

SECOND REGULAR SESSION

HOUSE BILL NO. 1437

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GALLICK.

3342H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 571.030, RSMo, and to enact in lieu thereof two new sections relating to the illegal discharge of a firearm, with penalty provisions.

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

Section A. Section 571.030, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 571.030 and 571.031, to read as follows:

571.030. 1. A person commits the offense of unlawful use of weapons, except as otherwise provided by sections 571.101 to 571.121, if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use into any area where firearms are restricted under section 571.107; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; or

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

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 (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or
19 across a public highway or discharges or shoots a firearm into any outbuilding; or

20 (8) Carries a firearm or any other weapon readily capable of lethal use into any
21 church or place where people have assembled for worship, or into any election precinct on
22 any election day, or into any building owned or occupied by any agency of the federal
23 government, state government, or political subdivision thereof; or

24 (9) Discharges or shoots a firearm:

25 (a) At or from a motor vehicle, as defined in section 301.010, ~~[discharges or shoots a~~
26 ~~firearm]~~ **unless discharged from a stationary vehicle as authorized under the Missouri**
27 **wildlife code;**

28 (b) At any person~~[-or]~~;

29 (c) At any other ~~[motor]~~ **self-propelled** vehicle~~[-]~~ **excluded from the definition of**
30 **motor vehicle under section 301.010;** or

31 (d) At any building or habitable structure,

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33 unless the person was lawfully acting in self-defense; or

34 (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily
35 capable of lethal use into any school, onto any school bus, or onto the premises of any
36 function or activity sponsored or sanctioned by school officials or the district school board; or

37 (11) Possesses a firearm while also knowingly in possession of a controlled substance
38 that is sufficient for a felony violation of section 579.015.

39 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the
40 persons described in this subsection, regardless of whether such uses are reasonably
41 associated with or are necessary to the fulfillment of such person's official duties except as
42 otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1
43 of this section shall not apply to or affect any of the following persons, when such uses are
44 reasonably associated with or are necessary to the fulfillment of such person's official duties,
45 except as otherwise provided in this subsection:

46 (1) All state, county and municipal peace officers who have completed the training
47 required by the police officer standards and training commission pursuant to sections 590.030
48 to 590.050 and who possess the duty and power of arrest for violation of the general criminal
49 laws of the state or for violation of ordinances of counties or municipalities of the state,
50 whether such officers are on or off duty, and whether such officers are within or outside of the
51 law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in
52 subsection 12 of this section, and who carry the identification defined in subsection 13 of this
53 section, or any person summoned by such officers to assist in making arrests or preserving the
54 peace while actually engaged in assisting such officer;

55 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other
56 institutions for the detention of persons accused or convicted of crime;

57 (3) Members of the Armed Forces or National Guard while performing their official
58 duty;

59 (4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with
60 the judicial power of the state and those persons vested by Article III of the Constitution of
61 the United States with the judicial power of the United States, the members of the federal
62 judiciary;

63 (5) Any person whose bona fide duty is to execute process, civil or criminal;

64 (6) Any federal probation officer or federal flight deck officer as defined under the
65 federal flight deck officer program, 49 U.S.C. Section 44921, regardless of whether such
66 officers are on duty, or within the law enforcement agency's jurisdiction;

67 (7) Any state probation or parole officer, including supervisors and members of the
68 parole board;

69 (8) Any corporate security advisor meeting the definition and fulfilling the
70 requirements of the regulations established by the department of public safety under section
71 590.750;

72 (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

73 (10) Any municipal or county prosecuting attorney or assistant prosecuting attorney;
74 circuit attorney or assistant circuit attorney; municipal, associate, or circuit judge; or any
75 person appointed by a court to be a special prosecutor who has completed the firearms safety
76 training course required under subsection 2 of section 571.111;

77 (11) Any member of a fire department or fire protection district who is employed on a
78 full-time basis as a fire investigator and who has a valid concealed carry endorsement issued
79 prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such
80 uses are reasonably associated with or are necessary to the fulfillment of such person's official
81 duties; and

82 (12) Upon the written approval of the governing body of a fire department or fire
83 protection district, any paid fire department or fire protection district member who is
84 employed on a full-time basis and who has a valid concealed carry endorsement issued prior
85 to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably
86 associated with or are necessary to the fulfillment of such person's official duties.

