

HCS SB 656 -- FIREARMS

SPONSOR: Kraus (Jones, 50)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on General Laws by a vote of 10 to 3.

This bill changes the laws regarding firearms. In its main provisions, the bill"

This bill changes the laws regarding open carry ordinances, school protection officers, patient ownership of firearms, concealed carry permits, and the Peace Officer Standards and Training Commission.

OPEN CARRY ORDINANCES (Section 21.750, RSMo)

Any ordinance of a political subdivision cannot be construed to preclude the use of a firearm in the defense of person or property subject to the provisions regarding defense of justification. In any jurisdiction in which the open carry of firearms is prohibited by ordinance, the open carry of a firearm cannot be prohibited in specified circumstances. In the absence of any reasonable and articulable suspicion of criminal activity, a person carrying a concealed or unconcealed firearm cannot be disarmed or physically restrained by a law enforcement officer unless he or she is under arrest. Any person who violates these provisions must be subject to citation for up to \$35.

SCHOOL PROTECTION OFFICERS (Sections 160.665 and 590.207)

The bill:

(1) Authorizes any school district to designate one or more school teachers or administrators as a school protection officer, whose responsibilities and duties are voluntary and must be in addition to his or her normal responsibilities and duties. Any compensation for service as a protection officer must be funded by the local school district with no use of state funds;

(2) Requires a school protection officer to be authorized to carry concealed firearms in any school in the district and cannot be permitted to allow any firearm out of his or her personal control while the firearm or device is on school property. A person who allows a firearm out of his or her control while that firearm is on school property is guilty of a class B misdemeanor and may result in his or her immediate removal from the classroom and being subject to employment termination proceedings;

(3) Specifies that a school protection officer has the same

authority to detain and use force against any person on school property as provided to any other person under the provisions regarding defense of justification;

(4) Requires the school protection officer to immediately notify a school administrator and a school resource officer when anyone is detained. If the person detained is a student, the school administrator must immediately notify the student's parents or guardians;

(5) Requires a teacher or administrator seeking to be designated as a school protection officer to request the designation in writing to the superintendent of the school district and submit proof that he or she has a valid concealed carry endorsement or permit and a certificate of completion of a school protection officer training program approved by the Director of the Department of Public Safety that demonstrates that the person has successfully completed the training requirements as established by the Peace Officer Standards and Training Commission for school protection officers;

(6) Requires, within 30 days, the school district to notify, in writing, the department director of the designation of any school protection officer or when the district has revoked a person's designation; and

(7) Requires the department director to maintain a list of all school protection officers and make the list available to all law enforcement agencies.

PATIENT OWNERSHIP OF FIREARMS (Section 571.012)

The bill:

(1) Specifies that a licensed health care professional, nor anyone under his or her supervision, cannot be required by law to ask a patient whether he or she owns a firearm, document or maintain firearm ownership in a patient's medical records, or notify any governmental entity of the identity of a patient based solely on the patient's status as a firearm owner or access to a firearm;

(2) Prohibits a licensed health care professional, or anyone under his or her supervision, or any person or entity that has possession or control of medical records from disclosing information gathered in a doctor/patient relationship regarding a person's status as a firearm owner or access to firearms except under certain specified circumstances; and

(3) Prohibits a health care professional licensed in this state

from using an electronic medical record program that requires, in order to complete and save a medical record, entry of data regarding whether or not a patient owns, has access to, or lives in a home containing a firearm.

CONCEALED CARRY PERMITS (Sections 571.030 and 571.070 - 571.117)

Currently, an applicant for a concealed carry permit is required to perform a physical demonstration of his or her ability to safely load and unload a revolver and a semiautomatic pistol, a live firing exercise with both types of firearms, and a live firing test with both firearms.

The bill changes the requirement to demonstrate with only one firearm, either a revolver or semiautomatic pistol at the applicant's discretion.

A person who fails to renew his or her permit within five years from the date of issuance or renewal shall not be eligible for an exception to a National Instant Criminal Background Check under federal regulations currently codified under 27 CFR 478.102(d) relating to the transfer, sale, or delivery of firearms from licensed dealers.

The bill:

(1) Specifies that a person commits the crime of unlawful use of weapons if he or she knowingly possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation;

(2) Transfers the authority to regulate corporate security advisors from the Board of Police Commissioners to the Department of Public Safety;

(3) Adds a person appointed by a court to be a special prosecutor who has completed the firearms safety training course to the list of individuals who may carry a knife, firearm, blackjack or any other weapon readily capable of lethal use concealed upon or about his or her person; carry a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or carry a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board;

- (4) Lowers, from at least 21 years old to at least 19 years old, the age when a person may apply for a concealed carry endorsement;
- (5) Specifies that a person commits the offense of unlawful possession of a firearm if he or she is illegally or unlawfully in the United States;
- (6) Changes the time period that a concealed carry permit is valid from five years from the date of issue or renewal to five years from the last day of the month in which the permit was issued or renewed;
- (7) Waives any fees required for a concealed carry endorsement for an applicant who is a service-disabled veteran;
- (8) Repeals the provision requiring the sheriff or his or her designee to take, within seven days of receipt of the certificate of qualification, the certificate to the Department of Revenue and the Director of the Department of Revenue to issue a new driver's license or nondriver's license with an endorsement which identifies that the applicant has received a certificate of qualification to carry concealed weapons and the provision requiring a nondriver's license with a concealed carry endorsement to expire three years from the date the certificate of qualification was issued;
- (9) Specifies that consent from an educational facility is not required for a person with a concealed carry endorsement or permit who has been designated by his or her school district as a school protection officer to carry a firearm in a school within that district; and
- (10) Specifies that a qualified firearms safety instructor who provides firearms safety instruction to a person who applies for a concealed carry permit must not have more than 40 students per certified instructor in the classroom portion of the course.

LANDLORD-TENANT AGREEMENTS (Section 571.510)

This bill defines the terms "authority" or "housing authority" to mean any of the corporations created by or pursuant to the authority of Section 99.040 and any entity or agent associated with the authority that administers or uses public moneys provided by the United States Department of Housing and Urban Development to fund very low, lower, and moderate income public rental housing assistance. The term "lessee" means a lessee of residential premises.

Specifies that a housing authority, authority, or lessor cannot

prohibit a lessee from possessing firearms within an individual residence, common areas or from carrying or transporting firearms to and from the residence in a manner allowed by law. Any provision of a lease or oral agreement in violation of these provisions are void and unenforceable.

A housing authority, authority, or lessor cannot be liable in tort or any other civil action for damages caused by a lessee's possession or use of a firearm on property owned by the lessor unless the housing authority, authority, or lessor or an officer, agent, or employee of such housing authority, authority, or lessor:

(1) Violated Section 571.060 or otherwise caused the lessee, the household member, or guest to engage in any unsafe or illegal actions with a firearm; or

(2) Engaged in acts or failures to act which were manifestly outside the scope of employment, duties, or responsibilities or were committed maliciously, in bad faith, or in a wanton and reckless manner.

PEACE OFFICER STANDARDS AND TRAINING COMMISSION (Section 590.200)

The bill requires the Peace Office Standards and Training Commission to establish minimum standards for the training of school protection officers, set the minimum number of hours of required training, and set the curriculum for school protection officer training programs.

The provisions of the bill regarding corporate security advisors and Section 571.030 contain an emergency clause.

PROPONENTS: Supporters say that this bill is more efficient in conceal carry testing as not everyone who tests for the permit uses both types of gun.

Testifying for the bill was Senator Kraus.

OPPONENTS: There was no opposition voiced to the committee.