

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

**Offered By**

1 AMEND House Bill No. 70, Page 3, Section 160.665, Line 71, by inserting after said section and  
2 line the following:

3  
4 "571.030. 1. A person commits the offense of unlawful use of weapons, except as otherwise  
5 provided by sections 571.101 to 571.121, if he or she knowingly:

6 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any  
7 other weapon readily capable of lethal use into any area where firearms are restricted under section  
8 571.107; or

9 (2) Sets a spring gun; or

10 (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or  
11 motor vehicle as defined in section 302.010, or any building or structure used for the assembling of  
12 people; or

13 (4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal  
14 use in an angry or threatening manner; or

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

19 (6) Discharges a firearm within one hundred yards of any occupied schoolhouse,  
20 courthouse, or church building; or

21 (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across  
22 a public highway or discharges or shoots a firearm into any outbuilding; or

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

27 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010,  
28 discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or  
29 habitable structure, unless the person was lawfully acting in self-defense; or

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of  
2 lethal use into any school, onto any school bus, or onto the premises of any function or activity  
3 sponsored or sanctioned by school officials or the district school board; or

4 (11) Possesses a firearm while also knowingly in possession of a controlled substance that is  
5 sufficient for a felony violation of section 579.015.

6 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the  
7 persons described in this subsection, regardless of whether such uses are reasonably associated with  
8 or are necessary to the fulfillment of such person's official duties except as otherwise provided in  
9 this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply  
10 to or affect any of the following persons, when such uses are reasonably associated with or are  
11 necessary to the fulfillment of such person's official duties, except as otherwise provided in this  
12 subsection:

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

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

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

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

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

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

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

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

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

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

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

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

10 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the  
11 actor is transporting such weapons in a nonfunctioning state or in an unloaded state when  
12 ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision  
13 (1) of subsection 1 of this section does not apply to any person nineteen years of age or older or  
14 eighteen years of age or older and a member of the United States Armed Forces, or honorably  
15 discharged from the United States Armed Forces, transporting a concealable firearm in the  
16 passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise  
17 lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile  
18 weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which  
19 the actor has possession, authority or control, or is traveling in a continuous journey peaceably  
20 through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is  
21 otherwise lawfully possessed by a person while traversing school premises for the purposes of  
22 transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a  
23 school-sanctioned firearm-related event or club event.

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

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

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

37 7. (1) Subdivision (10) of subsection 1 of this section shall not apply to a person who is a  
38 school officer commissioned by the district school board under section 162.215 or who is a school  
39 protection officer, as described under section 160.665.

1           (2) Nothing in this section shall make it unlawful for a student to actually participate in  
2 school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored  
3 or club-sponsored firearm-related events, provided the student does not carry a firearm or other  
4 weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of  
5 any other function or activity sponsored or sanctioned by school officials or the district school  
6 board.

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

8           (1) Subdivision (2), (3), (4), or (11) of subsection 1 of this section shall be guilty of a class E  
9 felony;

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

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

18           (4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony, except  
19 that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to  
20 another person, it is a class A felony.

21           9. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

22           (1) For the first violation a person shall be sentenced to the maximum authorized term of  
23 imprisonment for a class B felony;

24           (2) For any violation by a prior offender as defined in section 558.016, a person shall be  
25 sentenced to the maximum authorized term of imprisonment for a class B felony without the  
26 possibility of parole, probation or conditional release for a term of ten years;

27           (3) For any violation by a persistent offender as defined in section 558.016, a person shall  
28 be sentenced to the maximum authorized term of imprisonment for a class B felony without the  
29 possibility of parole, probation, or conditional release;

30           (4) For any violation which results in injury or death to another person, a person shall be  
31 sentenced to an authorized disposition for a class A felony.

32           10. Any person knowingly aiding or abetting any other person in the violation of  
33 subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed  
34 by this section for violations by other persons.

35           11. Notwithstanding any other provision of law, no person who pleads guilty to or is found  
36 guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of  
37 sentence if such person has previously received a suspended imposition of sentence for any other  
38 firearms- or weapons-related felony offense.

39           12. As used in this section "qualified retired peace officer" means an individual who:

1 (1) Retired in good standing from service with a public agency as a peace officer, other than  
2 for reasons of mental instability;

3 (2) Before such retirement, was authorized by law to engage in or supervise the prevention,  
4 detection, investigation, or prosecution of, or the incarceration of any person for, any violation of  
5 law, and had statutory powers of arrest;

6 (3) Before such retirement, was regularly employed as a peace officer for an aggregate of  
7 fifteen years or more, or retired from service with such agency, after completing any applicable  
8 probationary period of such service, due to a service-connected disability, as determined by such  
9 agency;

10 (4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a  
11 plan is available;

12 (5) During the most recent twelve-month period, has met, at the expense of the individual,  
13 the standards for training and qualification for active peace officers to carry firearms;

14 (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or  
15 substance; and

16 (7) Is not prohibited by federal law from receiving a firearm.

17 13. The identification required by subdivision (1) of subsection 2 of this section is:

18 (1) A photographic identification issued by the agency from which the individual retired  
19 from service as a peace officer that indicates that the individual has, not less recently than one year  
20 before the date the individual is carrying the concealed firearm, been tested or otherwise found by  
21 the agency to meet the standards established by the agency for training and qualification for active  
22 peace officers to carry a firearm of the same type as the concealed firearm; or

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

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

30  
31 Further amend said bill by amending the title, enacting clause, and intersectional references  
32 accordingly.