87 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply
88 when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state
89 when ammunition is not readily accessible or when such weapons are not readily accessible.
90 Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of
91 age or older or eighteen years of age or older and a member of the United States Armed

92 Forces, or honorably discharged from the United States Armed Forces, transporting a
93 concealable firearm in the passenger compartment of a motor vehicle, so long as such
94 concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession
95 of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her
96 dwelling unit or upon premises over which the actor has possession, authority or control, or is
97 traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection
98 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person
99 while traversing school premises for the purposes of transporting a student to or from school,
100 or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related
101 event or club event.

102 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
103 person who has a valid concealed carry permit issued pursuant to sections 571.101 to
104 571.121, a valid concealed carry endorsement issued before August 28, 2013, or a valid
105 permit or endorsement to carry concealed firearms issued by another state or political
106 subdivision of another state.

107 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section
108 shall not apply to persons who are engaged in a lawful act of defense pursuant to section
109 563.031.

110 6. Notwithstanding any provision of this section to the contrary, the state shall not
111 prohibit any state employee from having a firearm in the employee's vehicle on the state's
112 property provided that the vehicle is locked and the firearm is not visible. This subsection
113 shall only apply to the state as an employer when the state employee's vehicle is on property
114 owned or leased by the state and the state employee is conducting activities within the scope
115 of his or her employment. For the purposes of this subsection, "state employee" means an
116 employee of the executive, legislative, or judicial branch of the government of the state of
117 Missouri.

118 7. (1) Subdivision (10) of subsection 1 of this section shall not apply to a person who
119 is a school officer commissioned by the district school board under section 162.215 or who is
120 a school protection officer, as described under section 160.665.

121 (2) Nothing in this section shall make it unlawful for a student to actually participate
122 in school-sanctioned gun safety courses, student military or ROTC courses, or other school-
123 sponsored or club-sponsored firearm-related events, provided the student does not carry a
124 firearm or other weapon readily capable of lethal use into any school, onto any school bus, or
125 onto the premises of any other function or activity sponsored or sanctioned by school officials
126 or the district school board.

127 8. A person who commits the crime of unlawful use of weapons under:

128 (1) Subdivision (2), (3), (4), or (11) of subsection 1 of this section shall be guilty of a
129 class E felony;

130 (2) Subdivision (1), (6), (7), or (8) of subsection 1 of this section shall be guilty of a
131 class B misdemeanor, except when a concealed weapon is carried onto any private property
132 whose owner has posted the premises as being off-limits to concealed firearms by means of
133 one or more signs displayed in a conspicuous place of a minimum size of eleven inches by
134 fourteen inches with the writing thereon in letters of not less than one inch, in which case the
135 penalties of subsection 2 of section 571.107 shall apply;

136 (3) Subdivision (5) or (10) of subsection 1 of this section shall be guilty of a class A
137 misdemeanor if the firearm is unloaded and a class E felony if the firearm is loaded;

138 (4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony,
139 except that if the violation of subdivision (9) of subsection 1 of this section results in injury or
140 death to another person, it is a class A felony.

141 9. Violations of subdivision (9) of subsection 1 of this section shall be punished as
142 follows:

143 (1) For the first violation a person shall be sentenced to the maximum authorized term
144 of imprisonment for a class B felony;

145 (2) For any violation by a prior offender as defined in section 558.016, a person shall
146 be sentenced to the maximum authorized term of imprisonment for a class B felony without
147 the possibility of parole, probation or conditional release for a term of ten years;

148 (3) For any violation by a persistent offender as defined in section 558.016, a person
149 shall be sentenced to the maximum authorized term of imprisonment for a class B felony
150 without the possibility of parole, probation, or conditional release;

151 (4) For any violation which results in injury or death to another person, a person shall
152 be sentenced to an authorized disposition for a class A felony.

