



919946

LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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03/03/2018 01:21 PM

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Senator Stewart moved the following:

Senate Amendment (with title amendment)

Between lines 259 and 260

insert:

Section 3. Intergovernmental analysis of firearms sales.-

(1) DEFINITIONS.-As used in this act, the term:

(a) "Assault weapon" means:

1. A selective-fire firearm capable of fully automatic, semiautomatic, or burst fire at the option of the user.

2. A part or combination of parts that converts a firearm into an assault weapon, or any combination of parts from which



919946

12 an assault weapon may be assembled if those parts are in the
13 possession or under the control of the same person.

14 3. A semiautomatic firearm not listed in this paragraph
15 which meets the criteria of one of the following sub-
16 subparagraphs:

17 a. A semiautomatic rifle that has an ability to accept a
18 detachable magazine and that has one or more of the following:

19 (I) A folding or telescoping stock.

20 (II) A pistol grip that protrudes conspicuously beneath the
21 action of the weapon or any feature functioning as a protruding
22 grip that can be held by the nontrigger hand or a thumbhole
23 stock.

24 (III) A bayonet mount.

25 (IV) A flash suppressor or threaded barrel designed to
26 accommodate a flash suppressor.

27 (V) A grenade launcher.

28 (VI) A shroud that is attached to the barrel, or that
29 partially or completely encircles the barrel and allows the
30 bearer to hold the firearm with the nontrigger hand without
31 being burned, but excluding a slide that encloses the barrel.

32 b. A semiautomatic pistol that has an ability to accept a
33 detachable magazine and that has one or more of the following:

34 (I) The capacity to accept an ammunition magazine that
35 attaches to the pistol at any location outside the pistol grip.

36 (II) A threaded barrel capable of accepting a barrel
37 extender, flash suppressor, forward handgrip, or silencer.

38 (III) A slide that encloses the barrel and that allows the
39 shooter to hold the firearm with the nontrigger hand without
40 being burned.



919946

41 (IV) A manufactured weight of 50 ounces or more when the
42 pistol is unloaded.

43 (V) A semiautomatic version of an automatic firearm.

44 (VI) Any feature capable of functioning as a protruding
45 grip that can be held by the nontrigger hand.

46 (VII) A folding, telescoping, or thumbhole stock.

47 c. A semiautomatic shotgun that has one or more of the
48 following:

49 (I) A folding or telescoping stock.

50 (II) A pistol grip that protrudes conspicuously beneath the
51 action of the weapon.

52 (III) A thumbhole stock.

53 (IV) A fixed-magazine capacity in excess of 5 rounds.

54 (V) An ability to accept a detachable magazine.

55 d. A semiautomatic pistol or a semiautomatic, centerfire,
56 or rimfire rifle with a fixed magazine that has the capacity to
57 accept more than 10 rounds of ammunition.

58 e. A part or combination of parts designed or intended to
59 convert a firearm into an assault weapon, or any combination of
60 parts from which an assault weapon may be assembled if those
61 parts are in the possession or under the control of the same
62 person.

63 (b) "Detachable magazine" means an ammunition feeding
64 device that can be removed from a firearm without disassembly of
65 the firearm action.

66 (c) "Fixed magazine" means an ammunition feeding device
67 contained in, or permanently attached to, a firearm in such a
68 manner that the device cannot be removed without disassembly of
69 the firearm action.



919946

70 (d) "Large-capacity magazine" means any ammunition feeding
71 device with the capacity to accept more than 7 rounds, or any
72 conversion kit, part, or combination of parts from which such a
73 device can be assembled if those parts are in the possession or
74 under the control of the same person, but does not include any
75 of the following:

76 1. A feeding device that has been permanently altered so
77 that it cannot accommodate more than 7 rounds;

78 2. A .22 caliber tube ammunition feeding device; or

79 3. A tubular magazine that is contained in a lever-action
80 firearm.

81 (2) The Legislature finds that firearms sales and its nexus
82 with mental health constitutes a public crisis that necessitates
83 prudent, well-considered regulation. As such, the Department of
84 Law Enforcement shall, with the aid of appropriate state and
85 federal agencies, undertake an analysis of the need for new or
86 different regulation of the sale of firearms in this state. This
87 analysis must include input from local, state, and federal law
88 enforcement agencies; the Office of Safe Schools; and the
89 public. The analysis must evaluate the efficacy and necessity of
90 additional state and local laws, ordinances, or regulations
91 relating to the sale of firearms. To ensure consistent and
92 effective implementation, the Department of Law Enforcement
93 shall submit a report with conclusions and recommendations to
94 the Governor and the Legislature no later than January 1, 2019.
95 Until such time as the Legislature has the opportunity to review
96 and adopt such recommendations from the department, an assault
97 weapon, a detachable magazine, a fixed magazine, or a large-
98 capacity magazine, as those terms are defined in this act, may



919946

99 not be sold, distributed, transferred or conveyed, kept for
100 sale, offered, or exposed for sale.

101

102 ===== T I T L E A M E N D M E N T =====

103 And the title is amended as follows:

104 Delete line 3

105 and insert:

106 title; providing legislative findings; defining terms;
107 providing legislative intent; requiring the Department
108 of Law Enforcement, with the aid of appropriate state
109 and federal agencies, to analyze the need for changes
110 in the regulation of firearms sales in this state;
111 requiring the analysis to include input from specified
112 persons; requiring the analysis to make certain
113 evaluations; requiring the department to submit a
114 report by a certain date to the Governor and the
115 Legislature; prohibiting the sale, distribution,
116 transfer or conveyance, or offering for sale of an
117 assault weapon or certain types of magazines until the
118 Legislature has the opportunity to review and adopt
119 such recommendations from the department; creating s.