

HOUSE**AMENDMENT NO. _____****Offered by _____****of _____**

1 AMEND House Committee Substitute for Senate Substitute for Senate
 2 Bill No. 252, Page 16, Section 302.189, Line 23, by inserting
 3 after all of said line the following:

4 "571.030. 1. A person commits the crime of unlawful use of
 5 weapons if he or she knowingly:

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

9 (2) Sets a spring gun; or

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

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

17 (5) Has a firearm or projectile weapon readily capable of
 18 lethal use on his or her person, while he or she is intoxicated,
 19 and handles or otherwise uses such firearm or projectile weapon
 20 in either a negligent or unlawful manner or discharges such
 21 firearm or projectile weapon unless acting in self-defense; or

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

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

27 (8) Carries a firearm or any other weapon readily capable
 28 of lethal use into any church or place where people have
 29 assembled for worship, or into any election precinct on any

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1 election day, or into any building owned or occupied by any
2 agency of the federal government, state government, or political
3 subdivision thereof; or

4 (9) Discharges or shoots a firearm at or from a motor
5 vehicle, as defined in section 301.010, discharges or shoots a
6 firearm at any person, or at any other motor vehicle, or at any
7 building or habitable structure, unless the person was lawfully
8 acting in self-defense; or

9 (10) Carries a firearm, whether loaded or unloaded, or any
10 other weapon readily capable of lethal use into any school, onto
11 any school bus, or onto the premises of any function or activity
12 sponsored or sanctioned by school officials or the district
13 school board; or

14 (11) Possesses a firearm while also knowingly in possession
15 of controlled substances that are sufficient for a felony
16 violation under section 195.202.

17 2. Subdivisions (1), (8), and (10) of subsection 1 of this
18 section shall not apply to the persons described in this
19 subsection, regardless of whether such uses are reasonably
20 associated with or are necessary to the fulfillment of such
21 person's official duties except as otherwise provided in this
22 subsection. Subdivisions (3), (4), (6), (7), and (9) of
23 subsection 1 of this section shall not apply to or affect any of
24 the following persons, when such uses are reasonably associated
25 with or are necessary to the fulfillment of such person's
26 official duties, except as otherwise provided in this subsection:

27 (1) All state, county and municipal peace officers who have
28 completed the training required by the police officer standards
29 and training commission pursuant to sections 590.030 to 590.050
30 and who possess the duty and power of arrest for violation of the
31 general criminal laws of the state or for violation of ordinances
32 of counties or municipalities of the state, whether such officers
33 are on or off duty, and whether such officers are within or
34 outside of the law enforcement agency's jurisdiction, or all
35 qualified retired peace officers, as defined in subsection 11 of
36 this section, and who carry the identification defined in
37 subsection 12 of this section, or any person summoned by such

1 officers to assist in making arrests or preserving the peace
2 while actually engaged in assisting such officer;

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

6 (3) Members of the Armed Forces or National Guard while
7 performing their official duty;

8 (4) Those persons vested by article V, section 1 of the
9 Constitution of Missouri with the judicial power of the state and
10 those persons vested by Article III of the Constitution of the
11 United States with the judicial power of the United States, the
12 members of the federal judiciary;

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

15 (6) Any federal probation officer or federal flight deck
16 officer as defined under the federal flight deck officer program,
17 49 U.S.C. Section 44921 regardless of whether such officers are
18 on duty, or within the law enforcement agency's jurisdiction;

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

21 (8) Any corporate security advisor meeting the definition
22 and fulfilling the requirements of the regulations established by
23 the board of police commissioners under section 84.340;

24 (9) Any coroner, deputy coroner, medical examiner, or
25 assistant medical examiner;

26 (10) Any prosecuting attorney or assistant prosecuting
27 attorney or any circuit attorney or assistant circuit attorney
28 who has completed the firearms safety training course required
29 under subsection 2 of section 571.111; and

30 (11) Any member of a fire department or fire protection
31 district who is employed on a full-time basis as a fire
32 investigator and who has a valid concealed carry endorsement
33 under section 571.111 when such uses are reasonably associated
34 with or are necessary to the fulfillment of such person's
35 official duties.

36 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of
37 this section do not apply when the actor is transporting such

1 weapons in a nonfunctioning state or in an unloaded state when
2 ammunition is not readily accessible or when such weapons are not
3 readily accessible. Subdivision (1) of subsection 1 of this
4 section does not apply to any person twenty-one years of age or
5 older or eighteen years of age or older and a member of the
6 United States Armed Forces, or honorably discharged from the
7 United States Armed Forces, transporting a concealable firearm in
8 the passenger compartment of a motor vehicle, so long as such
9 concealable firearm is otherwise lawfully possessed, nor when the
10 actor is also in possession of an exposed firearm or projectile
11 weapon for the lawful pursuit of game, or is in his or her
12 dwelling unit or upon premises over which the actor has
13 possession, authority or control, or is traveling in a continuous
14 journey peaceably through this state. Subdivision (10) of
15 subsection 1 of this section does not apply if the firearm is
16 otherwise lawfully possessed by a person while traversing school
17 premises for the purposes of transporting a student to or from
18 school, or possessed by an adult for the purposes of facilitation
19 of a school-sanctioned firearm-related event or club event.

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

26 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10)
27 of subsection 1 of this section shall not apply to persons who
28 are engaged in a lawful act of defense pursuant to section
29 563.031.

30 6. Nothing in this section shall make it unlawful for a
31 student to actually participate in school-sanctioned gun safety
32 courses, student military or ROTC courses, or other
33 school-sponsored or club-sponsored firearm-related events,
34 provided the student does not carry a firearm or other weapon
35 readily capable of lethal use into any school, onto any school
36 bus, or onto the premises of any other function or activity
37 sponsored or sanctioned by school officials or the district

1 school board.

2 7. Unlawful use of weapons is a class D felony unless
3 committed pursuant to subdivision (6), (7), or (8) of subsection
4 1 of this section, in which cases it is a class B misdemeanor, or
5 subdivision (5) or (10) of subsection 1 of this section, in which
6 case it is a class A misdemeanor if the firearm is unloaded and a
7 class D felony if the firearm is loaded, or subdivision (9) of
8 subsection 1 of this section, in which case it is a class B
9 felony, except that if the violation of subdivision (9) of
10 subsection 1 of this section results in injury or death to
11 another person, it is a class A felony.

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

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

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

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

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

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

32 10. Notwithstanding any other provision of law, no person
33 who pleads guilty to or is found guilty of a felony violation of
34 subsection 1 of this section shall receive a suspended imposition
35 of sentence if such person has previously received a suspended
36 imposition of sentence for any other firearms- or weapons-related
37 felony offense.

1 11. As used in this section "qualified retired peace
2 officer" means an individual who:

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

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

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

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

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

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

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

24 12. The identification required by subdivision (1) of
25 subsection 2 of this section is:

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

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

36 (3) A certification issued by the state in which the
37 individual resides that indicates that the individual has, not

1 less recently than one year before the date the individual is
2 carrying the concealed firearm, been tested or otherwise found by
3 the state to meet the standards established by the state for
4 training and qualification for active peace officers to carry a
5 firearm of the same type as the concealed firearm."; and
6

7 Further amend said title, enacting clause and intersectional
8 references accordingly.