

SECOND REGULAR SESSION

HOUSE BILL NO. 919

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOPER (120).

Pre-filed December 22, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3493L.011

AN ACT

To amend chapter 578, RSMo, by adding thereto one new section relating to unlawful purchase, ownership, or possession of body armor, with a penalty provision.

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

Section A. Chapter 578, RSMo, is amended by adding thereto one new section, to be known as section 578.340, to read as follows:

578.340. 1. As used in this section the following terms mean:

(1) "Ballistic panels", the material against which the armor specimen is securely positioned for ballistic testing to allow analysis and comparison of the backface deformation resulting from the impact of nonpenetrating rounds;

(2) "Body armor", those parts of a complete armor that provide ballistic resistance to the penetration of the test ammunition for which a complete armor is certified. In certain models, the body armor consists of ballistic panels without a carrier. Other models have a carrier from which the ballistic panels may be removed for cleaning or replacement. Body armor is popularly referred to as a bulletproof vest;

(3) "Carrier", a washable cloth covering designed to hold and position ballistic panels on the torso;

(4) "Penetration", complete perforation of an armor test sample by a test bullet or bullet fragment, or fragments of the armor evidenced by the presence of the bullet or fragment in the backing material, or by a hole that passes through a ballistic panel or vest.

2. Except as provided in subsections 4, 5, 6, 7, or 8 of this section, a person commits the crime of unlawful possession, purchase, or ownership of body armor if such person purchases, owns, or possesses body armor and such person has pled guilty or nolo contendere to or has been convicted of a dangerous felony, as defined in section 556.061,

19 **RSMo, or of an attempt to commit a dangerous felony, or of a crime under the laws of any**
20 **state or of the United States which, if committed within this state, would be a dangerous**
21 **felony.**

22 **3. Unlawful possession, purchase, or ownership of body armor is a class D felony.**

23 **4. Any person whose employment, livelihood, or safety is dependant on the ability**
24 **to legally possess and use body armor, who would be prohibited from doing so under the**
25 **provisions of subsection 2 of this section, may file a petition with the chief of police or**
26 **county sheriff of the jurisdiction in which he or she seeks to possess, purchase, own or use**
27 **the body armor for an exception to this prohibition.**

28 **5. The chief of police or sheriff may reduce or eliminate the prohibition, impose**
29 **conditions on reduction or elimination of the prohibition, or otherwise grant relief from**
30 **the prohibition as he or she deems appropriate, based on the following:**

31 **(1) A finding that the petitioner is likely to use body armor in a safe and lawful**
32 **manner; and**

33 **(2) A finding that the petitioner has a reasonable need for such protection under**
34 **the circumstances.**

35 **6. In making his or her decision, the chief of police or sheriff shall consider the**
36 **petitioner's continued employment, the interests of justice, any relevant evidence, and the**
37 **totality of the circumstances. It is the intent of the legislature that law enforcement**
38 **officials exercise broad discretion in fashioning appropriate relief pursuant to the**
39 **provisions of this section in cases in which relief is warranted. However, nothing in this**
40 **section shall be construed to require law enforcement officials to grant relief to any**
41 **particular petitioner. Relief from this prohibition shall not relieve any person or entity**
42 **from any other liability that might otherwise be imposed.**

43 **7. The chief of police or sheriff shall require, as a condition of granting an**
44 **exception pursuant to subsections 4, 5, and 6 of this section, that the petitioner agree to**
45 **maintain on his or her person a certified copy of the law enforcement official's permission**
46 **to possess and use body armor, including any conditions or limitations.**

47 **8. Law enforcement officials who enforce the prohibition specified in subsection 2**
48 **of this section against a person who has been granted relief pursuant to subsections 4, 5,**
49 **6, and 7 of this section, shall be immune from any liability for false arrest arising from the**
50 **enforcement of this section unless the person has in his or her possession a certified copy**
51 **of the permission granting the person relief from the prohibition, as required by subsection**
52 **7 of this section. This immunity from liability shall not relieve any person or entity from**
53 **any other liability that might otherwise be imposed.**