

SENATE BILL NO. 1769

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

7488S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapters 571 and 650, RSMo, by adding thereto three new sections relating to the acquisition of machine guns.

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

Section A. Chapters 571 and 650, RSMo, are amended by
2 adding thereto three new sections, to be known as sections
3 571.600, 650.4000, and 650.4005, to read as follows:

**571.600. 1. An applicant for the acquisition of a
2 machine gun shall demonstrate knowledge of machine gun
3 safety training. This requirement shall be fully satisfied
4 if the applicant for a machine gun acquisition:**

**5 (1) Submits a photocopy of a certificate of machine
6 gun safety training course completion; or**

**7 (2) Submits a photocopy of a certificate that shows
8 the applicant completed a machine gun safety course given by
9 or under the supervision of any state, county, municipal, or
10 federal law enforcement agency.**

**11 2. A certificate of machine gun safety training course
12 completion may be issued to any applicant by any qualified
13 machine gun safety instructor. On the certificate of course
14 completion, the qualified machine gun safety instructor
15 shall affirm that the individual receiving instruction has
16 taken and passed a machine gun safety course of at least
17 eight hours in length taught by the instructor that included:**

18 (1) Machine gun safety in the classroom, at home, on
19 the firing range, and while carrying the firearm;

20 (2) A physical demonstration performed by the
21 applicant that demonstrated his or her ability to safely
22 load and unload the machine gun and demonstrated his or her
23 marksmanship;

24 (3) The basic principles of marksmanship;

25 (4) Care and cleaning of machine guns;

26 (5) Safe storage of machine guns at home;

27 (6) The requirements of this state for obtaining a
28 machine gun;

29 (7) The laws relating to machine guns as prescribed in
30 this chapter;

31 (8) The laws relating to the justifiable use of force
32 as prescribed in chapter 563;

33 (9) A live firing exercise of sufficient duration for
34 each applicant to fire a machine gun, from a standing
35 position or its equivalent, a minimum of twenty rounds from
36 the machine gun at a distance of seven yards from a B-27
37 silhouette target or an equivalent target; and

38 (10) A live-fire test administered to the applicant
39 while the instructor was present of twenty rounds from a
40 machine gun, from a standing position or its equivalent, at
41 a distance from a B-27 silhouette target, or an equivalent
42 target, of seven yards.

650.4000. 1. As used in sections 650.4000 and
2 650.4005, the following terms mean:

3 (1) "Machine gun", any weapon which shoots, is
4 designed to shoot, or can be readily restored to shoot, more
5 than one shot, without manual reloading, by a single
6 function of the trigger;

7 (2) "Person", any individual, corporation, company,
8 association, firm, trust, partnership, society, or joint
9 stock company;

10 (3) "Qualified person", any person who:

11 (a) Is eligible to purchase and possess firearms under
12 Missouri and federal law; and

13 (b) Has completed a machine gun safety course under
14 section 571.600.

15 2. To carry out the provisions of this section and
16 section 650.4005, there is hereby created and established an
17 "Office of Public Defense" within the department of public
18 safety.

19 3. The director of the department of public safety
20 shall be the director of the office.

21 4. The office of public defense, through its director,
22 shall have the following powers and duties:

23 (1) To qualified persons, pursuant to 18 U.S.C.
24 Section 922(o)(2)(A), machine guns for the defense of the
25 state and its people. Machine guns acquired and transferred
26 by the office under this section shall be the same as, or of
27 like kind to, those machine guns currently in use by law
28 enforcement or the United States Armed Forces, and shall
29 include but not be limited to AR-15/M16-platform, M249-type,
30 and MP5-type machine guns. The director may, in his
31 discretion, acquire pursuant to this section, section
32 571.600, and section 650.4005 additional types of machine
33 guns beyond those identified in this section, which are in
34 common use by the military or law enforcement, and which the
35 director finds are useful to protecting the security of a
36 free state. In acquiring machine guns pursuant to this
37 section, the office shall, to the extent practicable,

38 prioritize purchases of machine guns from manufacturers and
39 dealers located within Missouri;

40 (2) To establish, maintain, and operate a warehouse
41 and distribution station, using to the extent possible
42 existing department, infrastructure, and barracks, and in
43 the operation thereof to purchase, transport, store, sell,
44 and transfer machine guns to qualified persons. Machine
45 guns shall be made available for sale and transfer at the
46 state highway patrol general headquarters located in
47 Jefferson City;

48 (3) To verify the eligibility of qualified persons to
49 purchase machine guns through the same background check
50 process used by federal firearms licensee dealers;

51 (4) To report to the governor annually, and at such
52 other times as he may require, concerning the condition,
53 management, and financial transactions of the office;

54 (5) To do all things necessary and incidental to its
55 powers and duties under this section.

56 5. The director of the office of public defense shall
57 have the following powers and duties:

58 (1) To exercise general supervision of the conduct and
59 business of the office;

60 (2) To promulgate such rules and regulations as are
61 necessary to direct and control the exercise of the
62 governmental and proprietary powers and duties of the
63 office; and

64 (3) To expend funds from the public defense fund to
65 offset operational costs incurred administering this section
66 and section 650.4005.

