

SECOND REGULAR SESSION

HOUSE BILL NO. 1910

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLEY.

5410H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 571.107, RSMo, and to enact in lieu thereof two new sections relating to the carrying of concealed firearms at higher education institutions, with penalty provisions.

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

Section A. Section 571.107, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 571.107 and 650.040, to read as follows: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
78 without the consent of [the governing body of the higher education institution or] a school
79 official or the district school board, unless the person with the concealed carry endorsement or
80 permit is a teacher or administrator of an elementary or secondary school who has been
81 designated by his or her school district as a school protection officer and is carrying a firearm in
82 a school within that district, in which case no consent is required. Possession of a firearm in a
83 vehicle on the premises of any [higher education institution or] elementary or secondary school
84 facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or
85 brandished while 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 **(18) Any higher education institution that has received an exemption as described**
123 **under section 650.040 and has posted the premises as being off-limits to concealed firearms**
124 **by means of one or more signs displayed in a conspicuous place of a minimum size of eleven**

125 inches by fourteen inches with the writing thereon in letters of not less than one inch.
126 Possession of a firearm in a vehicle on the premises of a higher education institution that
127 has received an exemption and has posted the premises as required under this subdivision
128 shall not be a criminal offense so long as the firearm is not removed from the vehicle or
129 brandished while the vehicle is on the premises.

130 2. Carrying of a concealed firearm in a location specified in subdivisions (1) to [(17)]
131 (18) of subsection 1 of this section by any individual who holds a concealed carry permit issued
132 pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August
133 28, 2013, shall not be a criminal act but may subject the person to denial to the premises or
134 removal from the premises. If such person refuses to leave the premises and a peace officer is
135 summoned, such person may be issued a citation for an amount not to exceed one hundred
136 dollars for the first offense. If a second citation for a similar violation occurs within a six-month
137 period, such person shall be fined an amount not to exceed two hundred dollars and his or her
138 permit, and, if applicable, endorsement to carry concealed firearms shall be suspended for a
139 period of one year. If a third citation for a similar violation is issued within one year of the first
140 citation, such person shall be fined an amount not to exceed five hundred dollars and shall have
141 his or her concealed carry permit, and, if applicable, endorsement revoked and such person shall
142 not be eligible for a concealed carry permit for a period of three years. Upon conviction of
143 charges arising from a citation issued pursuant to this subsection, the court shall notify the sheriff
144 of the county which issued the concealed carry permit, or, if the person is a holder of a concealed
145 carry endorsement issued prior to August 28, 2013, the court shall notify the sheriff of the county
146 which issued the certificate of qualification for a concealed carry endorsement and the
147 department of revenue. The sheriff shall suspend or revoke the concealed carry permit or, if
148 applicable, the certificate of qualification for a concealed carry endorsement. If the person holds
149 an endorsement, the department of revenue shall issue a notice of such suspension or revocation
150 of the concealed carry endorsement and take action to remove the concealed carry endorsement
151 from the individual's driving record. The director of revenue shall notify the licensee that he or
152 she must apply for a new license pursuant to chapter 302 which does not contain such
153 endorsement. The notice issued by the department of revenue shall be mailed to the last known
154 address shown on the individual's driving record. The notice is deemed received three days after
155 mailing.

650.040. 1. Any higher education institution may apply to the department of public
2 safety for an exemption to the concealed carry permit provisions under sections 571.101
3 to 571.126. An institution granted an exemption under this section that has posted the
4 premises as being off-limits to concealed firearms in accordance with section 571.107 may

5 prohibit persons holding a concealed carry permit or endorsement from carrying
6 concealed firearms on the property of the institution.

7 2. The department shall grant an exemption to the higher education institution only
8 if the institution can demonstrate:

9 (1) Permanent placement at each entrance to any building on the property of the
10 institution of security personnel and electronic weapons screening devices;

11 (2) A requirement that security personnel electronically screen each person who
12 enters a building on the property to determine whether the person is carrying a weapon
13 of any kind; and

14 (3) A requirement that each person who is carrying a weapon of any kind must
15 leave the weapon in the possession of security personnel while the person is in the building.

16 3. The director of the department of public safety shall make necessary rules and
17 regulations for the administration of this section, and shall design all necessary forms
18 required by this section. Any rule or portion of a rule, as that term is defined in section
19 536.010 that is created under the authority delegated in this section shall become effective
20 only if it complies with and is subject to all of the provisions of chapter 536, and, if
21 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of
22 the powers vested with the general assembly pursuant to chapter 536, to review, to delay
23 the effective date, or to disapprove and annul a rule are subsequently held
24 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
25 after August 28, 2016, shall be invalid and void.

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