

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 phrase "carrying
2 concealed weapons" and inserting in lieu thereof the word "firearms"; and
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4 Further amend said bill and page, Section A, Line 2, by inserting immediately after all of said
5 section and line the following:
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7 "563.031. 1. A person may, subject to the provisions of subsection 2 of this section, use
8 physical force upon another person when and to the extent he or she reasonably believes such force
9 to be necessary to defend himself or herself or a third person from what he or she reasonably
10 believes to be the use or imminent use of unlawful force by such other person, unless:

11 (1) The actor was the initial aggressor; except that in such case his or her use of force is
12 nevertheless justifiable provided:

13 (a) He or she has withdrawn from the encounter and effectively communicated such
14 withdrawal to such other person but the latter persists in continuing the incident by the use or
15 threatened use of unlawful force; or

16 (b) He or she is a law enforcement officer and as such is an aggressor pursuant to section
17 563.046; or

18 (c) The aggressor is justified under some other provision of this chapter or other provision
19 of law;

20 (2) Under the circumstances as the actor reasonably believes them to be, the person whom
21 he or she seeks to protect would not be justified in using such protective force;

22 (3) The actor was attempting to commit, committing, or escaping after the commission of a
23 forcible felony.

24 2. A person may not use deadly force upon another person under the circumstances
25 specified in subsection 1 of this section unless:

26 (1) He or she reasonably believes that such deadly force is necessary to protect himself, or
27 herself or her unborn child, or another against death, serious physical injury, or any forcible felony;

28 (2) Such force is used against a person who unlawfully enters, remains after unlawfully
29 entering, or attempts to unlawfully enter a dwelling, residence, or vehicle lawfully occupied by such
30 person; or

31 (3) Such force is used against a person who unlawfully enters, remains after unlawfully
32 entering, or attempts to unlawfully enter private property that is owned or leased by an individual,

Standing Action Taken _____ Date _____

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1 or is occupied by an individual who has been given specific authority by the property owner to
 2 occupy the property, claiming a justification of using protective force under this section.

3 3. A person does not have a duty to retreat from a dwelling, residence, or vehicle where the
 4 person is not unlawfully entering or unlawfully remaining. A person does not have a duty to retreat
 5 from private property that is owned or leased by such individual.

6 4. The justification afforded by this section extends to the use of physical restraint as
 7 protective force provided that the actor takes all reasonable measures to terminate the restraint as
 8 soon as it is reasonable to do so.

9 5. The defendant shall have the burden of injecting the issue of justification under this
 10 section. If a defendant asserts that his or her use of force is described under subdivision (2) of
 11 subsection 2 of this section, the burden shall then be on the state to prove beyond a reasonable doubt
 12 that the defendant did not reasonably believe that the use of such force was necessary to defend
 13 against what he or she reasonably believed was the use or imminent use of unlawful force."; and

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

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 18 "571.030. 1. A person commits the crime of unlawful use of weapons, except as provided
 19 by sections 571.101 to 571.121, if he or she knowingly:

20 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any
 21 other weapon readily capable of lethal use into any area where firearms are restricted under section
 22 571.107; or

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

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

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

29
 30 "substance that is sufficient for a felony violation of section 195.202[.]; or

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

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

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

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 42 "3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the
 43 actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
 44 ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision
 45 (1) of subsection 1 of this section does not apply to any person nineteen years of age or older or
 46 eighteen years of age or older and a member of the United States Armed Forces, or honorably
 47 discharged from the United States Armed Forces, transporting a concealable firearm in the
 48 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 accordingly; and

Further amend said bill by amending the title, enacting clause, and intersectional references

1 accordingly.

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3 THIS AMENDMENT IS A SUBSTITUTE FOR AMENDMENT 4577H01.11H

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