

SECOND REGULAR SESSION

HOUSE BILL NO. 2334

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE STEINHOFF.

4994H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 571.010 and 571.030, RSMo, and to enact in lieu thereof two new sections relating to unlawful use of weapons, with penalty provisions.

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

Section A. Sections 571.010 and 571.030, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 571.010 and 571.030, to read as follows:

571.010. As used in this chapter, the following terms shall mean:

2 (1) "Antique, curio or relic firearm", any firearm so defined by the National Gun
3 Control Act, 18 U.S.C. Title 26, Section 5845, and the United States Treasury/Bureau of
4 Alcohol Tobacco and Firearms, 27 CFR Section 178.11:

5 (a) "Antique firearm" is any firearm not designed or redesigned for using rim fire or
6 conventional center fire ignition with fixed ammunition and manufactured in or before 1898,
7 said ammunition not being manufactured any longer; this includes any matchlock, wheel
8 lock, flintlock, percussion cap or similar type ignition system, or replica thereof;

9 (b) "Curio or relic firearm" is any firearm deriving value as a collectible weapon due
10 to its unique design, ignition system, operation or at least fifty years old, associated with a
11 historical event, renown personage or major war;

12 (2) "Blackjack", any instrument that is designed or adapted for the purpose of
13 stunning or inflicting physical injury by striking a person, and which is readily capable of
14 lethal use;

15 (3) "Blasting agent", any material or mixture, consisting of fuel and oxidizer that is
16 intended for blasting, but not otherwise defined as an explosive under this section, provided

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.

17 that the finished product, as mixed for use of shipment, cannot be detonated by means of a
18 numbered 8 test blasting cap when unconfined;

19 (4) "Concealable firearm", any firearm with a barrel less than sixteen inches in length,
20 measured from the face of the bolt or standing breech;

21 (5) "Deface", to alter or destroy the manufacturer's or importer's serial number or any
22 other distinguishing number or identification mark;

23 (6) "Detonator", any device containing a detonating charge that is used for initiating
24 detonation in an explosive, including but not limited to, electric blasting caps of instantaneous
25 and delay types, nonelectric blasting caps for use with safety fuse or shock tube and
26 detonating cord delay connectors;

27 (7) "Explosive weapon", any explosive, incendiary, or poison gas bomb or similar
28 device designed or adapted for the purpose of inflicting death, serious physical injury, or
29 substantial property damage; or any device designed or adapted for delivering or shooting
30 such a weapon. For the purposes of this subdivision, the term "explosive" shall mean any
31 chemical compound mixture or device, the primary or common purpose of which is to
32 function by explosion, including but not limited to, dynamite and other high explosives, pellet
33 powder, initiating explosives, detonators, safety fuses, squibs, detonating cords, igniter cords,
34 and igniters or blasting agents;

35 (8) "Firearm", any weapon that is designed or adapted to expel a projectile by the
36 action of an explosive;

37 (9) "Firearm silencer", any instrument, attachment, or appliance that is designed or
38 adapted to muffle the noise made by the firing of any firearm;

39 (10) "Gas gun", any gas ejection device, weapon, cartridge, container or contrivance
40 other than a gas bomb that is designed or adapted for the purpose of ejecting any poison gas
41 that will cause death or serious physical injury, but not any device that ejects a repellant or
42 temporary incapacitating substance;

43 (11) "Intoxicated", substantially impaired mental or physical capacity resulting from
44 introduction of any substance into the body;

45 (12) "Knife", any dagger, dirk, stiletto, or bladed hand instrument that is readily
46 capable of inflicting serious physical injury or death by cutting or stabbing a person. For
47 purposes of this chapter, knife does not include any ordinary pocketknife with no blade more
48 than four inches in length;

49 (13) "Knuckles", any instrument that consists of finger rings or guards made of a hard
50 substance that is designed or adapted for the purpose of inflicting serious physical injury or
51 death by striking a person with a fist enclosed in the knuckles;

52 (14) "Machine gun", any firearm that is capable of firing more than one shot
53 automatically, without manual reloading, by a single function of the trigger;

54 (15) "Projectile weapon", any bow, crossbow, pellet gun, slingshot or other weapon
55 that is not a firearm, which is capable of expelling a projectile that could inflict serious
56 physical injury or death by striking or piercing a person;

57 (16) "Rifle", any firearm designed or adapted to be fired from the shoulder and to use
58 the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled
59 bore by a single function of the trigger;

60 (17) "School", any charter school, as such term is defined in section 160.400, any
61 private school, as such term is defined in section 166.700, or any public school, as such term
62 is defined in section 160.011;

63 (18) "Short barrel", a barrel length of less than sixteen inches for a rifle and eighteen
64 inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall
65 rifle or shotgun length of less than twenty-six inches;

66 (19) "Shotgun", any firearm designed or adapted to be fired from the shoulder and to
67 use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single
68 projectile through a smooth bore barrel by a single function of the trigger;

69 (20) "Spring gun", any fused, timed or nonmanually controlled trap or device
70 designed or adapted to set off an explosion for the purpose of inflicting serious physical injury
71 or death;

72 (21) "Switchblade knife", any knife which has a blade that folds or closes into the
73 handle or sheath, and:

74 (a) That opens automatically by pressure applied to a button or other device located
75 on the handle; or

76 (b) That opens or releases from the handle or sheath by the force of gravity or by the
77 application of centrifugal force;

78 **(22) "Urban area", any area of this state that is:**

79 **(a) Within a metropolitan statistical area, as defined by the United States Office**
80 **of Management and Budget, with a principal city of more than one hundred thousand**
81 **inhabitants; and**

