

HCS HB 294, 123, 125, 113, 271 & 215 -- FIREARMS

SPONSOR: Franz (Riddle)

COMMITTEE ACTION: Voted "do pass" by the Committee on General Laws by a vote of 12 to 3.

This substitute changes the laws regarding firearms, ammunition, and concealed carry endorsements. In its main provisions, the substitute:

(1) Prohibits the sales tax on any firearms or ammunition from being levied at a higher rate than for any sales tax or other excise tax charged on any sporting goods or equipment or any hunting equipment (Section 144.064, RSMo);

(2) Allows a person to possess, manufacture, transport, repair, or sell a machine gun, short barreled rifle or shotgun, or firearm silencer if he or she conforms with federal law. A person will not commit a crime if he or she possesses, manufactures, transports, repairs, or sells an explosive weapon; explosive, incendiary, or poisonous substance or material; a gas gun; a switchblade knife; certain explosive bullets; or knuckles if he or she conforms with federal law. A person who possesses, manufactures, transports, repairs, or sells a machine gun, short barreled rifle or shotgun, or firearm silencer in violation of federal law will be guilty of a class C felony (Section 571.020);

(3) Specifies that a person commits the crime of unlawful use of weapons if he or she knowingly possesses a firearm while also in possession of controlled substances that are sufficient for a felony violation under Section 195.202, unless the possession is reasonably associated with or is necessary to the fulfillment of the person's official duties; removes a requirement that some specified uses of a firearm will not be a crime when the use was reasonably associated with or necessary to the fulfillment of a person's official duties; and specifies that no person who pleads guilty to or is found guilty of a felony violation of the unlawful use of weapons can receive a suspended imposition of sentence if the person has previously received a suspended imposition of sentence for any other firearms or weapons related felony offense (Section 571.030);

(4) Creates the crime of fraudulent purchase of a firearm, a class D felony, if a person knowingly solicits, persuades, encourages, or entices a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate federal or state laws; provides to a licensed dealer or private seller of firearms or ammunition what the person knows to be materially

false information with the intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition; or willfully procures another to violate these provisions (Section 571.063);

(5) Repeals non-penalty merchandising practices provisions, in Sections 407.500 and 407.505, which restrict the sale of rifles and shotguns by requiring purchasers or sellers to live in Missouri or a contiguous state and to conform to federal and state gun regulations. Currently, handguns are not subject to this merchandising practice regulation because all permit requirements for purchasing a handgun have been repealed. The substitute applies this practice to all types of firearms by allowing a Missouri resident or the resident of any state to purchase any firearm if he or she conforms to federal laws and the laws of the state in which he or she resides (Sections 571.085 and 571.087);

(6) Lowers the age at which a person can obtain a concealed carry endorsement from 23 to 21 years of age (Sections 571.101 and 571.117); and

(7) Specifies that current provisions do not preclude a member of the General Assembly, a full-time or legislative employee of the General Assembly, or statewide elected officials and their employees who hold a valid concealed carry endorsement from carrying a concealed firearm in the State Capitol Building (Section 571.107).

FISCAL NOTE: Estimated Net Effect on General Revenue Fund of a cost of Up to \$17,940 in FY 2012, an income of \$0 in FY 2013, and an income of \$0 in FY 2014. No impact on Other State Funds in FY 2012, FY 2013, and FY 2014.

PROPOSERS: Supporters of the bills say that the current process to buy a firearm out-of-state is tedious, unnecessary, and adds cost to the price of the firearm. Being a mobile society and with the requirements of a national background check through the Federal Bureau of Investigation, the current laws regarding the purchase of firearms are antiquated. Missouri is the only state to have a 23-years-of-age requirement for obtaining a concealed carry endorsement. It should be 21 years of age to coincide with the majority of other states. Currently, there is not a higher sales tax on ammunition, but the bill will prevent this from occurring in the future.

Testifying for HB 294 were Representative Franz on behalf of Representative Riddle; Missouri Family Network; and National Rifle Association - Institute for Legislative Action.

Testifying for HB 123 were Representative Franz on behalf of Representative Riddle; Missouri Family Network; and National Rifle Association - Institute for Legislative Action.

Testifying for HB 125 were Representative Franz on behalf of Representative Riddle; Steve Johnson; and National Rifle Association - Institute for Legislative Action.

Testifying for HB 113 were Representative Day; Dewey M. Riehn, Veterans of Foreign Wars of the United States, Department of Missouri; National Rifle Association - Institute for Legislative Action; and Stuart S. Strickler.

Testifying for HB 271 were Representative Franz on behalf of Representative Burlison; Missouri Family Network; and National Rifle Association - Institute for Legislative Action.

Testifying for HB 215 were Representative Gatschenberger; National Rifle Association - Institute for Legislative Action; and Stuart S. Strickler.

OPPONENTS: There was no opposition voiced to the committee.