153 10. Any person knowingly aiding or abetting any other person in the violation of
154 subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that
155 prescribed by this section for violations by other persons.

156 11. Notwithstanding any other provision of law, no person who pleads guilty to or is
157 found guilty of a felony violation of subsection 1 of this section shall receive a suspended
158 imposition of sentence if such person has previously received a suspended imposition of
159 sentence for any other firearms- or weapons-related felony offense.

160 12. As used in this section "qualified retired peace officer" means an individual who:

161 (1) Retired in good standing from service with a public agency as a peace officer,
162 other than for reasons of mental instability;

163 (2) Before such retirement, was authorized by law to engage in or supervise the
164 prevention, detection, investigation, or prosecution of, or the incarceration of any person for,
165 any violation of law, and had statutory powers of arrest;

166 (3) Before such retirement, was regularly employed as a peace officer for an
167 aggregate of fifteen years or more, or retired from service with such agency, after completing
168 any applicable probationary period of such service, due to a service-connected disability, as
169 determined by such agency;

170 (4) Has a nonforfeitable right to benefits under the retirement plan of the agency if
171 such a plan is available;

172 (5) During the most recent twelve-month period, has met, at the expense of the
173 individual, the standards for training and qualification for active peace officers to carry
174 firearms;

175 (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug
176 or substance; and

177 (7) Is not prohibited by federal law from receiving a firearm.

178 13. The identification required by subdivision (1) of subsection 2 of this section is:

179 (1) A photographic identification issued by the agency from which the individual
180 retired from service as a peace officer that indicates that the individual has, not less recently
181 than one year before the date the individual is carrying the concealed firearm, been tested or
182 otherwise found by the agency to meet the standards established by the agency for training
183 and qualification for active peace officers to carry a firearm of the same type as the concealed
184 firearm; or

185 (2) A photographic identification issued by the agency from which the individual
186 retired from service as a peace officer; and

187 (3) A certification issued by the state in which the individual resides that indicates
188 that the individual has, not less recently than one year before the date the individual is
189 carrying the concealed firearm, been tested or otherwise found by the state to meet the
190 standards established by the state for training and qualification for active peace officers to
191 carry a firearm of the same type as the concealed firearm.

571.031. 1. This section shall be known and may be cited as "Blair's Law".

2 **2. A person commits the offense of unlawful discharge of a firearm if, with**
3 **criminal negligence, he or she discharges a firearm within or into the limits of any**
4 **municipality.**

5 **3. This section shall not apply if the firearm is discharged:**

6 **(1) As allowed by a defense of justification under chapter 563;**

7 **(2) On a properly supervised shooting range;**

8 **(3) To lawfully take wildlife during an open season established by the**
9 **department of conservation. Nothing in this subdivision shall prevent a municipality**
10 **from adopting an ordinance restricting the discharge of a firearm within one-quarter**
11 **mile of an occupied structure;**

12 **(4) For the control of nuisance wildlife as permitted by the department of**
13 **conservation or the United States Fish and Wildlife Service;**

14 **(5) By special permit of the chief of police of the municipality;**

15 **(6) As required by an animal control officer in the performance of his or her**
16 **duties;**

17 **(7) Using blanks;**

18 **(8) More than one mile from any occupied structure;**

19 **(9) In self-defense or defense of another person against an animal attack if a**
20 **reasonable person would believe that deadly physical force against the animal is**
21 **immediately necessary and reasonable under the circumstances to protect oneself or the**
22 **other person; or**

23 **(10) By law enforcement personnel, as defined in section 590.1040, or a member**
24 **of the United States Armed Forces if acting in an official capacity.**

25 **4. A person who commits the offense of unlawful discharge of a firearm shall be**
26 **guilty of:**

27 **(1) For a first offense, a class A misdemeanor;**

28 **(2) For a second offense, a class E felony; and**

29 **(3) For a third or subsequent offense, a class D felony.**

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