

FIRST REGULAR SESSION

# HOUSE BILL NO. 97

100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE GREEN.

0201H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 571.060, RSMo, and to enact in lieu thereof one new section relating to the sale of assault weapons, with penalty provisions.

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

Section A. Section 571.060, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.060, to read as follows:

571.060. 1. A person commits the offense of unlawful transfer of weapons if he:

(1) Knowingly sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to any person who, under the provisions of section 571.070, is not lawfully entitled to possess such;

(2) Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen years old without the consent of the child's custodial parent or guardian, or recklessly, as defined in section 562.016, sells, leases, loans, gives away or delivers any firearm to a person less than eighteen years old without the consent of the child's custodial parent or guardian; provided, that this does not prohibit the delivery of such weapons to any peace officer or member of the Armed Forces or National Guard while performing his **or her** official duty;

[or]

(3) **Knowingly sells, leases, loans, gives away, or delivers an assault weapon to a person less than twenty-one years old; however, this shall not prohibit the delivery of such weapons to any peace officer or member of the Armed Forces or National Guard while performing his or her official duty; or**

(4) Recklessly, as defined in section 562.016, sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

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.

- 18           **2. For purposes of this section, "assault weapon" means:**  
19           **(1) A semiautomatic rifle that has the capacity to accept a detachable magazine and**  
20 **has one or more of the following:**  
21           **(a) A pistol grip that protrudes conspicuously beneath the action of the weapon;**  
22           **(b) A thumbhole stock;**  
23           **(c) A folding or telescoping stock;**  
24           **(d) A second handgrip or a protruding grip that can be held by the nontrigger**  
25 **hand;**  
26           **(e) A flash suppressor, muzzle break, or muzzle compensator or a threaded barrel**  
27 **designed to accommodate a flash suppressor, muzzle break, or muzzle compensator; or**  
28           **(f) A grenade launcher or flare launcher;**  
29           **(2) A semiautomatic rifle with a fixed magazine that has the capacity to accept more**  
30 **than ten rounds of ammunition;**  
31           **(3) A semiautomatic pistol that either has the capacity to accept more than ten**  
32 **rounds of ammunition or to accept a detachable magazine and has one or more of the**  
33 **following:**  
34           **(a) Any feature capable of functioning as a protruding grip that can be held by the**  
35 **nontrigger hand;**  
36           **(b) A threaded barrel capable of accepting a flash suppressor, forward handgrip,**  
37 **or silencer;**  
38           **(c) A shroud attached to the barrel, or that partially or completely encircles the**  
39 **barrel, allowing the bearer to hold the firearm with the nontrigger hand without being**  
40 **burned, excluding a slide that encloses the barrel; or**  
41           **(d) The capacity to accept a detachable magazine at any location outside of the**  
42 **pistol grip;**  
43           **(4) A semiautomatic rifle that has an overall length of less than thirty inches;**  
44           **(5) A semiautomatic shotgun that has the following:**  
45           **(a) A pistol grip that protrudes conspicuously beneath the action of the weapon,**  
46 **thumbhole stock, or vertical handgrip; and**  
47           **(b) A folding or telescoping stock; or**  
48           **(c) An ability to accept a detachable magazine;**  
49           **(6) A shotgun with a revolving cylinder; or**  
50           **(7) A conversion kit, part, or combination of parts from which an assault weapon**  
51 **can be assembled if those parts are in the possession or under the control of the same**  
52 **person.**  
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54 **"Assault weapon" shall not include antique firearms, any firearm that has been made**  
55 **permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or**  
56 **slide action.**

57 **3.** Unlawful transfer of weapons under subdivision (1) of subsection 1 of this section is  
58 a class E felony; unlawful transfer of weapons under subdivisions (2) [~~and~~], (3), **and (4)** of  
59 subsection 1 of this section is a class A misdemeanor.

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