

HOUSE AMENDMENT NO. _____
TO
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Offered By

AMEND House Amendment No. _____ to House Committee Substitute for House Bill No. 1175,
Page 1, Line 4, by deleting said line and inserting in lieu thereof the following:

""571.030. 1. A person commits the offense of unlawful use of weapons, except as
otherwise provided by sections 571.101 to 571.121 and sections 571.205 to 571.230, if he or she
knowingly:

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

(2) Sets a spring gun; or

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

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

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

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

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

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

Action Taken _____ Date _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person
29 who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121 or sections
30 571.205 to 571.230, a valid concealed carry endorsement issued before August 28, 2013, or a valid
31 permit or endorsement to carry concealed firearms issued by another state or political subdivision of
32 another state.

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

35 6. Notwithstanding any provision of this section to the contrary, the state shall not prohibit
36 any state employee from having a firearm in the employee's vehicle on the state's property provided
37 that the vehicle is locked and the firearm is not visible. This subsection shall only apply to the state
38 as an employer when the state employee's vehicle is on property owned or leased by the state and
39 the state employee is conducting activities within the scope of his or her employment. For the

1 purposes of this subsection, "state employee" means an employee of the executive, legislative, or
2 judicial branch of the government of the state of Missouri.

3 7. (1) Subdivision (10) of subsection 1 of this section shall not apply to a person who is a
4 school officer commissioned by the district school board under section 162.215 or who is a school
5 protection officer, as described under section 160.665.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 571.060. 1. A person commits the offense of unlawful transfer of weapons if he or she";
36 and

37
38 Further amend said bill by amending the title, enacting clause, and intersectional references
39 accordingly.

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41 THIS AMENDMENT AMENDS AMENDMENT 2687H02.05H.