

FIRST REGULAR SESSION

HOUSE BILL NO. 128

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BRATTIN.

0550H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 571.107, RSMo, and to enact in lieu thereof one new section relating to the concealed carry of firearms, with a penalty provision.

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

Section A. Section 571.107, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.107, to read as follows:

571.107. 1. A concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize the person in whose name the permit or endorsement is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No concealed carry permit issued pursuant to sections 571.101 to 571.121, valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize any person to carry concealed firearms into:

(1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(2) Within twenty-five feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, 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 correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not
19 removed from the vehicle or brandished while the vehicle is on the premises;

20 (4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any
21 courtrooms, administrative offices, libraries or other rooms of any such court whether or not such
22 court solely occupies the building in question. This subdivision shall also include, but not be
23 limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of
24 the courts or offices listed in this subdivision are temporarily conducting any business within the
25 jurisdiction of such courts or offices, and such other locations in such manner as may be
26 specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this
27 subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section
28 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2), (4),
29 and (10) of subsection 2 of section 571.030, or such other persons who serve in a law
30 enforcement capacity for a court as may be specified by supreme court rule pursuant to
31 subdivision (6) of this subsection from carrying a concealed firearm within any of the areas
32 described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the
33 areas listed in this subdivision shall not be a criminal offense so long as the firearm is not
34 removed from the vehicle or brandished while the vehicle is on the premises;

35 (5) Any meeting of the governing body of a unit of local government; or any meeting of
36 the general assembly or a committee of the general assembly, except that nothing in this
37 subdivision shall preclude a member of the body holding a valid concealed carry permit or
38 endorsement from carrying a concealed firearm at a meeting of the body which he or she is a
39 member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so
40 long as the firearm is not removed from the vehicle or brandished while the vehicle is on the
41 premises. Nothing in this subdivision shall preclude a member of the general assembly, a
42 full-time employee of the general assembly employed under Section 17, Article III, Constitution
43 of Missouri, legislative employees of the general assembly as determined under section 21.155,
44 or statewide elected officials and their employees, holding a valid concealed carry permit or
45 endorsement, from carrying a concealed firearm in the state capitol building or at a meeting
46 whether of the full body of a house of the general assembly or a committee thereof, that is held
47 in the state capitol building;

48 (6) The general assembly, supreme court, county or municipality may by rule,
49 administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by
50 permit or endorsement holders in that portion of a building owned, leased or controlled by that
51 unit of government. Any portion of a building in which the carrying of concealed firearms is
52 prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted
53 area. The statute, rule or ordinance shall exempt any building used for public housing by private

54 persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled
55 by that unit of government from any restriction on the carrying or possession of a firearm. The
56 statute, rule or ordinance shall not specify any criminal penalty for its violation but may specify
57 that persons violating the statute, rule or ordinance may be denied entrance to the building,
58 ordered to leave the building and if employees of the unit of government, be subjected to
59 disciplinary measures for violation of the provisions of the statute, rule or ordinance. The
60 provisions of this subdivision shall not apply to any other unit of government;

61 (7) Any establishment licensed to dispense intoxicating liquor for consumption on the
62 premises, which portion is primarily devoted to that purpose, without the consent of the owner
63 or manager. The provisions of this subdivision shall not apply to the licensee of said
64 establishment. The provisions of this subdivision shall not apply to any bona fide restaurant
65 open to the general public having dining facilities for not less than fifty persons and that receives
66 at least fifty-one percent of its gross annual income from the dining facilities by the sale of food.
67 This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the
68 establishment and shall not be a criminal offense so long as the firearm is not removed from the
69 vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision
70 authorizes any individual who has been issued a concealed carry permit or endorsement to
71 possess any firearm while intoxicated;

72 (8) Any area of an airport to which access is controlled by the inspection of persons and
73 property. Possession of a firearm in a vehicle on the premises of the airport shall not be a
74 criminal offense so long as the firearm is not removed from the vehicle or brandished while the
75 vehicle is on the premises;

76 (9) Any place where the carrying of a firearm is prohibited by federal law;

77 (10) Any higher education institution or elementary or secondary school facility without
78 the consent of the governing body of the higher education institution or a school official or the
79 district school board, unless the person with the concealed carry endorsement or permit is a
80 teacher or administrator of an elementary or secondary school who has been designated by his
81 or her school district as a school protection officer and is carrying a firearm in a school within
82 that district, in which case no consent is required. Possession of a firearm in a vehicle on the
83 premises of any higher education institution or elementary or secondary school facility shall not
84 be a criminal offense so long as the firearm is not removed from the vehicle or brandished while
85 the vehicle is on the premises;

