

SECOND REGULAR SESSION

# HOUSE BILL NO. 2197

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES MUNZLINGER (Sponsor), KRATKY, NIEVES, RUZICKA,  
GATSCHENBERGER, RIDDLE, SANDER AND ICET (Co-sponsors).

5048L.02I

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 the unlawful use of a weapon, with penalty provisions.

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Section A. Section 571.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.030, to read as follows: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

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] **who possesses** the duty and power of arrest for violation  
31 of the general criminal laws of the state or for violation of ordinances of counties or  
32 municipalities of the state, whether such officers are on or off duty, and whether such officers  
33 are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace  
34 officers, as defined in subsection [10] **11** of this section, and who carry the identification defined  
35 in subsection [11] **12** of this section, or any person summoned by such officers to assist in  
36 making arrests or preserving the peace while actually engaged in assisting such officer;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

100 10. **Notwithstanding any other provision of law, no person who pleads guilty to or**  
101 **is found guilty of a felony violation of subsection 1 of this section shall receive a suspended**  
102 **imposition of sentence if such person has previously received a suspended imposition of**  
103 **sentence for any other firearms or weapons related felony offense.**

104 11. 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.] 12. The identification required by subdivision (1) of subsection 2 of this section  
122 is:

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

128           (2) A photographic identification issued by the agency from which the individual retired  
129 from service as a peace officer; and

130           (3) A certification issued by the state in which the individual resides that indicates that  
131 the individual has, not less recently than one year before the date the individual is carrying the  
132 concealed firearm, been tested or otherwise found by the state to meet the standards established  
133 by the state for training and qualification for active peace officers to carry a firearm of the same  
134 type as the concealed firearm.

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