

HCS SCS SB 1172 -- WEAPONS

SPONSOR: Goodman (Bruns)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on General Laws by a vote of 6 to 0.

This substitute changes the laws regarding property owner liability, unlawful possession and transfer of weapons, concealed carry endorsements, and concealable firearms records.

PROPERTY OWNER LIABILITY

The substitute expands the criminal liability immunity for owners of firearm ranges to include authorized users of the ranges and immunity from any civil liability for actions arising out of the use of the firearm range. Any actions by a court to enjoin the use or operation of firearm ranges and any damages awarded or imposed by a court or assessed by a jury against any owner or user of a firearm range for nuisance or trespass are declared null and void.

Criminal and civil liability immunity is created for owners and authorized users of hunting preserves for actions arising out of or as a consequence of noise or sound emission resulting from the normal use of any hunting preserve, and the substitute bars any action against an owner or authorized user for public or private nuisance or trespass on the basis of noise or sound emission resulting from the normal use of a hunting preserve. Nothing in the substitute will be considered to limit civil liability for compensatory damage arising from physical injury to another person, physical injury to tangible property, or physical injury to fixtures or structures placed on real property caused by an owner or authorized user of a firearm range or hunting preserve.

The substitute also specifies that a landowner who invites or allows any person to use the property for recreational purposes without charge confers upon the person the legal status of trespasser and does not assume responsibility for or incur liability for any injury to any person or property caused by an act or omission of the person while engaged in recreational activities without the failure to exercise just ordinary care.

UNLAWFUL POSSESSION AND TRANSFER OF WEAPONS

The substitute creates the crime of unlawful refusal to transfer a firearm when a person denies the sale of a firearm to a person not licensed as a federal firearms dealer solely on the basis that the non-licensee purchased a firearm that was later the subject of a trace request by law enforcement. The substitute

does not apply to any individual federal firearms license holder, his or her agents, or employees when they refuse to sell a firearm for articulable reasons specific to the transaction, as long as the reasons are not based on the race, gender, religion, or creed of the buyer. Anyone violating this provision will be guilty of a class A misdemeanor.

The crime of unlawful possession of an explosive weapon is created when a person possesses an explosive weapon and has pled guilty to or has been convicted of a dangerous felony, has attempted to commit a dangerous felony, has been imprisoned within the last five years, is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is adjudged mentally incompetent. Anyone violating this provision will be guilty of a class C felony. Any person handling or possessing an explosive weapon during the course of his or her employment for a legally licensed handler of explosives is exempt from the provisions of the substitute.

Currently, it is illegal for a person to possess, manufacture, transport, repair, or sell an operable firearm silencer. The substitute allows certain persons to have an operable silencer as a curio, ornament, or keepsake.

CONCEALED CARRY ENDORSEMENTS

Currently, a person applying for a concealed carry endorsement must have resided in Missouri for a minimum of six months. The substitute removes the six-month residency requirement and allows an applicant who has assumed residency in Missouri to be eligible for the permit.

CONCEALABLE FIREARMS RECORDS

The substitute closes any records of permits to obtain concealable firearms retained by any sheriff prior to August 28, 2007. Any record of permits will remain closed unless its disclosure is mandated by a valid court order relating to a criminal investigation.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Less than \$100,000 in FY 2009, FY 2010, and FY 2011. No impact on Other State Funds in FY 2009, FY 2010, and FY 2011.

PROPOSERS: Supporters say that felons currently can legally possess explosives. The bill is needed to enable prosecution in situations where felons are found in possession of explosives. Allowing firearm suppressors will increase the number of jobs for Missouri manufacturers. Suppressors are different than silencers because they only suppress enough sound in order to communicate

during the time the weapon is being fired.

Testifying for the bill was Senator Goodman.

OPPONENTS: There was no opposition voiced to the committee.