

FIRST REGULAR SESSION

HOUSE BILL NO. 1026

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LOVASCO.

2110H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 21.750, 557.035, 571.020, 571.030, and 571.107, RSMo, and to enact in lieu thereof five new sections relating to weapons, with penalty provisions.

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

Section A. Sections 21.750, 557.035, 571.020, 571.030, and 571.107, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 21.750, 557.035, 571.020, 571.030, and 571.107, to read as follows:

21.750. 1. The general assembly hereby occupies and preempts the entire field of legislation touching in any way firearms, components, ammunition and supplies to the complete exclusion of any order, ordinance or regulation by any political subdivision of this state. Any existing or future orders, ordinances or regulations in this field are hereby and shall be null and void except as provided in subsection 3 of this section.

2. No county, city, town, village, municipality, or other political subdivision of this state shall adopt any order, ordinance or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes or other controls on firearms, components, ammunition, and supplies except as provided in subsection 3 of this section.

3. (1) Except as provided in subdivision (2) of this subsection, nothing contained in this section shall prohibit any ordinance of any political subdivision ~~[which]~~ **that** conforms exactly with any of the provisions of sections 571.010 to 571.070, with appropriate penalty provisions~~;~~ ~~or which~~ ; **that** regulates the open carrying of firearms readily capable of lethal use; or **that regulates** the discharge of ~~[firearms]~~ **a firearm within one hundred fifty feet of a structure** within a ~~[jurisdiction]~~ **political subdivision without permission of the owner of the structure,**

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.

17 provided such ordinance complies with the provisions of section 252.243. No ordinance shall
18 be construed to preclude the use of a firearm in the defense of person or property, subject to the
19 provisions of chapter 563; **to preclude the discharge of a firearm at least one hundred fifty**
20 **feet from any structure; or to preclude the discharge of a firearm within one hundred fifty**
21 **feet of a structure if done with the permission of the owner of such structure.**

22 (2) In any jurisdiction in which the open carrying of firearms is prohibited by ordinance,
23 the open carrying of firearms shall not be prohibited in accordance with the following:

24 (a) Any person with a valid concealed carry endorsement or permit who is open carrying
25 a firearm shall be required to have a valid concealed carry endorsement or permit from this state,
26 or a permit from another state that is recognized by this state, in his or her possession at all times;

27 (b) Any person open carrying a firearm in such jurisdiction shall display his or her
28 concealed carry endorsement or permit upon demand of a law enforcement officer;

29 (c) In the absence of any reasonable and articulable suspicion of criminal activity, no
30 person carrying a concealed or unconcealed firearm shall be disarmed or physically restrained
31 by a law enforcement officer unless under arrest; and

32 (d) Any person who violates this subdivision shall be subject to the penalty provided in
33 section 571.121.

34 4. The lawful design, marketing, manufacture, distribution, or sale of firearms or
35 ammunition to the public is not an abnormally dangerous activity and does not constitute a public
36 or private nuisance.

37 5. No county, city, town, village or any other political subdivision nor the state shall
38 bring suit or have any right to recover against any firearms or ammunition manufacturer, trade
39 association or dealer for damages, abatement or injunctive relief resulting from or relating to the
40 lawful design, manufacture, marketing, distribution, or sale of firearms or ammunition to the
41 public. This subsection shall apply to any suit pending as of October 12, 2003, as well as any
42 suit which may be brought in the future. Provided, however, that nothing in this section shall
43 restrict the rights of individual citizens to recover for injury or death caused by the negligent or
44 defective design or manufacture of firearms or ammunition.

45 6. Nothing in this section shall prevent the state, a county, city, town, village or any other
46 political subdivision from bringing an action against a firearms or ammunition manufacturer or
47 dealer for breach of contract or warranty as to firearms or ammunition purchased by the state or
48 such political subdivision.

557.035. 1. For all violations of section 565.054 or 565.090, subdivision (1) of
2 subsection 1 of section 569.100, or subdivision (1), (2), (3), (4), (6), (7) ~~[or]~~ , (8), **or (9)** of
3 subsection 1 of section 571.030, which the state believes to be knowingly motivated because of
4 race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims,

5 the state may charge the offense or offenses under this section, and the violation is a class D
6 felony.

