

SECOND REGULAR SESSION

# HOUSE BILL NO. 1584

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES PHILLIPS (Sponsor), BROWN, SKAGGS,  
DEMPSEY AND ROARK (Co-sponsors).

Read 1<sup>st</sup> time February 26, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4775L.011

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### AN ACT

To repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to 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Section A. Section 571.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.030, to read as follows: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 crime of unlawful use of weapons if he or she knowingly, **except as to subdivision (11) of subsection 1 of this section:**

(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

(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 schoolhouse, 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

(8) Carries a firearm or any other weapon readily capable of lethal use into any church

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

17 or place where people have assembled for worship, or into any election precinct on any election  
18 day, or into any building owned or occupied by any agency of the federal government, state  
19 government, or political subdivision thereof; or

20 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section  
21 301.010, RSMo, discharges or shoots a firearm at any person, or at any other motor vehicle, or  
22 at any building or habitable structure, unless the person was lawfully acting in self-defense; or

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

26 **(11) With criminal negligence, carries a firearm or any other weapon readily**  
27 **capable of lethal use into any area of an airport to which access is controlled by inspection**  
28 **of persons and property or into any area in which such inspections are conducted.**

29 2. Subdivisions (1), (3), (4), (6), (7), (8), (9) [and], (10) and (11) of subsection 1 of this  
30 section shall not apply to or affect any of the following:

31 (1) All state, county and municipal peace officers who have completed the training  
32 required by the police officer standards and training commission pursuant to sections 590.030  
33 to 590.050, RSMo, and possessing the duty and power of arrest for violation of the general  
34 criminal laws of the state or for violation of ordinances of counties or municipalities of the state,  
35 whether such officers are on or off duty, and whether such officers are within or outside of the  
36 law enforcement agency's jurisdiction, or any person summoned by such officers to assist in  
37 making arrests or preserving the peace while actually engaged in assisting such officer;

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

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

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

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

45 (6) Any federal probation officer;

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

48 (8) Any corporate security advisor meeting the definition and fulfilling the requirements  
49 of the regulations established by the board of police commissioners under section 84.340, RSMo;  
50 and

51 (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner.

52 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when

53 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when  
54 ammunition is not readily accessible or when such weapons are not readily accessible.  
55 Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of  
56 age or older transporting a concealable firearm in the passenger compartment of a motor vehicle,  
57 so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also  
58 in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in  
59 his or her dwelling unit or upon premises over which the actor has possession, authority or  
60 control, or is traveling in a continuous journey peaceably through this state. **However, the**  
61 **defenses in this subsection shall not apply to any person who enters into any area of an**  
62 **airport to which access is controlled by inspection of persons and property or into any area**  
63 **in which such inspections are conducted, except that a person may possess a firearm in a**  
64 **vehicle on the premises of an airport so long as the firearm is not removed from the vehicle**  
65 **or brandished while the vehicle is on the premises.** Subdivision (10) of subsection 1 of this  
66 section does not apply if the firearm is otherwise lawfully possessed by a person while traversing  
67 school premises for the purposes of transporting a student to or from school, or possessed by an  
68 adult for the purposes of facilitation of a school-sanctioned firearm-related event.

69 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any  
70 person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to  
71 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or  
72 political subdivision of another state.

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

76 6. Nothing in this section shall make it unlawful for a student to actually participate in  
77 school-sanctioned gun safety courses, student military or ROTC courses, or other  
78 school-sponsored firearm-related events, provided the student does not carry a firearm or other  
79 weapon readily capable of lethal use into any school, onto any school bus, or onto the premises  
80 of any other function or activity sponsored or sanctioned by school officials or the district school  
81 board.

82 7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision  
83 (6), (7), [or] (8), **or (11)** of subsection 1 of this section, in which cases it is a class B  
84 misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in which case it is a class  
85 A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or  
86 subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that  
87 if the violation of subdivision (9) of subsection 1 of this section results in injury or death to  
88 another person, it is a class A felony.

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

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

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

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

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

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