

SENATE BILL NO. 1205

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHNELTING.

5576S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to the carrying of weapons by the attorney general, 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Section A. Section 571.030, RSMo, is repealed and one new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

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.

46 2. Subdivisions (1), (8), and (10) of subsection 1 of
47 this section shall not apply to the persons described in
48 this subsection, regardless of whether such uses are
49 reasonably associated with or are necessary to the

50 fulfillment of such person's official duties except as
51 otherwise provided in this subsection. Subdivisions (3),
52 (4), (6), (7), and (9) of subsection 1 of this section shall
53 not apply to or affect any of the following persons, when
54 such uses are reasonably associated with or are necessary to
55 the fulfillment of such person's official duties, except as
56 otherwise provided in this subsection:

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

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

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

76 (4) Those persons vested by Article V, Section 1 of
77 the Constitution of Missouri with the judicial power of the
78 state and those persons vested by Article III of the
79 Constitution of the United States with the judicial power of
80 the United States, the members of the federal judiciary;

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

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

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

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

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

96 (10) Any municipal or county prosecuting attorney or
97 assistant prosecuting attorney; circuit attorney or
98 assistant circuit attorney; municipal, associate, or circuit
99 judge; **the attorney general or staff of the attorney**

100 **general**; or any person appointed by a court to be a special
101 prosecutor who has completed the firearms safety training
102 course required under subsection 2 of section 571.111;

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

110 (12) Upon the written approval of the governing body
111 of a fire department or fire protection district, any paid
112 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) 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.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued

145 before August 28, 2013, or a valid permit or endorsement to
146 carry concealed firearms issued by another state or
147 political subdivision of another state.

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

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

164 7. (1) Subdivision (10) of subsection 1 of this
165 section shall not apply to a person who is a school officer
166 commissioned by the district school board under section
167 162.215 or who is a school protection officer, as described
168 under section 160.665.

169 (2) Nothing in this section shall make it unlawful for
170 a student to actually participate in school-sanctioned gun
171 safety courses, student military or ROTC courses, or other
172 school-sponsored or club-sponsored firearm-related events,
173 provided the student does not carry a firearm or other
174 weapon readily capable of lethal use into any school, onto
175 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 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.

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

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

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony

without the possibility of parole, probation or conditional release for a term of ten years;

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

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

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

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

12. As used in this section "qualified retired peace 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,

240 or retired from service with such agency, after completing
241 any applicable probationary period of such service, due to a
242 service-connected disability, as determined by such agency;

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

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

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

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

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

255 (1) A photographic identification issued by the agency
256 from which the individual retired from service as a peace
257 officer that indicates that the individual has, not less
258 recently than one year before the date the individual is
259 carrying the concealed firearm, been tested or otherwise
260 found by the agency to meet the standards established by the
261 agency for training and qualification for active peace
262 officers to carry a firearm of the same type as the
263 concealed firearm; or

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

267 (3) A certification issued by the state in which the
268 individual resides that indicates that the individual has,
269 not less recently than one year before the date the
270 individual is carrying the concealed firearm, been tested or
271 otherwise found by the state to meet the standards

272 established by the state for training and qualification for
273 active peace officers to carry a firearm of the same type as
274 the concealed firearm.

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