

FIRST REGULAR SESSION

HOUSE BILL NO. 28

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WILSON (42), BOYKINS AND CURLS (Co-sponsors).

Pre-filed December 1, 2000, and 1000 copies ordered printed.

ANNE C. WALKER, Chief Clerk

0303L.011

AN ACT

To repeal section 571.030, RSMo 2000, relating to unlawful use of weapons, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

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

Section A. Section 571.030, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 571.030, to read as follows: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 crime of unlawful use of weapons if [he] **the person** knowingly:

(1) Carries concealed upon or about his **or her** person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; 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, RSMo, or any building or structure used for the assembling of people **or discharges or shoots a firearm into the air, except when legally hunting wild birds or while engaging in or practicing for a recognized sporting event;** 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) Possesses or discharges a firearm or projectile weapon while intoxicated; or

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

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

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 (8) Carries a firearm or any other weapon readily capable of lethal use into any church
18 or place where people have assembled for worship, or into any school, or into any election
19 precinct on any election day, or into any building owned or occupied by any agency of the federal
20 government, state government, or political subdivision thereof, or into any public assemblage
21 of persons met for any lawful purpose; or

22 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
23 301.010, RSMo, while within any city, town, or village, and discharges or shoots a firearm at any
24 person, or at any other motor vehicle, or at any building or habitable structure, unless the person
25 was lawfully acting in self-defense.

26 2. Subdivisions (1), (3), (4), (6), (7), (8) and (9) of subsection 1 of this section shall not
27 apply to or affect any of the following:

28 (1) All state, county and municipal law enforcement officers possessing the duty and
29 power of arrest for violation of the general criminal laws of the state or for violation of
30 ordinances of counties or municipalities of the state, or any person summoned by such officers
31 to assist in making arrests or preserving the peace while actually engaged in assisting such
32 officer;

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

35 (3) Members of the armed forces or national guard while performing their official duty;

36 (4) Those persons vested by article V, section 1 of the Constitution of Missouri with the
37 judicial power of the state and those persons vested by article III of the Constitution of the United
38 States with the judicial power of the United States, the members of the federal judiciary;

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

40 (6) Any federal probation officer;

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

43 (8) Any corporate security advisor meeting the definition and fulfilling the requirements
44 of the regulations established by the board of police commissioners under section 84.340, RSMo.

45 3. Subdivisions (1), (5) and (8) of subsection 1 of this section do not apply when the
46 actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
47 ammunition is not readily accessible or when such weapons are not readily accessible.
48 Subdivision (1) of subsection 1 of this section does not apply when the actor is also in possession
49 of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his dwelling
50 unit or upon business premises over which the actor has possession, authority or control, or is
51 traveling in a continuous journey peaceably through this state.

52 4. Unlawful use of weapons is a class D felony unless committed [under] **pursuant to**

53 subdivision (5), (6), (7) or (8) of subsection 1 of this section, in which cases it is a class B
54 misdemeanor, or subdivision (9) of subsection 1 of this section, in which case it is a class B
55 felony, except that if the violation of subdivision (9) of subsection 1 of this section results in
56 injury or death to another person, it is a class A felony.

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

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

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

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

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

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