

**HOUSE****AMENDMENT NO. \_\_\_\_****Offered by****of**

1 AMEND House Bill No. 1474, Page 1, In the Title, Line 3, by  
 2 deleting the words "school protection officers" and inserting in  
 3 lieu thereof "firearms"; and  
 4

5 Further amend said bill, Page 3, Section 160.665, Line 54,  
 6 by inserting after all of said line the following:

7 "571.030. 1. A person commits the crime of unlawful use of  
 8 weapons if he or she knowingly:

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

12 (2) Sets a spring gun; or

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

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

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

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

27 (7) Discharges or shoots a firearm at a mark, at any  
 28 object, or at random, on, along or across a public highway or  
 29 discharges or shoots a firearm into any outbuilding; or

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1 (8) Carries a firearm or any other weapon readily capable  
2 of lethal use into any church or place where people have  
3 assembled for worship, or into any election precinct on any  
4 election day, or into any building owned or occupied by any  
5 agency of the federal government, state government, or political  
6 subdivision thereof; or

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

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

17 (11) Possesses a firearm while also illegally in possession  
18 of a controlled substance sufficient for a felony violation under  
19 section 195.202.

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

30 (1) All state, county and municipal peace officers who have  
31 completed the training required by the police officer standards  
32 and training commission pursuant to sections 590.030 to 590.050  
33 and who possess the duty and power of arrest for violation of the  
34 general criminal laws of the state or for violation of ordinances  
35 of counties or municipalities of the state, whether such officers  
36 are on or off duty, and whether such officers are within or  
37 outside of the law enforcement agency's jurisdiction, or all

1 qualified retired peace officers, as defined in subsection 11 of  
2 this section, and who carry the identification defined in  
3 subsection 12 of this section, or any person summoned by such  
4 officers to assist in making arrests or preserving the peace  
5 while actually engaged in assisting such officer;

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

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

11 (4) Those persons vested by Article V, Section 1 of the  
12 Constitution of Missouri with the judicial power of the state and  
13 those persons vested by Article III of the Constitution of the  
14 United States with the judicial power of the United States, the  
15 members of the federal judiciary;

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

18 (6) Any federal probation officer or federal flight deck  
19 officer as defined under the federal flight deck officer program,  
20 49 U.S.C. Section 44921 regardless of whether such officers are  
21 on duty, or within the law enforcement agency's jurisdiction;

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

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

27 (9) Any coroner, deputy coroner, medical examiner, or  
28 assistant medical examiner;

29 (10) Any prosecuting attorney or assistant prosecuting  
30 attorney or any circuit attorney or assistant circuit attorney  
31 who has completed the firearms safety training course required  
32 under subsection 2 of section 571.111;

33 (11) Any member of a fire department or fire protection  
34 district who is employed on a full-time basis as a fire  
35 investigator and who has a valid concealed carry endorsement  
36 issued prior to August 28, 2013, or a valid concealed carry  
37 permit under section 571.111 when such uses are reasonably

1 associated with or are necessary to the fulfillment of such  
2 person's official duties; and

3 (12) Upon the written approval of the governing body of a  
4 fire department or fire protection district, any paid fire  
5 department or fire protection district chief who is employed on a  
6 full-time basis and who has a valid concealed carry endorsement,  
7 when such uses are reasonably associated with or are necessary to  
8 the fulfillment of such person's official duties.

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

30 4. Subdivisions (1), (8), and (10) of subsection 1 of this  
31 section shall not apply to any person who has a valid concealed  
32 carry permit issued pursuant to sections 571.101 to 571.121, a  
33 valid concealed carry endorsement issued before August 28, 2013,  
34 or a valid permit or endorsement to carry concealed firearms  
35 issued by another state or political subdivision of another  
36 state.

37 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10)

1 of subsection 1 of this section shall not apply to persons who  
2 are engaged in a lawful act of defense pursuant to section  
3 563.031.

4 6. Notwithstanding any provision of this section to the  
5 contrary, the state shall not prohibit any state employee from  
6 having a firearm in the employee's vehicle on the state's  
7 property provided that the vehicle is locked and the firearm is  
8 not visible. This subsection shall only apply to the state as an  
9 employer when the state employee's vehicle is on property owned  
10 or leased by the state and the state employee is conducting  
11 activities within the scope of his or her employment. For the  
12 purposes of this subsection, "state employee" means an employee  
13 of the executive, legislative, or judicial branch of the  
14 government of the state of Missouri.

15 7. Nothing in this section shall make it unlawful for a  
16 student to actually participate in school-sanctioned gun safety  
17 courses, student military or ROTC courses, or other  
18 school-sponsored or club-sponsored firearm-related events,  
19 provided the student does not carry a firearm or other weapon  
20 readily capable of lethal use into any school, onto any school  
21 bus, or onto the premises of any other function or activity  
22 sponsored or sanctioned by school officials or the district  
23 school board.

24 8. Unlawful use of weapons is a class D felony unless  
25 committed pursuant to subdivision (6), (7), or (8) of subsection  
26 1 of this section, in which cases it is a class B misdemeanor, or  
27 subdivision (5) or (10) of subsection 1 of this section, in which  
28 case it is a class A misdemeanor if the firearm is unloaded and a  
29 class D felony if the firearm is loaded, or subdivision (9) of  
30 subsection 1 of this section, in which case it is a class B  
31 felony, except that if the violation of subdivision (9) of  
32 subsection 1 of this section results in injury or death to  
33 another person, it is a class A felony.

34 9. Violations of subdivision (9) of subsection 1 of this  
35 section shall be punished as follows:

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

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

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

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

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

17          11. Notwithstanding any other provision of law, no person  
18 who pleads guilty to or is found guilty of a felony violation of  
19 subsection 1 of this section shall receive a suspended imposition  
20 of sentence if such person has previously received a suspended  
21 imposition of sentence for any other firearms- or weapons-related  
22 felony offense.

23          12. As used in this section "qualified retired peace  
24 officer" means an individual who:

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

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

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

37           (4) Has a nonforfeitable right to benefits under the

1 retirement plan of the agency if such a plan is available;

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

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

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

9 13. The identification required by subdivision (1) of  
10 subsection 2 of this section is:

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

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

21 (3) A certification issued by the state in which the  
22 individual resides that indicates that the individual has, not  
23 less recently than one year before the date the individual is  
24 carrying the concealed firearm, been tested or otherwise found by  
25 the state to meet the standards established by the state for  
26 training and qualification for active peace officers to carry a  
27 firearm of the same type as the concealed firearm."; and

28  
29 Further amend said title, enacting clause and intersectional  
30 references accordingly.