82 **(b) Classified as an urban area by the United States Census Bureau.**

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

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

6 (2) Sets a spring gun; or

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

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

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

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

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 at or from a motor vehicle, as defined in section
25 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any
26 building or habitable structure, unless the person was lawfully acting in self-defense; or

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

30 (11) Possesses a firearm while also knowingly in possession of a controlled substance
31 that is sufficient for a felony violation of section 579.015; or

32 **(12) Carries a firearm into any area accessible to the public within any urban**
33 **area if the person is under eighteen years of age.**

34 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the
35 persons described in this subsection, regardless of whether such uses are reasonably
36 associated with or are necessary to the fulfillment of such person's official duties except as
37 otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), ~~and~~ (9), **and (12)** of
38 subsection 1 of this section shall not apply to or affect any of the following persons, when
39 such uses are reasonably associated with or are necessary to the fulfillment of such person's
40 official duties, except as otherwise provided in this subsection:

41 (1) All state, county and municipal peace officers who have completed the training
42 required by the police officer standards and training commission pursuant to sections 590.030
43 to 590.050 and who possess the duty and power of arrest for violation of the general criminal

44 laws of the state or for violation of ordinances of counties or municipalities of the state,
45 whether such officers are on or off duty, and whether such officers are within or outside of the
46 law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in
47 subsection 12 of this section, and who carry the identification defined in subsection 13 of this
48 section, or any person summoned by such officers to assist in making arrests or preserving the
49 peace while actually engaged in assisting such officer;

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

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

54 (4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with
55 the judicial power of the state and those persons vested by Article III of the Constitution of
56 the United States with the judicial power of the United States, the members of the federal
57 judiciary;

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

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

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

64 (8) Any corporate security advisor meeting the definition and fulfilling the
65 requirements of the regulations established by the department of public safety under section
66 590.750;

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

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

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

77 (12) Upon the written approval of the governing body of a fire department or fire
78 protection district, any paid fire department or fire protection district member who is
79 employed on a full-time basis and who has a valid concealed carry endorsement issued prior

80 to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably
81 associated with or are necessary to the fulfillment of such person's official duties.

82 3. **(1)** Subdivisions (1), (5), (8), ~~[and]~~ (10), **and (12)** of subsection 1 of this section
83 do not apply when the actor is transporting such weapons in a nonfunctioning state or in an
84 unloaded state when ammunition is not readily accessible or when such weapons are not
85 readily accessible.

86 **(2)** Subdivision (1) of subsection 1 of this section does not apply to any person
87 nineteen years of age or older or eighteen years of age or older and a member of the United
88 States Armed Forces, or honorably discharged from the United States Armed Forces,
89 transporting a concealable firearm in the passenger compartment of a motor vehicle, so long
90 as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in
91 possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in
92 his or her dwelling unit or upon premises over which the actor has possession, authority or
93 control, or is traveling in a continuous journey peaceably through this state.

94 **(3)** Subdivision (10) of subsection 1 of this section does not apply if the firearm is
95 otherwise lawfully possessed by a person while traversing school premises for the purposes of
96 transporting a student to or from school, or possessed by an adult for the purposes of
97 facilitation of a school-sanctioned firearm-related event or club event.

98 **(4) Subdivision (12) of subsection 1 of this section shall not apply if the firearm is**
99 **otherwise lawfully possessed by a person:**

100 **(a) In the course of employment.** A person who is employed in a position
101 described in subsection 2 of this section and who lawfully possesses the firearm in the
102 course of that employment qualifies for this exemption from subdivision (12) of
103 subsection 1 of this section regardless of any additional requirements for the exemption
104 specified in subsection 2 of this section;

105 **(b) In the course of target practice or hunting; or**

106 **(c) During instruction in the safe and lawful use of a firearm.**

107 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
108 person who has a valid concealed carry permit issued pursuant to sections 571.101 to
109 571.121, a valid concealed carry endorsement issued before August 28, 2013, or a valid
110 permit or endorsement to carry concealed firearms issued by another state or political
111 subdivision of another state.

112 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), ~~[and]~~ (10), **and (12)** of subsection 1 of
113 this section shall not apply to persons who are engaged in a lawful act of defense pursuant to
114 section 563.031.

115 6. Notwithstanding any provision of this section to the contrary, the state shall not
116 prohibit any state employee from having a firearm in the employee's vehicle on the state's

117 property provided that the vehicle is locked and the firearm is not visible. This subsection
118 shall only apply to the state as an employer when the state employee's vehicle is on property
119 owned or leased by the state and the state employee is conducting activities within the scope
120 of his or her employment. For the purposes of this subsection, "state employee" means an
121 employee of the executive, legislative, or judicial branch of the government of the state of
122 Missouri.

123 7. (1) Subdivision (10) of subsection 1 of this section shall not apply to a person who
124 is a school officer commissioned by the district school board under section 162.215 or who is
125 a school protection officer, as described under section 160.665.

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

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

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

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

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

143 (4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony,
144 except that if the violation of subdivision (9) of subsection 1 of this section results in injury or
145 death to another person, it is a class A felony; **or**

146 **(5) Subdivision (12) of subsection 1 of this section shall be guilty of a class A**
147 **misdemeanor.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

186 (1) A photographic identification issued by the agency from which the individual
187 retired from service as a peace officer that indicates that the individual has, not less recently
188 than one year before the date the individual is carrying the concealed firearm, been tested or

189 otherwise found by the agency to meet the standards established by the agency for training
190 and qualification for active peace officers to carry a firearm of the same type as the concealed
191 firearm; or

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

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

✓