

SENATE BILL NO. 1169

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROBERTS.

4787S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to the offense of unlawful use of weapons, 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Section A. Section 571.030, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 571.030,
3 to read as follows:

571.030. 1. A person commits the offense of unlawful
2 use of weapons, except as otherwise provided by sections
3 571.101 to 571.121, if he or she knowingly:

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

8 (2) Sets a spring gun; or

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

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

16 (5) Has a firearm or projectile weapon readily capable
17 of lethal use on his or her person, while he or she is

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 intoxicated, and handles or otherwise uses such firearm or
19 projectile weapon in either a negligent or unlawful manner
20 or discharges such firearm or projectile weapon unless
21 acting in self-defense; or

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

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

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

33 (9) Discharges or shoots a firearm at or from a motor
34 vehicle, as defined in section 301.010, discharges or shoots
35 a firearm at any person, or at any other motor vehicle, or
36 at any building or habitable structure, unless the person
37 was lawfully acting in self-defense; or

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

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

46 (12) **Within any city not within a county, carries**
47 **openly or concealed upon or about his or her person a**
48 **firearm.**

49 2. Subdivisions (1), (8), and (10) of subsection 1 of
50 this section shall not apply to the persons described in
51 this subsection, regardless of whether such uses are
52 reasonably associated with or are necessary to the
53 fulfillment of such person's official duties except as
54 otherwise provided in this subsection. Subdivisions (3),
55 (4), (6), (7), [and] (9), **and (12)** of subsection 1 of this
56 section shall not apply to or affect any of the following
57 persons, when such uses are reasonably associated with or
58 are necessary to the fulfillment of such person's official
59 duties, except as otherwise provided in this subsection:

60 (1) All state, county and municipal peace officers who
61 have completed the training required by the police officer
62 standards and training commission pursuant to sections
63 590.030 to 590.050 and who possess the duty and power of
64 arrest for violation of the general criminal laws of the
65 state or for violation of ordinances of counties or
66 municipalities of the state, whether such officers are on or
67 off duty, and whether such officers are within or outside of
68 the law enforcement agency's jurisdiction, or all qualified
69 retired peace officers, as defined in subsection 12 of this
70 section, and who carry the identification defined in
71 subsection 13 of this section, or any person summoned by
72 such officers to assist in making arrests or preserving the
73 peace while actually engaged in assisting such officer;

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

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

79 (4) Those persons vested by Article V, Section 1 of
80 the Constitution of Missouri with the judicial power of the

81 state and those persons vested by Article III of the
82 Constitution of the United States with the judicial power of
83 the United States, the members of the federal judiciary;

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

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

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

93 (8) Any corporate security advisor meeting the
94 definition and fulfilling the requirements of the
95 regulations established by the department of public safety
96 under section 590.750;

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

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

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

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

3. Subdivisions (1), (5), (8), [and] (10), **and (12)** of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

143 4. Subdivisions (1), (8), [and] (10), **and (12)** of
144 subsection 1 of this section shall not apply to any person
145 who has a valid concealed carry permit issued pursuant to
146 sections 571.101 to 571.121, a valid concealed carry
147 endorsement issued before August 28, 2013, or a valid permit
148 or endorsement to carry concealed firearms issued by another
149 state or political subdivision of another state.

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

154 6. Notwithstanding any provision of this section to
155 the contrary, the state shall not prohibit any state
156 employee from having a firearm in the employee's vehicle on
157 the state's property provided that the vehicle is locked and
158 the firearm is not visible. This subsection shall only
159 apply to the state as an employer when the state employee's
160 vehicle is on property owned or leased by the state and the
161 state employee is conducting activities within the scope of
162 his or her employment. For the purposes of this subsection,
163 "state employee" means an employee of the executive,
164 legislative, or judicial branch of the government of the
165 state of Missouri.

166 7. (1) Subdivision (10) of subsection 1 of this
167 section shall not apply to a person who is a school officer
168 commissioned by the district school board under section
169 162.215 or who is a school protection officer, as described
170 under section 160.665.

171 (2) Nothing in this section shall make it unlawful for
172 a student to actually participate in school-sanctioned gun
173 safety courses, student military or ROTC courses, or other
174 school-sponsored or club-sponsored firearm-related events,

provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

8. A person who commits the **[crime] offense** of unlawful use of weapons under:

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

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

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

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

(5) Subdivision (12) of subsection 1 of this section shall be guilty of a class A misdemeanor for the first offense and a class E felony for a second or subsequent offense.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

268 officers to carry a firearm of the same type as the
269 concealed firearm; or

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

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

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