

FIRST REGULAR SESSION

HOUSE BILL NO. 96

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHROER.

0523H.03I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 571, RSMo, by adding thereto one new section relating to firearms.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 571, RSMo, is amended by adding thereto one new section, to be known as section 571.069, to read as follows:

571.069. 1. Any business enterprise electing to prohibit the possession of firearms or other arms by the placement of signs as authorized under section 571.107, or other provisions of chapter 571, shall assume custodial responsibility for the safety and defense of any person who is authorized to carry firearms or other arms under chapter 571 while such person is on the premises of the business enterprise. The provisions of this section shall not apply to private property not used for commercial purposes or private residences of any type. For purposes of this section, "business enterprise" means any business that sells or provides goods or services to the general public.

2. Notwithstanding any other provision of law, the requirement to ensure safety and defense under subsection 1 of this section shall include a mandatory and explicit duty to defend persons authorized to carry firearms or other arms under chapter 571 against the intentional or reckless conduct of third parties including, but not limited to, persons who are trespassers, employees, customers, or other invitees of the business enterprise. The requirement to ensure safety and defense shall also include a duty to defend persons authorized to carry firearms or other arms against vicious animals and wild animals. The duty to defend such persons under this subsection shall apply only to the defense against conduct that could reasonably have been prevented by the use of arms in lawful self-defense. If a business enterprise restricts the possession of firearms or other arms under

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 chapter 571, then such business shall post, together with the notice and sign required under
20 section 571.107, notice stating that persons authorized to carry firearms or other arms
21 under chapter 571 are under the custodial responsibility of the business entity.

22 3. A person authorized to carry firearms or other arms under chapter 571 who is
23 injured, suffers bodily injury or death, incurs economic loss or expense, or suffers property
24 damage as a result of conduct breaching the duty to defend such person shall have a cause
25 of action against a business entity prohibiting the possession of firearms or other arms
26 under chapter 571.

27 4. The standard of proof for tort actions under this section shall require that a
28 plaintiff show by preponderance of the evidence that:

29 (a) He or she was authorized to carry firearms or other arms under chapter 571;

30 (b) He or she was lawfully prohibited from carrying firearms or other arms by
31 reason of a sign voluntarily posted by a business enterprise under section 571.107;

32 (c) He or she was prohibited from carrying firearms by a business enterprise that
33 is not required to prohibit firearms or other arms under state or federal law or by a rule
34 or policy enacted by a political subdivision or the state contracting with such business
35 entity; and

36 (d) The business enterprise's prohibition on carrying firearms or other arms was
37 the proximate cause of the damages, loss, or injury suffered by the plaintiff.

38 5. If a plaintiff is successful in a lawsuit under this section, then he or she shall be
39 entitled to reasonable attorneys' fees, expert witness costs, and court costs.

40 6. The statute of limitations for an action under this section shall be two years from
41 the date of the occurrence giving rise to the damages, loss, or injury.

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