

HOUSE BILL NO. 2162

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LOVASCO.

4485H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 571.020 and 571.107, RSMo, and to enact in lieu thereof two new sections relating to knuckles, with penalty provisions.

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

Section A. Sections 571.020 and 571.107, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 571.020 and 571.107, to read as follows:

571.020. 1. A person commits an offense if such person knowingly possesses, manufactures, transports, repairs, or sells:

(1) An explosive weapon;

(2) An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;

(3) A gas gun;

(4) A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or

(5) ~~Knuckles; or~~

~~(6)~~ Any of the following in violation of federal law:

(a) A machine gun;

(b) A short-barreled rifle or shotgun;

(c) A firearm silencer; or

(d) A switchblade knife.

2. A person does not commit an offense pursuant to this section if his or her conduct involved any of the items in subdivisions (1) to ~~(5)~~ **(4)** of subsection 1, the item was possessed in conformity with any applicable federal law, and the conduct:

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.

18 (1) Was incident to the performance of official duty by the Armed Forces, National
 19 Guard, a governmental law enforcement agency, or a penal institution; or

20 (2) Was incident to engaging in a lawful commercial or business transaction with an
 21 organization enumerated in subdivision (1) of this ~~[section]~~ **subsection**; or

22 (3) Was incident to using an explosive weapon in a manner reasonably related to a lawful
 23 industrial or commercial enterprise; or

24 (4) Was incident to displaying the weapon in a public museum or exhibition; or

25 (5) Was incident to using the weapon in a manner reasonably related to a lawful dramatic
 26 performance.

27 3. An offense pursuant to subdivision (1), (2), (3) or ~~[(6)]~~ **(5)** of subsection 1 of this
 28 section is a class D felony; a crime pursuant to subdivision (4) ~~[or (5)]~~ of subsection 1 of this
 29 section is a class A misdemeanor.

571.107. 1. A concealed carry permit issued pursuant to sections 571.101 to 571.121,
 2 a valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry
 3 endorsement or permit issued by another state or political subdivision of another state shall
 4 authorize the person in whose name the permit or endorsement is issued to carry concealed
 5 firearms on or about his or her person or vehicle throughout the state. No concealed carry permit
 6 issued pursuant to sections 571.101 to 571.121, valid concealed carry endorsement issued prior
 7 to August 28, 2013, or a concealed carry endorsement or permit issued by another state or
 8 political subdivision of another state shall authorize any person to carry concealed firearms **or**
 9 **knuckles** into:

10 (1) Any police, sheriff, or highway patrol office or station without the consent of the
 11 chief law enforcement officer in charge of that office or station. Possession of a firearm in a
 12 vehicle on the premises of the office or station shall not be a criminal offense so long as the
 13 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

14 (2) Within twenty-five feet of any polling place on any election day. Possession of a
 15 firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long
 16 as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

17 (3) The facility of any adult or juvenile detention or correctional institution, prison or
 18 jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or
 19 correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not
 20 removed from the vehicle or brandished while the vehicle is on the premises;

21 (4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any
 22 courtrooms, administrative offices, libraries or other rooms of any such court whether or not such
 23 court solely occupies the building in question. This subdivision shall also include, but not be
 24 limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of

25 the courts or offices listed in this subdivision are temporarily conducting any business within the
26 jurisdiction of such courts or offices, and such other locations in such manner as may be
27 specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this
28 subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section
29 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2), (4),
30 and (10) of subsection 2 of section 571.030, or such other persons who serve in a law
31 enforcement capacity for a court as may be specified by supreme court rule pursuant to
32 subdivision (6) of this subsection from carrying a concealed firearm within any of the areas
33 described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the
34 areas listed in this subdivision shall not be a criminal offense so long as the firearm is not
35 removed from the vehicle or brandished while the vehicle is on the premises;

36 (5) Any meeting of the governing body of a unit of local government; or any meeting of
37 the general assembly or a committee of the general assembly, except that nothing in this
38 subdivision shall preclude a member of the body holding a valid concealed carry permit or
39 endorsement from carrying a concealed firearm at a meeting of the body which he or she is a
40 member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so
41 long as the firearm is not removed from the vehicle or brandished while the vehicle is on the
42 premises. Nothing in this subdivision shall preclude a member of the general assembly, a
43 full-time employee of the general assembly employed under Section 17, Article III, Constitution
44 of Missouri, legislative employees of the general assembly as determined under section 21.155,
45 or statewide elected officials and their employees, holding a valid concealed carry permit or
46 endorsement, from carrying a concealed firearm in the state capitol building or at a meeting
47 whether of the full body of a house of the general assembly or a committee thereof, that is held
48 in the state capitol building;

49 (6) The general assembly, supreme court, county or municipality may by rule,
50 administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by
51 permit or endorsement holders in that portion of a building owned, leased or controlled by that
52 unit of government. Any portion of a building in which the carrying of concealed firearms is
53 prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted
54 area. The statute, rule or ordinance shall exempt any building used for public housing by private
55 persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled
56 by that unit of government from any restriction on the carrying or possession of a firearm. The
57 statute, rule or ordinance shall not specify any criminal penalty for its violation but may specify
58 that persons violating the statute, rule or ordinance may be denied entrance to the building,
59 ordered to leave the building and if employees of the unit of government, be subjected to

60 disciplinary measures for violation of the provisions of the statute, rule or ordinance. The
61 provisions of this subdivision shall not apply to any other unit of government;

