

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 656, Pages 5 to 10, Section 571.030,
2 Lines 1 to 184, by deleting all of said section and lines and inserting in lieu thereof the following:

3
4 "571.030. 1. A person commits the crime of unlawful use of weapons, except as otherwise
5 provided by sections 571.101 to 571.121, if he or she knowingly:

6 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any
7 other weapon readily capable of lethal use into any area where firearms are restricted under section
8 571.107; or

9 (2) Sets a spring gun; or

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

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

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

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

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

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

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

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

33 (11) Possesses a firearm while also knowingly in possession of a controlled substance that is
34 sufficient for a felony violation of section 195.202; or

35 (12) Carries a firearm or any other weapon readily capable of lethal use into any meeting of
36 the governing body of a unit of local government; or any meeting of the general assembly or a

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

1 committee of the general assembly.

2 2. Subdivisions (1), (8), [and] (10), and (12) of subsection 1 of this section shall not apply
3 to the persons described in this subsection, regardless of whether such uses are reasonably
4 associated with or are necessary to the fulfillment of such person's official duties except as
5 otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this
6 section shall not apply to or affect any of the following persons, when such uses are reasonably
7 associated with or are necessary to the fulfillment of such person's official duties, except as
8 otherwise provided in this subsection:

9 (1) All state, county and municipal peace officers who have completed the training required
10 by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and
11 who possess the duty and power of arrest for violation of the general criminal laws of the state or
12 for violation of ordinances of counties or municipalities of the state, whether such officers are on or
13 off duty, and whether such officers are within or outside of the law enforcement agency's
14 jurisdiction, or all qualified retired peace officers, as defined in subsection 12 of this section, and
15 who carry the identification defined in subsection 13 of this section, or any person summoned by
16 such officers to assist in making arrests or preserving the peace while actually engaged in assisting
17 such officer;

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

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

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

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

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

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

30 (8) Any corporate security advisor meeting the definition and fulfilling the requirements of
31 the regulations established by the department of public safety under section 590.750;

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

33 (10) Any prosecuting attorney or assistant prosecuting attorney, circuit attorney or assistant
34 circuit attorney, or any person appointed by a court to be a special prosecutor who has completed
35 the firearms safety training course required under subsection 2 of section 571.111;

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

40 (12) Upon the written approval of the governing body of a fire department or fire protection
41 district, any fire department or fire protection district [chief] member who is employed on a full-
42 time basis and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a
43 valid concealed carry permit, when such uses are reasonably associated with or are necessary to the
44 fulfillment of such person's official duties.

45 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the
46 actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
47 ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision
48 (1) of subsection 1 of this section does not apply to any person nineteen years of age or older or

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

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

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

17 [6.] 5. Notwithstanding any provision of this section to the contrary, the state shall not
 18 prohibit any state employee from having a firearm in the employee's vehicle on the state's property
 19 provided that the vehicle is locked and the firearm is not visible. This subsection shall only apply to
 20 the state as an employer when the state employee's vehicle is on property owned or leased by the
 21 state and the state employee is conducting activities within the scope of his or her employment. For
 22 the purposes of this subsection, "state employee" means an employee of the executive, legislative, or
 23 judicial branch of the government of the state of Missouri.

24 [7.] 6. Nothing in this section shall make it unlawful for a student to actually participate in
 25 school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored
 26 or club-sponsored firearm-related events, provided the student does not carry a firearm or other
 27 weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of
 28 any other function or activity sponsored or sanctioned by school officials or the district school
 29 board.

30 7. A person who commits the crime of unlawful use of weapons under:

31 (1) Subdivision (2), (3) or (4) of subsection 1 of this section shall be guilty of a class D
 32 felony until December 31, 2016, and a class E felony beginning January 1, 2017;

33 (2) Subdivision (1), (6), (7), (8), (11) or (12) of subsection 1 of this section shall be guilty
 34 of a class B misdemeanor, except when a concealed weapon is carried onto any private property
 35 whose owner has posted the premises as being off-limits to concealed firearms by means of one or
 36 more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches
 37 with the writing thereon in letters of not less than one inch, in which case the penalties of subsection
 38 2 of section 571.107 shall apply;

39 (3) Subdivision (5) or (10) of subsection 1 of this section shall be guilty of a class A
 40 misdemeanor if the firearm is unloaded and, if the firearm is loaded, a class D felony until
 41 December 31, 2016, and a class E felony beginning January 1, 2017;

42 (4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony, except
 43 that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to
 44 another person, it is a class A felony.

45 8. [Unlawful use of weapons is a class D felony unless committed pursuant to subdivision
 46 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or
 47 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor if
 48 the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection

1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by

- 1 the state for training and qualification for active peace officers to carry a firearm of the same type as
- 2 the concealed firearm."; and
- 3
- 4 Further amend said bill by amending the title, enacting clause, and intersectional references
- 5 accordingly.