

FIRST REGULAR SESSION

HOUSE BILL NO. 767

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JOLLY.

Read 1st time March 10, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2049L.02I

AN ACT

To repeal section 571.107, RSMo, and to enact in lieu thereof one new section relating to concealed carry endorsements.

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

Section A. Section 571.107, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.107, to read as follows:

571.107. 1. A concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a concealed carry endorsement or permit issued **to a nonresident** by another state or political subdivision of another state shall authorize the person in whose name the permit or endorsement is issued to carry concealed firearms on or about his or her person or vehicle throughout [the] this state, **so long as the person fulfills all of the requirements of this subsection. Any Missouri resident who obtains a concealed carry endorsement issued by another state or any resident of another state who obtains a concealed carry endorsement from such state and who subsequently becomes a Missouri resident shall apply for a Missouri permit within thirty days after the effective date of this section or within thirty days after the county where the person resides begins taking permit applications, whichever occurs later. Any person who obtains a concealed carry endorsement from another state and subsequently moves to Missouri shall apply for a permit within thirty days of coming into the state or within thirty days after the county the person moves to begins taking permit applications whichever occurs later. If any person fails to apply for a Missouri permit within the time limits prescribed in this subsection and subsequently fails to obtain a Missouri permit, such person's out-of-state permit shall be deemed invalid.**

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.

17 No driver's license or nondriver's license containing a concealed carry endorsement issued
18 pursuant to sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by
19 another state or political subdivision of another state shall authorize any person to carry
20 concealed firearms into:

21 (1) Any police, sheriff, or highway patrol office or station without the consent of the
22 chief law enforcement officer in charge of that office or station. Possession of a firearm in a
23 vehicle on the premises of the office or station shall not be a criminal offense so long as the
24 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

25 (2) Within twenty-five feet of any polling place on any election day. Possession of a
26 firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long
27 as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

28 (3) The facility of any adult or juvenile detention or correctional institution, prison or
29 jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or
30 correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not
31 removed from the vehicle or brandished while the vehicle is on the premises;

32 (4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any
33 courtrooms, administrative offices, libraries or other rooms of any such court whether or not such
34 court solely occupies the building in question. This subdivision shall also include, but not be
35 limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of
36 the courts or offices listed in this subdivision are temporarily conducting any business within the
37 jurisdiction of such courts or offices, and such other locations in such manner as may be
38 specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this
39 subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section
40 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2) and
41 (4) of subsection 2 of section 571.030, or such other persons who serve in a law enforcement
42 capacity for a court as may be specified by supreme court rule pursuant to subdivision (6) of this
43 subsection from carrying a concealed firearm within any of the areas described in this
44 subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this
45 subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle
46 or brandished while the vehicle is on the premises;

47 (5) Any meeting of the governing body of a unit of local government; or any meeting of
48 the general assembly or a committee of the general assembly, except that nothing in this
49 subdivision shall preclude a member of the body holding a valid concealed carry endorsement
50 from carrying a concealed firearm at a meeting of the body which he or she is a member.
51 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the
52 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

53 (6) The general assembly, supreme court, county or municipality may by rule,
54 administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by
55 endorsement holders in that portion of a building owned, leased or controlled by that unit of
56 government. Any portion of a building in which the carrying of concealed firearms is prohibited
57 or limited shall be clearly identified by signs posted at the entrance to the restricted area. The
58 statute, rule or ordinance shall exempt any building used for public housing by private persons,
59 highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that
60 unit of government from any restriction on the carrying or possession of a firearm. The statute,
61 rule or ordinance shall not specify any criminal penalty for its violation but may specify that
62 persons violating the statute, rule or ordinance may be denied entrance to the building, ordered
63 to leave the building and if employees of the unit of government, be subjected to disciplinary
64 measures for violation of the provisions of the statute, rule or ordinance. The provisions of this
65 subdivision shall not apply to any other unit of government;

66 (7) Any establishment licensed to dispense intoxicating liquor or nonintoxicating beer
67 for consumption on the premises, which portion is primarily devoted to that purpose, without the
68 consent of the owner or manager. The provisions of this subdivision shall not apply to the
69 licensee of said establishment. The provisions of this subdivision shall not apply to any bona
70 fide restaurant open to the general public having dining facilities for not less than fifty persons
71 and that receives at least fifty-one percent of its gross annual income from the dining facilities
72 by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle
73 on the premises of the establishment and shall not be a criminal offense so long as the firearm
74 is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in
75 this subdivision authorizes any individual who has been issued a concealed carry endorsement
76 to possess any firearm while intoxicated;

