

SECOND REGULAR SESSION

HOUSE BILL NO. 2559

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FRANKS JR.

6503H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 21.750 and 571.030, RSMo, and to enact in lieu thereof three new sections relating to carrying a concealed weapon, with penalty provisions.

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

Section A. Sections 21.750 and 571.030, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 21.750, 571.030, and 571.098, to read as follows:

21.750. 1. **Except as provided in section 571.098**, the general assembly hereby occupies and preempts the entire field of legislation touching in any way firearms, components, ammunition and supplies to the complete exclusion of any order, ordinance or regulation by any political subdivision of this state. Any existing or future orders, ordinances or regulations in this field are hereby and shall be null and void except as provided in subsection 3 of this section.

2. **Except as provided in subsection 3 of this section and in section 571.098**, no county, city, town, village, municipality, or other political subdivision of this state shall adopt any order, ordinance or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes or other controls on firearms, components, ammunition, and supplies [~~except as provided in subsection 3 of this section~~].

3. (1) Except as provided in subdivision (2) of this subsection, nothing contained in this section shall prohibit any ordinance of any political subdivision which conforms exactly with any of the provisions of sections 571.010 to 571.070, with appropriate penalty provisions, or which regulates the open carrying of firearms readily capable of lethal use or the discharge of firearms within a jurisdiction, provided such ordinance complies with the provisions of section 252.243.

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 No ordinance shall be construed to preclude the use of a firearm in the defense of person or
18 property, subject to the provisions of chapter 563.

19 (2) In any jurisdiction in which the open carrying of firearms is prohibited by ordinance,
20 the open carrying of firearms shall not be prohibited in accordance with the following:

21 (a) Any person with a valid concealed carry endorsement or permit who is open carrying
22 a firearm shall be required to have a valid concealed carry endorsement or permit from this state,
23 or a permit from another state that is recognized by this state, in his or her possession at all times;

24 (b) Any person open carrying a firearm in such jurisdiction shall display his or her
25 concealed carry endorsement or permit upon demand of a law enforcement officer;

26 (c) In the absence of any reasonable and articulable suspicion of criminal activity, no
27 person carrying a concealed or unconcealed firearm shall be disarmed or physically restrained
28 by a law enforcement officer unless under arrest; and

29 (d) Any person who violates this subdivision shall be subject to the penalty provided in
30 section 571.121.

31 4. The lawful design, marketing, manufacture, distribution, or sale of firearms or
32 ammunition to the public is not an abnormally dangerous activity and does not constitute a public
33 or private nuisance.

34 5. No county, city, town, village or any other political subdivision nor the state shall
35 bring suit or have any right to recover against any firearms or ammunition manufacturer, trade
36 association or dealer for damages, abatement or injunctive relief resulting from or relating to the
37 lawful design, manufacture, marketing, distribution, or sale of firearms or ammunition to the
38 public. This subsection shall apply to any suit pending as of October 12, 2003, as well as any
39 suit which may be brought in the future. Provided, however, that nothing in this section shall
40 restrict the rights of individual citizens to recover for injury or death caused by the negligent or
41 defective design or manufacture of firearms or ammunition.

42 6. Nothing in this section shall prevent the state, a county, city, town, village or any other
43 political subdivision from bringing an action against a firearms or ammunition manufacturer or
44 dealer for breach of contract or warranty as to firearms or ammunition purchased by the state or
45 such political subdivision.

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 or
4 any other weapon readily capable of lethal use into:

5 (a) Any area where firearms are restricted under section 571.107; or

6 (b) Any area within a municipality or county that has passed an ordinance
7 pursuant to section 571.098 without a valid concealed carry permit or endorsement; or

8 (2) Sets a spring gun; or

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

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

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

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

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

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

26 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
27 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any
28 building or habitable structure, unless the person was lawfully acting in self-defense; or

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

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

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 associated
36 with or are necessary to the fulfillment of such person's official duties except as otherwise
37 provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section
38 shall not apply to or affect any of the following persons, when such uses are reasonably
39 associated with or are necessary to the fulfillment of such person's official duties, except as
40 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, whether
45 such officers are on or off duty, and whether such officers are within or outside of the law
46 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection
47 12 of this section, and who carry the identification defined in subsection 13 of this section, or
48 any person summoned by such officers to assist in making arrests or preserving the peace while
49 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 the
56 United States with the judicial power of the United States, the members of the federal judiciary;

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

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

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

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

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

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

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

75 (12) Upon the written approval of the governing body of a fire department or fire
76 protection district, any paid fire department or fire protection district member who is employed
77 on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28,
78 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are
79 necessary to the fulfillment of such person's official duties.

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

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

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

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

108 7. Nothing in this section shall make it unlawful for a student to actually participate in
109 school-sanctioned gun safety courses, student military or ROTC courses, or other
110 school-sponsored or club-sponsored firearm-related events, provided the student does not carry
111 a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or
112 onto the premises of any other function or activity sponsored or sanctioned by school officials
113 or the district school board.

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

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

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

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

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

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

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

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

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

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

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

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

147 12. As used in this section “qualified retired peace officer” means an individual who:

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

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

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

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

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

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

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

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

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

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

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

**571.098. Notwithstanding the provisions of section 21.750 and any other law to the
2 contrary, any municipality or county may adopt an ordinance or regulation restricting the
3 concealed carry of firearms to persons who possess a valid concealed carry permit issued
4 pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to
5 August 28, 2013.**

✓