

FIRST REGULAR SESSION

# HOUSE BILL NO. 990

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES KRATKY (Sponsor), HUMMEL, ENGLUND, SCHOEMEHL,  
KIRKTON, TILLEY, MUNZLINGER, CARTER, JONES (63), HODGES,  
KOMO AND HOBBS (Co-sponsors).

2333L.01I

D. ADAM CRUMBLISS, Chief Clerk

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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 a penalty provision.

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Section A. Section 571.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.030, to read as follows: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

(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; or

26 **(11) Possesses illegal drugs that are sufficient for a felony conviction under the laws**  
27 **of this state while also in possession of a firearm. Knowledge of the quantity of illegal**  
28 **drugs possessed shall not be necessary for a conviction of unlawful use of a weapon under**  
29 **this subsection.**

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

32 (1) All state, county and municipal peace officers who have completed the training  
33 required by the police officer standards and training commission pursuant to sections 590.030  
34 to 590.050, RSMo, and possessing the duty and power of arrest for violation of the general  
35 criminal laws of the state or for violation of ordinances of counties or municipalities of the state,  
36 whether such officers are on or off duty, and whether such officers are within or outside of the  
37 law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in  
38 subsection 10 of this section, and who carry the identification defined in subsection 11 of this  
39 section, or any person summoned by such officers to assist in making arrests or preserving the  
40 peace while actually engaged in assisting such officer;

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

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

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

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

48 (6) Any federal probation officer or federal flight deck officer as defined under the  
49 federal flight deck officer program, 49 U.S.C. Section 44921;

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

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

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

56 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when  
57 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when  
58 ammunition is not readily accessible or when such weapons are not readily accessible.  
59 Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of  
60 age or older transporting a concealable firearm in the passenger compartment of a motor vehicle,  
61 so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also  
62 in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in  
63 his or her dwelling unit or upon premises over which the actor has possession, authority or  
64 control, or is traveling in a continuous journey peaceably through this state. Subdivision (10)  
65 of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by  
66 a person while traversing school premises for the purposes of transporting a student to or from  
67 school, or possessed by an adult for the purposes of facilitation of a school-sanctioned  
68 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) of subsection 1 of this section, in which cases it is a class B misdemeanor, or  
84 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor  
85 if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of  
86 subsection 1 of this section, in which case it is a class B felony, except that if the violation of

87 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is  
88 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.

104 10. As used in this section "qualified retired peace officer" means an individual who:

105 (1) Retired in good standing from service with a public agency as a peace officer, other  
106 than for reasons of mental instability;

107 (2) Before such retirement, was authorized by law to engage in or supervise the  
108 prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any  
109 violation of law, and had statutory powers of arrest;

110 (3) Before such retirement, was regularly employed as a peace officer for an aggregate  
111 of fifteen years or more, or retired from service with such agency, after completing any  
112 applicable probationary period of such service, due to a service-connected disability, as  
113 determined by such agency;

114 (4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such  
115 a plan is available;

116 (5) During the most recent twelve-month period, has met, at the expense of the  
117 individual, the standards for training and qualification for active peace officers to carry firearms;

118 (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or  
119 substance; and

120 (7) Is not prohibited by federal law from receiving a firearm.

121 11. The identification required by subdivision (1) of subsection 2 of this section is:

122           (1) A photographic identification issued by the agency from which the individual retired  
123 from service as a peace officer that indicates that the individual has, not less recently than one  
124 year before the date the individual is carrying the concealed firearm, been tested or otherwise  
125 found by the agency to meet the standards established by the agency for training and qualification  
126 for active peace officers to carry a firearm of the same type as the concealed firearm; or  
127           (2) A photographic identification issued by the agency from which the individual retired  
128 from service as a peace officer; and  
129           (3) A certification issued by the state in which the individual resides that indicates that  
130 the individual has, not less recently than one year before the date the individual is carrying the  
131 concealed firearm, been tested or otherwise found by the state to meet the standards established  
132 by the state for training and qualification for active peace officers to carry a firearm of the same  
133 type as the concealed firearm.

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