7 2. For all violations of section 565.056; subdivision (1) of subsection 1 of section
8 569.090; subdivision (1) of subsection 1 of section 569.120; section 569.140; or section 574.050;
9 which the state believes to be knowingly motivated because of race, color, religion, national
10 origin, sex, sexual orientation or disability of the victim or victims, the state may charge the
11 offense or offenses under this section, and the violation is a class E felony.

12 3. The court shall assess punishment in all of the cases in which the state pleads and
13 proves any of the motivating factors listed in this section.

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

3 (1) An explosive weapon;

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

6 (3) A gas gun;

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

9 (5) ~~[Knuckles, or~~

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

11 (a) A machine gun;

12 (b) A short-barreled rifle or shotgun;

13 (c) A firearm silencer; or

14 (d) A switchblade knife.

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

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

571.030. 1. A person commits the offense of unlawful use of weapons, except as
2 otherwise provided by sections 571.101 to 571.121, if he or she knowingly:

3 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or
4 any other weapon readily capable of lethal use into any area where firearms are restricted under
5 section 571.107; ~~[or]~~

6 (2) Sets a spring gun; ~~[or]~~

7 (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft,
8 or motor vehicle as defined in section 302.010, or any building or structure used for the
9 assembling of people; ~~[or]~~

10 (4) Exhibits, in the presence of one or more persons, any weapon readily capable of
11 lethal use in an angry or threatening manner; ~~[or]~~

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

16 (6) Discharges a firearm within one hundred yards of any occupied schoolhouse,
17 courthouse, or church building; ~~[or]~~

18 (7) Discharges or shoots a firearm at a mark, at any object, or at random~~[,]~~ on, along, or
19 across a public highway ~~[or]~~ ;

20 (8) Discharges or shoots a firearm into any outbuilding **without the permission of the**
21 **owner of the outbuilding;** ~~[or]~~

22 ~~——(8)]~~ **(9)** Carries a firearm or any other weapon readily capable of lethal use into any
23 church or place where people have assembled for worship, ~~[or]~~ into any election precinct on any
24 election day, or into any building owned or occupied by any agency of the federal government,
25 state government, or political subdivision thereof; ~~[or]~~

26 ~~——(9)]~~ **(10)** Discharges or shoots a firearm ~~[at or]~~ from a motor vehicle, as defined in
27 section 301.010, **unless the person was lawfully acting in self-defense;**

28 **(11)** Discharges or shoots a firearm at any person~~[, or]~~ ; at any ~~[other]~~ motor vehicle, **as**
29 **defined in section 301.010, without the permission of the owner of the motor vehicle;** or at
30 any building or habitable structure **without the permission of the owner of the building or**
31 **habitable structure**, unless the person was lawfully acting in self-defense; ~~[or]~~

32 ———~~(10)~~ **(12)** Carries a firearm, whether loaded or unloaded, or any other weapon readily
33 capable of lethal use into any school, onto any school bus, or onto the premises of any function
34 or activity sponsored or sanctioned by school officials or the district school board; or

35 ~~[(11)]~~ **(13)** Possesses a firearm while also knowingly in possession of a controlled
36 substance that is sufficient for a felony violation of section 579.015.

37 2. Subdivisions (1), ~~[(8)]~~ **(9)**, and ~~[(10)]~~ **(12)** of subsection 1 of this section shall not
38 apply 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)]~~ **(10)**, and **(11)** of
41 subsection 1 of this section shall not apply to or affect any of the following persons, when such
42 uses are reasonably associated with or are necessary to the fulfillment of such person's official
43 duties, except as otherwise provided in this subsection:

44 (1) All state, county and municipal peace officers who have completed the training
45 required by the police officer standards and training commission pursuant to sections 590.030
46 to 590.050 and who possess the duty and power of arrest for violation of the general criminal
47 laws of the state or for violation of ordinances of counties or municipalities of the state, whether
48 such officers are on or off duty, and whether such officers are within or outside of the law
49 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection
50 12 of this section, and who carry the identification defined in subsection 13 of this section, or
51 any person summoned by such officers to assist in making arrests or preserving the peace while
52 actually engaged in assisting such officer;

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

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

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

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

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

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

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

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

69 (10) Any municipal or county prosecuting attorney or assistant prosecuting attorney;
70 circuit attorney or assistant circuit attorney; municipal, associate, or circuit judge; or any person
71 appointed by a court to be a special prosecutor who has completed the firearms safety training
72 course required under subsection 2 of section 571.111;

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

78 (12) Upon the written approval of the governing body of a fire department or fire
79 protection district, any paid fire department or fire protection district member who is employed
80 on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28,
81 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are
82 necessary to the fulfillment of such person's official duties.