86 (11) Any portion of a building used as a child care facility without the consent of the
87 manager. Nothing in this subdivision shall prevent the operator of a child care facility in a
88 family home from owning or possessing a firearm or a concealed carry permit or endorsement;

89 (12) Any riverboat gambling operation accessible by the public without the consent of
90 the owner or manager pursuant to rules promulgated by the gaming commission. Possession of
91 a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal
92 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle
93 is on the premises;

94 (13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the
95 premises of the amusement park shall not be a criminal offense so long as the firearm is not
96 removed from the vehicle or brandished while the vehicle is on the premises;

97 (14) Any church or other place of religious worship without the consent of the minister
98 or person or persons representing the religious organization that exercises control over the place
99 of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal
100 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle
101 is on the premises;

102 (15) Any private property whose owner has posted the premises as being off-limits to
103 concealed firearms by means of one or more signs displayed in a conspicuous place of a
104 minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less
105 than one inch. The owner, business or commercial lessee, manager of a private business
106 enterprise, or any other organization, entity, or person may prohibit persons holding a concealed
107 carry permit or endorsement from carrying concealed firearms on the premises and may prohibit
108 employees, not authorized by the employer, holding a concealed carry permit or endorsement
109 from carrying concealed firearms on the property of the employer. If the building or the premises
110 are open to the public, the employer of the business enterprise shall post signs on or about the
111 premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on
112 the premises shall not be a criminal offense so long as the firearm is not removed from the
113 vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees
114 or other persons holding a concealed carry permit or endorsement from carrying a concealed
115 firearm in vehicles owned by the employer;

116 (16) Any sports arena or stadium with a seating capacity of five thousand or more.
117 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the
118 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

119 (17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the
120 premises of a hospital shall not be a criminal offense so long as the firearm is not removed from
121 the vehicle or brandished while the vehicle is on the premises.

122 2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of
123 subsection 1 of this section by any individual who holds a concealed carry permit issued pursuant
124 to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28,

125 2013, shall not be a criminal act but may subject the person to denial to the premises or removal
126 from the premises. If such person refuses to leave the premises and a peace officer is summoned,
127 such person may be issued a citation for an amount not to exceed one hundred dollars for the first
128 offense. If a second citation for a similar violation occurs within a six-month period, such person
129 shall be fined an amount not to exceed two hundred dollars and his or her permit, and, if
130 applicable, endorsement to carry concealed firearms shall be suspended for a period of one year.
131 If a third citation for a similar violation is issued within one year of the first citation, such person
132 shall be fined an amount not to exceed five hundred dollars and shall have his or her concealed
133 carry permit, and, if applicable, endorsement revoked and such person shall not be eligible for
134 a concealed carry permit for a period of three years. Upon conviction of charges arising from
135 a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which
136 issued the concealed carry permit, or, if the person is a holder of a concealed carry endorsement
137 issued prior to August 28, 2013, the court shall notify the sheriff of the county which issued the
138 certificate of qualification for a concealed carry endorsement and the department of revenue.
139 The sheriff shall suspend or revoke the concealed carry permit or, if applicable, the certificate
140 of qualification for a concealed carry endorsement. If the person holds an endorsement, the
141 department of revenue shall issue a notice of such suspension or revocation of the concealed
142 carry endorsement and take action to remove the concealed carry endorsement from the
143 individual's driving record. The director of revenue shall notify the licensee that he or she must
144 apply for a new license pursuant to chapter 302 which does not contain such endorsement. The
145 notice issued by the department of revenue shall be mailed to the last known address shown on
146 the individual's driving record. The notice is deemed received three days after mailing.

147 **3. Irrespective of the fact that a private owner or other person or entity may**
148 **prohibit the concealed carry of firearms under subdivision (15) of subsection 1 of this**
149 **section, nothing in this section shall be construed to grant any type of immunity, in tort law**
150 **or with regard to other civil actions, for the act of prohibiting the concealed carry of**
151 **firearms.**

152 **4. Irrespective of the fact that certain persons may consent to the carrying of**
153 **firearms in areas where such carrying is otherwise prohibited by this section, nothing in**
154 **this section shall be construed to impose any type of duty, in tort law or with regard to**
155 **other civil actions, on such person to consent to the carrying of firearms.**

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