition;**

14 **(c) Semi-automatic pistol that has the capacity to accept a detachable magazine and**  
15 **has one or more of the following:**

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.

- 16           a. Any feature capable of functioning as a protruding grip that can be held by the  
17 nontrigger hand;
- 18           b. A folding, telescoping or thumbhole stock;
- 19           c. A shroud attached to the barrel, or that partially or completely encircles the  
20 barrel, allowing the bearer to hold the firearm with the nontrigger hand without being  
21 burned, but excluding a slide that encloses the barrel; or
- 22           d. The capacity to accept a detachable magazine at any location outside of the pistol  
23 grip;
- 24           (d) Semi-automatic shotgun that has one or more of the following:
- 25           a. A pistol grip or thumbhole stock;
- 26           b. Any feature capable of functioning as a protruding grip that can be held by the  
27 nontrigger hand;
- 28           c. A folding or telescoping stock;
- 29           d. A fixed magazine capacity in excess of five rounds; or
- 30           e. An ability to accept a detachable magazine;
- 31           (e) Shotgun with a revolving cylinder; or
- 32           (f) Conversion kit, part, or combination of parts, from which an assault weapon can  
33 be assembled if those parts are in the possession or under the control of the same person.  
34
- 35 Assault weapon does not include any firearm that has been made permanently inoperable;
- 36           (2) "Detachable magazine", an ammunition feeding device that can be loaded or  
37 unloaded while detached from a firearm and readily inserted into a firearm and includes  
38 a magazine that can be detached by merely depressing a button on the firearm either with  
39 a finger or by use of a tool or bullet;
- 40           (3) "Fixed magazine", an ammunition feeding device contained in, or permanently  
41 attached to, a firearm in such a manner that the device cannot be removed without  
42 disassembly of the firearm action;
- 43           (4) "Large capacity magazine", any ammunition feeding device with the capacity  
44 to accept more than ten rounds, but shall not be construed to include any of the following:
- 45           (a) A feeding device that has been permanently altered so that it cannot  
46 accommodate more than ten rounds;
- 47           (b) A twenty-two caliber tube ammunition feeding device; or
- 48           (c) A tubular magazine that is contained in a lever-action firearm.
- 49           2. No person, corporation or other entity in the state of Missouri may manufacture,  
50 import, possess, purchase, sell, or transfer any assault weapon or large capacity magazine.
- 51           3. This prohibition shall not apply to:

52           **(1) Any government officer, agent, or employee, member of the armed forces of the**  
53 **United States, or peace officer, to the extent that such person is otherwise authorized to**  
54 **acquire or possess an assault weapon or large capacity magazine, and does so while acting**  
55 **within the scope of his or her duties;**

56           **(2) The manufacture of an assault weapon or large capacity ammunition feeding**  
57 **device by a firearms manufacturer for the purpose of sale to any branch of the armed**  
58 **forces of the United States, or to a law enforcement agency in the state of Missouri for use**  
59 **by that agency or its employees, provided the manufacturer is properly licensed under**  
60 **federal and state laws; or**

61           **(3) The sale or transfer of an assault weapon or large capacity ammunition feeding**  
62 **device by a dealer that is properly licensed under federal, state, and local laws to any**  
63 **branch of the armed forces of the United States, or to a law enforcement agency in the state**  
64 **of Missouri for use by that agency or its employees for law enforcement purposes.**

65           **4. Any person who, prior to the effective date of this law, was legally in possession**  
66 **of an assault weapon or large capacity magazine shall have ninety days from such effective**  
67 **date to do any of the following without being subject to prosecution:**

68           **(1) Remove the assault weapon or large capacity magazine from the state of**  
69 **Missouri;**

70           **(2) Render the assault weapon permanently inoperable; or**

71           **(3) Surrender the assault weapon or large capacity magazine to the appropriate law**  
72 **enforcement agency for destruction, subject to specific agency regulations.**

73           **5. Unlawful manufacture, import, possession, purchase, sale, or transfer of an**  
74 **assault weapon or a large capacity magazine is a class C felony.**

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