77 (8) Any area of an airport to which access is controlled by the inspection of persons and
78 property. Possession of a firearm in a vehicle on the premises of the airport shall not be a
79 criminal offense so long as the firearm is not removed from the vehicle or brandished while the
80 vehicle is on the premises;

81 (9) Any place where the carrying of a firearm is prohibited by federal law;

82 (10) Any higher education institution or elementary or secondary school facility without
83 the consent of the governing body of the higher education institution or a school official or the
84 district school board. Possession of a firearm in a vehicle on the premises of any higher
85 education institution or elementary or secondary school facility shall not be a criminal offense
86 so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the
87 premises;

88 (11) Any portion of a building used as a child-care facility without the consent of the

89 manager. Nothing in this subdivision shall prevent the operator of a child-care facility in a
90 family home from owning or possessing a firearm or a driver's license or nondriver's license
91 containing a concealed carry endorsement;

92 (12) Any riverboat gambling operation accessible by the public without the consent of
93 the owner or manager pursuant to rules promulgated by the gaming commission. Possession of
94 a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal
95 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle
96 is on the premises;

97 (13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the
98 premises of the amusement park shall not be a criminal offense so long as the firearm is not
99 removed from the vehicle or brandished while the vehicle is on the premises;

100 (14) Any church or other place of religious worship without the consent of the minister
101 or person or persons representing the religious organization that exercises control over the place
102 of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal
103 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle
104 is on the premises;

105 (15) Any private property whose owner has posted the premises as being off-limits to
106 concealed firearms by means of one or more signs displayed in a conspicuous place of a
107 minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less
108 than one inch. The owner, business or commercial lessee, manager of a private business
109 enterprise, or any other organization, entity, or person may prohibit persons holding a concealed
110 carry endorsement from carrying concealed firearms on the premises and may prohibit
111 employees, not authorized by the employer, holding a concealed carry endorsement from
112 carrying concealed firearms on the property of the employer. If the building or the premises are
113 open to the public, the employer of the business enterprise shall post signs on or about the
114 premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on
115 the premises shall not be a criminal offense so long as the firearm is not removed from the
116 vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees
117 or other persons holding a concealed carry endorsement from carrying a concealed firearm in
118 vehicles owned by the employer;

119 (16) Any sports arena or stadium with a seating capacity of five thousand or more.
120 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the
121 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

122 (17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the
123 premises of a hospital shall not be a criminal offense so long as the firearm is not removed from
124 the vehicle or brandished while the vehicle is on the premises.

125 2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of
126 subsection 1 of this section by any individual who holds a concealed carry endorsement issued
127 pursuant to sections 571.101 to 571.121 shall not be a criminal act but may subject the person
128 to denial to the premises or removal from the premises. If such person refuses to leave the
129 premises and a peace officer is summoned, such person may be issued a citation for an amount
130 not to exceed one hundred dollars for the first offense. If a second citation for a similar violation
131 occurs within a six-month period, such person shall be fined an amount not to exceed two
132 hundred dollars and his or her endorsement to carry concealed firearms shall be suspended for
133 a period of one year. If a third citation for a similar violation is issued within one year of the first
134 citation, such person shall be fined an amount not to exceed five hundred dollars and shall have
135 his or her concealed carry endorsement revoked and such person shall not be eligible for a
136 concealed carry endorsement for a period of three years. Upon conviction of charges arising
137 from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county
138 which issued the certificate of qualification for a concealed carry endorsement and the
139 department of revenue. The sheriff shall suspend or revoke the certificate of qualification for
140 a concealed carry endorsement and the department of revenue shall issue a notice of such
141 suspension or revocation of the concealed carry endorsement and take action to remove the
142 concealed carry endorsement from the individual's driving record. The director of revenue shall
143 notify the licensee that he or she must apply for a new license pursuant to chapter 302, RSMo,
144 which does not contain such endorsement. A concealed carry endorsement suspension pursuant
145 to sections 571.101 to 571.121 shall be reinstated at the time of the renewal of his or her driver's
146 license. The notice issued by the department of revenue shall be mailed to the last known
147 address shown on the individual's driving record. The notice is deemed received three days after
148 mailing.