

SECOND REGULAR SESSION

# HOUSE BILL NO. 2096

100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SHAWAN.

4409H.011

DANA RADEMAN MILLER, Chief Clerk

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## 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.

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*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Section A. Section 571.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.030, to read as follows: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 **switchblade** 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. **The concealed carrying of a knife that is not a switchblade knife shall not constitute an offense of unlawful use of weapons;** 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

89 journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not  
90 apply if the firearm is otherwise lawfully possessed by a person while traversing school premises  
91 for the purposes of transporting a student to or from school, or possessed by an adult for the  
92 purposes of facilitation of a school-sanctioned firearm-related event or club event.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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