62 (7) Any establishment licensed to dispense intoxicating liquor for consumption on the
63 premises, which portion is primarily devoted to that purpose, without the consent of the owner
64 or manager. The provisions of this subdivision shall not apply to the licensee of said
65 establishment. The provisions of this subdivision shall not apply to any bona fide restaurant
66 open to the general public having dining facilities for not less than fifty persons and that receives
67 at least fifty-one percent of its gross annual income from the dining facilities by the sale of food.
68 This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the
69 establishment and shall not be a criminal offense so long as the firearm is not removed from the
70 vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision
71 authorizes any individual who has been issued a concealed carry permit or endorsement to
72 possess any firearm while intoxicated;

73 (8) Any area of an airport to which access is controlled by the inspection of persons and
74 property. Possession of a firearm in a vehicle on the premises of the airport shall not be a
75 criminal offense so long as the firearm is not removed from the vehicle or brandished while the
76 vehicle is on the premises;

77 (9) Any place where the carrying of a firearm is prohibited by federal law;

78 (10) Any higher education institution or elementary or secondary school facility without
79 the consent of the governing body of the higher education institution or a school official or the
80 district school board, unless the person with the concealed carry endorsement or permit is a
81 teacher or administrator of an elementary or secondary school who has been designated by his
82 or her school district as a school protection officer and is carrying a firearm in a school within
83 that district, in which case no consent is required. Possession of a firearm in a vehicle on the
84 premises of any higher education institution or elementary or secondary school facility shall not
85 be a criminal offense so long as the firearm is not removed from the vehicle or brandished while
86 the vehicle is on the premises;

87 (11) Any portion of a building used as a child care facility without the consent of the
88 manager. Nothing in this subdivision shall prevent the operator of a child care facility in a
89 family home from owning or possessing a firearm or a concealed carry permit or endorsement;

90 (12) Any riverboat gambling operation accessible by the public without the consent of
91 the owner or manager pursuant to rules promulgated by the gaming commission. Possession of
92 a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal
93 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle
94 is on the premises;

95 (13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the
96 premises of the amusement park shall not be a criminal offense so long as the firearm is not
97 removed from the vehicle or brandished while the vehicle is on the premises;

98 (14) Any church or other place of religious worship without the consent of the minister
99 or person or persons representing the religious organization that exercises control over the place
100 of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal
101 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle
102 is on the premises;

103 (15) Any private property whose owner has posted the premises as being off-limits to
104 concealed firearms by means of one or more signs displayed in a conspicuous place of a
105 minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less
106 than one inch. The owner, business or commercial lessee, manager of a private business
107 enterprise, or any other organization, entity, or person may prohibit persons holding a concealed
108 carry permit or endorsement from carrying concealed firearms on the premises and may prohibit
109 employees, not authorized by the employer, holding a concealed carry permit or endorsement
110 from carrying concealed firearms on the property of the employer. If the building or the premises
111 are open to the public, the employer of the business enterprise shall post signs on or about the
112 premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on
113 the premises shall not be a criminal offense so long as the firearm is not removed from the
114 vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees
115 or other persons holding a concealed carry permit or endorsement from carrying a concealed
116 firearm in vehicles owned by the employer;

117 (16) Any sports arena or stadium with a seating capacity of five thousand or more.
118 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the
119 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

120 (17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the
121 premises of a hospital shall not be a criminal offense so long as the firearm is not removed from
122 the vehicle or brandished while the vehicle is on the premises.

123 2. Carrying of a concealed firearm **or knuckles** in a location specified in subdivisions
124 (1) to (17) of subsection 1 of this section by any individual who holds a concealed carry permit
125 issued pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior
126 to August 28, 2013, shall not be a criminal act but may subject the person to denial to the
127 premises or removal from the premises. If such person refuses to leave the premises and a peace
128 officer is summoned, such person may be issued a citation for an amount not to exceed one
129 hundred dollars for the first offense. If a second citation for a similar violation occurs within a
130 six-month period, such person shall be fined an amount not to exceed two hundred dollars and

131 his or her permit, and, if applicable, endorsement to carry concealed firearms shall be suspended
132 for a period of one year. If a third citation for a similar violation is issued within one year of the
133 first citation, such person shall be fined an amount not to exceed five hundred dollars and shall
134 have his or her concealed carry permit, and, if applicable, endorsement revoked and such person
135 shall not be eligible for a concealed carry permit for a period of three years. Upon conviction
136 of charges arising from a citation issued pursuant to this subsection, the court shall notify the
137 sheriff of the county which issued the concealed carry permit, or, if the person is a holder of a
138 concealed carry endorsement issued prior to August 28, 2013, the court shall notify the sheriff
139 of the county which issued the certificate of qualification for a concealed carry endorsement and
140 the department of revenue. The sheriff shall suspend or revoke the concealed carry permit or,
141 if applicable, the certificate of qualification for a concealed carry endorsement. If the person
142 holds an endorsement, the department of revenue shall issue a notice of such suspension or
143 revocation of the concealed carry endorsement and take action to remove the concealed carry
144 endorsement from the individual's driving record. The director of revenue shall notify the
145 licensee that he or she must apply for a new license pursuant to chapter 302 which does not
146 contain such endorsement. The notice issued by the department of revenue shall be mailed to
147 the last known address shown on the individual's driving record. The notice is deemed received
148 three days after mailing.

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