67 6. The following provisions shall apply to records
68 created under this section and section 650.4005:

69 (1) Upon transfer of a machine gun to a qualified
70 person under this section, the director or his designee
71 shall prepare two original copies of a signed and dated
72 certificate, bearing the seal of the state of Missouri, and
73 identifying the qualified person to whom the machine gun was
74 transferred, as well as identifying the machine gun's make,
75 model, and serial number. The office of public defense
76 shall issue one copy to the qualified person, and the office
77 shall retain the second copy in perpetuity. Such
78 certificate shall constitute proof of compliance with this
79 section;

80 (2) No information contained within any application,
81 registration, or records submitted or created in compliance
82 with this section shall be used for any purpose other than
83 to determine eligibility for, or to record, a transfer under
84 this section. Such information shall be exempt from
85 disclosure or inspection under chapter 610;

86 (3) Aside from the original certificate of transfer
87 kept by the office, all other records associated with the
88 transfer of any machine gun, which contain personally
89 identifiable information, shall be destroyed by the office
90 five years after the machine gun transfer was made.

91 7. Neither the state of Missouri, the office of public
92 defense, the director, nor any of the officers or employees
93 of the office shall be liable for damages sustained by any
94 person because of any act or omission done in the
95 performance of their respective duties under this section.
96 Neither the state of Missouri, the office of public defense,
97 the director, nor any of the officers or employees of the
98 office shall have any criminal or civil liability for any
99 criminal, unlawful, negligent, or accidental acts or
100 omissions committed by transferees or others related to any

101 machine gun acquired and transferred pursuant to this
102 section.

103 8. The director shall add a five hundred dollar
104 surcharge to the total price of each machine gun sold and
105 transferred under this section. The first two hundred fifty
106 dollars of each surcharge shall be deposited into the public
107 defense fund, and remaining two hundred fifty dollars of
108 such surcharge shall be deposited into the crime victims'
109 compensation fund.

110 9. (1) There is hereby created in the state treasury
111 the "Public Defense Fund", which shall consist of moneys
112 collected under this section. The state treasurer shall be
113 custodian of the fund. In accordance with sections 30.170
114 and 30.180, the state treasurer may approve disbursements.
115 The fund shall be a dedicated fund and, upon appropriation,
116 moneys in this fund shall be used solely as provided in this
117 section.

118 (2) Notwithstanding the provisions of section 33.080
119 to the contrary, any moneys remaining in the fund at the end
120 of the biennium shall not revert to the credit of the
121 general revenue fund.

122 (3) The state treasurer shall invest moneys in the
123 fund in the same manner as other funds are invested. Any
124 interest and moneys earned on such investments shall be
125 credited to the fund.

650.4005. 1. All transfers of machine guns to
2 qualified persons under this section, section 571.600, and
3 section 650.4000 shall be deemed to have been made by the
4 state of Missouri, and such transfers are made under the
5 authority of the state of Missouri, for purposes of 18
6 U.S.C. Section 922(o)(2)(A).

7 2. Any transferee of a machine gun under the
8 provisions of this section, section 571.600, and section
9 650.4000 shall be deemed to possess a machine gun that was
10 transferred by the state, and which was transferred under
11 the authority of the state of Missouri, for purposes of 18
12 U.S.C. Section 922(o)(2)(A).

13 3. Should a person to whom a machine gun has been
14 transferred under this section, section 571.600, and section
15 650.4000 later become prohibited from possessing firearms
16 under Missouri or federal law, such person shall return the
17 machine gun to the office within seven days of learning of
18 his or her prohibited status. In the case of a corporation,
19 company, association, firm, trust, partnership, society, or
20 joint stock company where only one responsible person of
21 such entity has become prohibited, but not the entity
22 itself, such entity may continue to own and possess the
23 transferred machine gun, provided that the prohibited person
24 is no longer a responsible person of such entity, and the
25 entity has at least one responsible person who remains
26 eligible to possess firearms under Missouri and federal
27 law. A person who relocates outside of this state shall,
28 prior to relocation, return the machine gun to the office in
29 exchange for the reasonable value of such machine gun. Any
30 machine gun returned under this subsection shall be made
31 available for sale to other qualified persons, and shall be
32 discounted in price by such nonzero dollar amount as the
33 director may decide.

34 4. In the case of a transfer of a machine gun to an
35 heir or other beneficiary of an estate following the death
36 of the machine gun's original owner, the representative of
37 the estate shall present the machine gun to the office and
38 the office shall transfer such machine gun to the heir, if

39 they are a qualified person, the fee for such transfer to
40 any heir or other beneficiary shall be free of cost.

41 5. The office of public defense shall not destroy any
42 machine gun acquired by it pursuant to this section, section
43 571.600, and section 650.4000, except in cases where a
44 machine gun returned under this section is unserviceable.

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