

FIRST REGULAR SESSION

HOUSE BILL NO. 354

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LIPKE (Sponsor), PAGE, WILSON (119), WILDBERGER,
DUSENBERG, BROWN (30) AND NIEVES (Co-sponsor).

Read 1st time January 26, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0829L.011

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.

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Section A. Section 571.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.030, to read as follows: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:

(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

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.

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

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

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

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

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

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

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

42 (6) Any federal probation officer;

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

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

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

49 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when
50 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
51 ammunition is not readily accessible or when such weapons are not readily accessible.

52 Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of
53 age or older transporting a concealable firearm in the passenger compartment of a motor vehicle,
54 so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also
55 in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in
56 his or her dwelling unit or upon premises over which the actor has possession, authority or
57 control, or is traveling in a continuous journey peaceably through this state. Subdivision (10)
58 of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by
59 a person while traversing school premises for the purposes of transporting a student to or from
60 school, or possessed by an adult for the purposes of facilitation of a school-sanctioned
61 firearm-related event.

62 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
63 person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to
64 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or
65 political subdivision of another state.

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

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

75 7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision
76 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or
77 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor
78 if the **projectile weapon or** firearm is unloaded and a class D felony if the **projectile weapon**
79 **or** firearm is loaded, or subdivision (9) of subsection 1 of this section, in which case it is a class
80 B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in
81 injury or death to another person, it is a class A felony.

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

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

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

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

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

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