83 3. Subdivisions (1), (5), ~~[(8)]~~ (9), and ~~[(10)]~~ (12) of subsection 1 of this section do not
84 apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded
85 state when ammunition is not readily accessible or when such weapons are not readily accessible.
86 Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age
87 or older or eighteen years of age or older and a member of the United States Armed Forces, or
88 honorably discharged from the United States Armed Forces, transporting a concealable firearm
89 in the passenger compartment of a motor vehicle, so long as such concealable firearm is
90 otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or
91 projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon
92 premises over which the actor has possession, authority or control, or is traveling in a continuous
93 journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not
94 apply if the firearm is otherwise lawfully possessed by a person while traversing school premises
95 for the purposes of transporting a student to or from school, or possessed by an adult for the
96 purposes of facilitation of a school-sanctioned firearm-related event or club event.

97 4. Subdivisions (1), ~~[(8)]~~ (9), and ~~[(10)]~~ (12) of subsection 1 of this section shall not
98 apply to any person who has a valid concealed carry permit issued pursuant to sections 571.101
99 to 571.121, a valid concealed carry endorsement issued before August 28, 2013, or a valid permit
100 or endorsement to carry concealed firearms issued by another state or political subdivision of
101 another state.

102 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), ~~and~~ (10), **(11), and (12)** of subsection 1
103 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to
104 section 563.031.

105 6. Notwithstanding any provision of this section to the contrary, the state shall not
106 prohibit any state employee from having a firearm in the employee's vehicle on the state's
107 property provided that the vehicle is locked and the firearm is not visible. This subsection shall
108 only apply to the state as an employer when the state employee's vehicle is on property owned
109 or leased by the state and the state employee is conducting activities within the scope of his or
110 her employment. For the purposes of this subsection, "state employee" means an employee of
111 the executive, legislative, or judicial branch of the government of the state of Missouri.

112 7. Nothing in this section shall make it unlawful for a student to actually participate in
113 school-sanctioned gun safety courses, student military or ROTC courses, or other
114 school-sponsored or club-sponsored firearm-related events, provided the student does not carry
115 a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or
116 onto the premises of any other function or activity sponsored or sanctioned by school officials
117 or the district school board.

118 8. A person who commits the crime of unlawful use of weapons under:

119 (1) Subdivision (2), (3), (4), or ~~[(11)]~~ **(13)** of subsection 1 of this section shall be guilty
120 of a class E felony;

121 (2) Subdivision (1), (6), (7), ~~[(8)]~~ **or (9)** of subsection 1 of this section shall be guilty
122 of a class B misdemeanor, except when a concealed weapon is carried onto any private property
123 whose owner has posted the premises as being off-limits to concealed firearms by means of one
124 or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen
125 inches with the writing thereon in letters of not less than one inch, in which case the penalties
126 of subsection 2 of section 571.107 shall apply;

127 (3) Subdivision (5) or ~~[(10)]~~ **(12)** of subsection 1 of this section shall be guilty of a class
128 A misdemeanor if the firearm is unloaded and a class E felony if the firearm is loaded;

129 (4) Subdivision ~~[(9)]~~ **(10) or (11)** of subsection 1 of this section shall be guilty of a class
130 B felony, except that if the violation of subdivision ~~[(9)]~~ **(10) or (11)** of subsection 1 of this
131 section results in injury or death to another person, it is a class A felony.

132 9. Violations of subdivision ~~[(9)]~~ **(10) or (11)** of subsection 1 of this section shall be
133 punished as follows:

134 (1) For the first violation a person shall be sentenced to the maximum authorized term
135 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. Any person knowingly aiding or abetting any other person in the violation of subdivision ~~[(9)]~~ **(10) or (11)** 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. 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. 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. 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

172 found by the agency to meet the standards established by the agency for training and qualification
173 for active peace officers to carry a firearm of the same type as the concealed firearm; or

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

176 (3) A certification issued by the state in which the individual resides that indicates that
177 the individual has, not less recently than one year before the date the individual is carrying the
178 concealed firearm, been tested or otherwise found by the state to meet the standards established
179 by the state for training and qualification for active peace officers to carry a firearm of the same
180 type as the concealed firearm.

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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