

SECOND REGULAR SESSION

HOUSE BILL NO. 2216

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KRATKY (Sponsor), MUNZLINGER, MEADOWS, BRUNS, FLANIGAN, WASSON, CUNNINGHAM, JONES (117), WALSH, SCHOEMEHL, BRINGER, QUINN, HODGES, OXFORD, GUERNSEY AND ROORDA (Co-sponsors).

4423L.03I

D. ADAM CRUMBLISS, Chief Clerk

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.

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Section A. Section 571.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.030, to read as follows: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 a firearm while also in possession of controlled substances that are**
27 **sufficient for a felony violation under section 195.202.**

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

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

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

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

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

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

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

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

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

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

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

67 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
68 person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to
69 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or
70 political subdivision of another state.

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

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

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

85 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is
86 a class A felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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