

FIRST REGULAR SESSION

# HOUSE BILL NO. 302

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HICKS.

0705H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal section 571.020, RSMo, and to enact in lieu thereof one new section relating to offenses involving firearms.

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

Section A. Section 571.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.020, to read as follows:

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

- (1) An explosive weapon;
- (2) An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;
- (3) A gas gun;
- (4) A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; ~~[or]~~
- (5) Knuckles; or
- (6) Any of the following in violation of federal law:
  - (a) A machine gun;
  - (b) A short-barreled rifle or shotgun;
  - (c) A firearm silencer; or
  - (d) A switchblade knife.

2. A person does not commit an offense pursuant to this section if his or her conduct involved any of the items in subdivisions (1) to (5) of subsection 1, the item was possessed in conformity with any applicable federal law, and the conduct:

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 (1) Was incident to the performance of official duty by the Armed Forces, National  
19 Guard, a governmental law enforcement agency, or a penal institution; or

20 (2) Was incident to engaging in a lawful commercial or business transaction with an  
21 organization enumerated in subdivision (1) of this ~~section~~ **subsection**; or

22 (3) Was incident to using an explosive weapon in a manner reasonably related to a lawful  
23 industrial or commercial enterprise; or

24 (4) Was incident to displaying the weapon in a public museum or exhibition; or

25 (5) Was incident to using the weapon in a manner reasonably related to a lawful dramatic  
26 performance.

27 **3. A person does not commit an offense under this section if his or her conduct**  
28 **involved a firearm silencer, listed under paragraph (c) of subdivision (6) of subsection 1**  
29 **of this section, and the person has a written certificate from a licensed medical doctor,**  
30 **otologist, or neurotologist that attests that the person has significant hearing loss and that**  
31 **the firearm silencer is beneficial to preserving the person's remaining hearing. For**  
32 **purposes of this subsection, a firearm silencer is any muzzle device, whether detachable or**  
33 **integrated, that reduces the sound intensity of a firearm when the firearm is discharged.**

34 **4.** An offense pursuant to subdivision (1), (2), (3) or (6) of subsection 1 of this section  
35 is a class D felony; a crime pursuant to subdivision (4) or (5) of subsection 1 of this section is  
36 a class A misdemeanor.

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