

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Substitute for Senate Bill No. 1421, Page 1, Section A, Line 3, by inserting
2 after all of said section and line the following:
3

4 "571.030. 1. A person commits the offense of unlawful use of weapons, except as
5 otherwise provided by sections 571.101 to 571.121 and sections 571.205 to 571.230, if he or she
6 knowingly:

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

10 (2) Sets a spring gun; or

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

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

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

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

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

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

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

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1 (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable
2 of lethal use into any school, onto any school bus, or onto the premises of any function or
3 activity 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
5 that is 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
8 with or are necessary to the fulfillment of such person's official duties except as otherwise
9 provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section
10 shall not apply to or affect any of the following persons, when such uses are reasonably
11 associated with or are necessary to the fulfillment of such person's official duties, except as
12 otherwise provided in this subsection:

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

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

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

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

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

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

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

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

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

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

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

11 (12) Upon the written approval of the governing body of a fire department or fire
12 protection district, any paid fire department or fire protection district member who is employed
13 on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28,
14 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are
15 necessary to the fulfillment of such person's official duties.

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

30 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
31 person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121 or
32 sections 571.205 to 571.230, a valid concealed carry endorsement issued before August 28,
33 2013, or a valid permit or endorsement to carry concealed firearms issued by another state or
34 political subdivision of another state.

35 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section
36 shall not apply to persons who are engaged in a lawful act of defense pursuant to section
37 563.031.

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

8 7. (1) Subdivision (10) of subsection 1 of this section shall not apply to a person who is
9 a school officer commissioned by the district school board under section 162.215 or who is a
10 school protection officer, as described under section 160.665.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (3) A certification issued by the state in which the individual resides that indicates that
2 the individual has, not less recently than one year before the date the individual is carrying the
3 concealed firearm, been tested or otherwise found by the state to meet the standards established
4 by the state for training and qualification for active peace officers to carry a firearm of the same
5 type as the concealed firearm."; and
6
7 Further amend said bill by amending the title, enacting clause, and intersectional references
8 accordingly.