

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 180, 396 & 615
94TH GENERAL ASSEMBLY

Reported from the Special Committee on General Laws March 1, 2007 with recommendation that House Committee Substitute for House Bill Nos. 180, 396 & 615 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

0452L.02C

AN ACT

To repeal sections 571.030 and 571.095, RSMo, and to enact in lieu thereof two new sections relating to firearms, with a penalty provision.

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

Section A. Sections 571.030 and 571.095, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 571.030 and 571.095, to read as follows:

571.030. 1. A person commits the crime of unlawful use of weapons if he or she
2 knowingly:

3 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or
4 any other weapon readily capable of lethal use; or

5 (2) Sets a spring gun; or

6 (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft,
7 or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the
8 assembling of people; or

9 (4) Exhibits, in the presence of one or more persons, any weapon readily capable of
10 lethal use in an angry or threatening manner; or

11 (5) Possesses or discharges a firearm or projectile weapon while intoxicated; or

12 (6) Discharges a firearm within one hundred yards of any occupied schoolhouse,
13 courthouse, or church building; 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.

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

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 **or federal flight deck officer as defined under the**
43 **federal flight deck officer program, 49 U.S.C. Section 44921;**

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

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

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

50 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when
51 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
52 ammunition is not readily accessible or when such weapons are not readily accessible.
53 Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of
54 age or older transporting a concealable firearm in the passenger compartment of a motor vehicle,
55 so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also
56 in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in
57 his or her dwelling unit or upon premises over which the actor has possession, authority or
58 control, or is traveling in a continuous journey peaceably through this state. Subdivision (10)
59 of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by
60 a person while traversing school premises for the purposes of transporting a student to or from
61 school, or possessed by an adult for the purposes of facilitation of a school-sanctioned
62 firearm-related event.

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

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

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

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

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

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

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

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

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

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

571.095. Upon conviction for or attempting to commit a felony in violation of any law
2 perpetrated in whole or in part by the use of a firearm, the court may, in addition to the penalty
3 provided by law for such offense, order the confiscation and disposal **or sale or trade to a**
4 **licensed firearms dealer** of firearms and ammunition used in the commission of the crime or
5 found in the possession or under the immediate control of the defendant at the time of his **or her**
6 arrest. **The proceeds of any sale or gains from trade shall be the property of the police**
7 **department or sheriff's department responsible for the defendant's arrest or the**
8 **confiscation of the firearms and ammunition.** If such firearms or ammunition are not the
9 property of the convicted felon, they shall be returned to their rightful owner if he **or she** is
10 known and was not a participant in the crime. **Any proceeds collected under this section shall**
11 **be deposited by the county treasurer into the county sheriff's revolving fund established**
12 **in section 50.535, RSMo.**

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