

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Bill No. 1539, Page 1, in the Title, Line 3, by deleting all of said line and inserting
2 in lieu thereof the words "firearms, with penalty provisions."; and
3

4 Further amend said bill and page, Section A, Line 2, by inserting after all of said line the following:
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6 "571.030. 1. A person commits the crime of unlawful use of weapons if he or she
7 knowingly:

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

10 (2) Sets a spring gun; or

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

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

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

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

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

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

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

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

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

36 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons

Action Taken _____ Date _____

described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 11 of this section, and who carry the identification defined in subsection 12 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

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

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

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

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

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

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

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

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

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

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and

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

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has

1 possession, authority or control, or is traveling in a continuous journey peaceably through this state.
2 Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully
3 possessed by a person while traversing school premises for the purposes of transporting a student to
4 or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned
5 firearm-related event or club event.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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31 Further amend said bill by amending the title, enacting clause, and intersectional references
32 accordingly.
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