

HOUSE SUBSTITUTE AMENDMENT NO. _____

for

HOUSE _____ AMENDMENT NO. _____

Offered By

1 AMEND House Bill No. 1468, Page 1, In the Title, Line 3, by deleting the words "carrying
2 concealed weapons" and inserting in lieu thereof the word "firearms"; and

3
4 Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said section and line the
5 following:

6
7 "537.785. 1. Sections 537.785 to 537.787 may be referred to and cited as the "Business
8 Premises Safety Act".

9 2. As used in sections 537.785 to 537.787, the following terms mean:

10 (1) "Business", any commercial or agricultural enterprise including, but not limited to, sales,
11 services, manufacturing, food service, property management or leasing company, or any other
12 entity, whether for profit or not for profit, which owns, operates, or leases property that is open to
13 the public. The term "business" shall not include commercial residential operations including, but
14 not limited to, hotels, motels, and apartment complexes;

15 (2) "Person", any individual other than an employee or agent of the owner or occupier of the
16 property in question;

17 (3) "Injury", any personal injury including, but not limited to, physical injury, sickness,
18 disease, or death and all damages resulting therefrom including, but not limited to, medical
19 expenses, wage loss, and loss of service;

20 (4) "Criminal act", those offenses specified under chapters 565 to 571 that have resulted in
21 injury;

22 (5) "Intentional act", an act done with the object to cause injury.

23 537.786. 1. An owner or operator of a business shall not restrict any person from lawfully
24 possessing a firearm in a motor vehicle in possession of such person except a motor vehicle owned
25 or leased by such business.

26 2. Any individual may bring a civil cause of action to enforce this section.

27 537.787. 1. There is no duty upon the owners or operators of a business, individually or
28 collectively, or upon merchants or shopkeepers to guard against the criminal act of a third party
29 unless:

30 (1) They know or have reason to know that acts are then occurring or are about to occur on
31 the premises that pose imminent probability of injury to a person; or

32 (2) The same or similar criminal acts have occurred on the premises within the prior twenty-

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

1 four months such that there is reasonable foreseeability that such action will occur again.

2
3 If either of these conditions are met, a duty of reasonable care to protect against such acts shall
4 arise.

5 2. A business is not to be regarded as the insurer of the safety of its customers and has no
6 absolute duty to implement security measures for the protection of its customers. Any measures
7 implemented shall be determined by considering both the magnitude of the burden to the business in
8 implementing security measures and the reasonable foreseeability of the injury to be prevented.

9 3. Any person injured by the criminal conduct of another shall have the burden to prove that
10 the breach of the owner's duty created by this section caused or contributed to cause any injury
11 sustained as a result of the intentional or criminal act of any person.

12 4. In the case of past criminal activities, remedial action to provide protection to customers
13 shall not be admissible in evidence to show prior negligence or breach of a duty of a business in any
14 action against the business for damages.

15 5. An owner or operator of a business shall not be liable for any injury or damage resulting
16 from his or her compliance with section 537.786."; and

17
18 Further amend said bill and page, Section 571.030, Lines 1-5, by deleting all of said lines and
19 inserting in lieu thereof the following:

20
21 "571.030. 1. A person commits the crime of unlawful use of weapons, except as provided
22 by sections 571.101 to 571.121, if he or she knowingly:

23 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any
24 other weapon readily capable of lethal use into any area where firearms are restricted under section
25 571.107; or

26 (2) Sets a spring gun; or"; and

27
28 Further amend said bill and section, Pages 1-2, by renumbering all subsequent subdivisions; and

29
30 Further amend said bill and section, Page 2, Lines 30-34, by deleting all of said line and inserting in
31 lieu thereof the following:

32
33 "substance that is sufficient for a felony violation of section 195.202[.]; or

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

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

41
42 Further amend said bill and section, Pages 3-4, Lines 76-98, by deleting all of said lines and
43 inserting in lieu thereof the following:

44
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

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

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

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

Further amend said bill and section, Pages 4-5, by renumbering all subsequent subsections accordingly; and

Further amend said bill, section, Page 4, Lines 112- 120, by deleting all of said lines and inserting in lieu thereof the following:

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

(1) Subdivision (2), (3) or (4) of subsection 1 of this section shall be guilty of a class D felony;

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

(3) Subdivision (5) or (10) of subsection 1 of this section shall be guilty of a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded;

(4) Subdivision (9) of subsection 1 of this section shall be guilty of 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.

8. [Unlawful use of weapons is a class D felony unless committed pursuant to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor if 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.] 8. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:"; and

Further amend said bill and section, Page 5, by renumbering all subsequent subdivisions

1 accordingly; and

2

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

5

6 THIS AMENDMENT IS A SUBSTITUTE FOR AMENDMENT 4577H01.03H