

SECOND REGULAR SESSION

# HOUSE BILL NO. 1665

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SEITZ.

3867H.011

JOSEPH ENGLER, Chief Clerk

## AN ACT

To repeal sections 571.107 and 571.215, RSMo, and to enact in lieu thereof two new sections relating to the rights of holders of a concealed carry permit or endorsement.

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

Section A. Sections 571.107 and 571.215, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 571.107 and 571.215, to read as follows:

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  
6 permit issued pursuant to sections 571.101 to 571.121, valid concealed carry endorsement  
7 issued prior to August 28, 2013, or a concealed carry endorsement or permit issued by another  
8 state or political subdivision of another state shall authorize any person to carry concealed  
9 firearms 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  
16 long as the firearm is not removed from the vehicle or brandished while the vehicle is on the  
17 premises;

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

22           (4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any  
23 courtrooms, administrative offices, libraries or other rooms of any such court whether or not  
24 such court solely occupies the building in question. This subdivision shall also include, but  
25 not be limited to, any juvenile, family, drug, or other court offices, any room or office wherein  
26 any of the courts or offices listed in this subdivision are temporarily conducting any business  
27 within the jurisdiction of such courts or offices, and such other locations in such manner as  
28 may be specified by supreme court rule pursuant to subdivision (6) of this subsection.  
29 Nothing in this subdivision shall preclude those persons listed in subdivision (1) of subsection  
30 2 of section 571.030 while within their jurisdiction and on duty, those persons listed in  
31 subdivisions (2), (4), and (10) of subsection 2 of section 571.030, or such other persons who  
32 serve in a law enforcement capacity for a court as may be specified by supreme court rule  
33 pursuant to subdivision (6) of this subsection from carrying a concealed firearm within any of  
34 the areas described in this subdivision. Possession of a firearm in a vehicle on the premises of  
35 any of the areas listed in this subdivision shall not be a criminal offense so long as the firearm  
36 is not removed from the vehicle or brandished while the vehicle is on the premises;

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

50           (6) The general assembly, supreme court, county or municipality may by rule,  
51 administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by  
52 permit or endorsement holders in that portion of a building owned, leased or controlled by  
53 that unit of government. Any portion of a building in which the carrying of concealed  
54 firearms is prohibited or limited shall be clearly identified by signs posted at the entrance to

55 the restricted area. The statute, rule or ordinance shall exempt any building used for public  
56 housing by private persons, highways or rest areas, firing ranges, and private dwellings  
57 owned, leased, or controlled by that unit of government from any restriction on the carrying  
58 or possession of a firearm. The statute, rule or ordinance shall not specify any criminal  
59 penalty for its violation but may specify that persons violating the statute, rule or ordinance  
60 may be denied entrance to the building, ordered to leave the building and if employees of the  
61 unit of government, be subjected to disciplinary measures for violation of the provisions of  
62 the statute, rule or ordinance. The provisions of this subdivision shall not apply to any other  
63 unit of government;

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

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

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

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

89 (11) Any portion of a building used as a child care facility without the consent of the  
90 manager. Nothing in this subdivision shall prevent the operator of a child care facility in a

91 family home from owning or possessing a firearm or a concealed carry permit or  
92 endorsement;

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

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

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

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

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

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

2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of subsection 1 of this section by any individual who holds a concealed carry permit issued pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars and his or her permit, and, if applicable, endorsement to carry concealed firearms shall be suspended for a period of one year. If a third citation for a similar violation is issued within one year of the first citation, such person shall be fined an amount not to exceed five hundred dollars and shall have his or her concealed carry permit, and, if applicable, endorsement revoked and such person shall not be eligible for a concealed carry permit for a period of three years. Upon conviction of charges arising from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which issued the concealed carry permit, or, if the person is a holder of a concealed carry endorsement issued prior to August 28, 2013, the court shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and the department of revenue. The sheriff shall suspend or revoke the concealed carry permit or, if applicable, the certificate of qualification for a concealed carry endorsement. If the person holds an endorsement, the department of revenue shall issue a notice of such suspension or revocation of the concealed carry endorsement and take action to remove the concealed carry endorsement from the individual's driving record. The director of revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302 which does not contain such endorsement. The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing.

**3. (1) Notwithstanding any provision of this section to the contrary, no homeowners' association, condominium owners' association, property owners' association, master association, or any other similar superordinate entity shall, by rule, policy, covenant, deed, contract, or any other similar instrument or method, infringe upon the right to carry concealed firearms of any person who:**

**(a) Is an owner or occupant of a condominium or house within or under the control, authority, limits, or oversight of any such association or entity; and**

**(b) Is lawfully in possession of a valid concealed carry permit issued under sections 571.101 to 571.121, a concealed carry endorsement issued prior to August 28,**

163 **2013, or a valid concealed carry permit or endorsement issued by another state or a**  
164 **political subdivision of another state.**

165 **(2) The prohibition on any infringement on the right to carry concealed firearms**  
166 **described in subdivision (1) of this subsection shall extend to privately owned property,**  
167 **common elements, limited common elements, parking areas, and all ingress and egress**  
168 **routes, paths, and areas regardless of use, purpose, activity, necessity, convenience, or**  
169 **alternative.**

571.215. 1. A Missouri lifetime or extended concealed carry permit issued under  
2 sections 571.205 to 571.230 shall authorize the person in whose name the permit is issued to  
3 carry concealed firearms on or about his or her person or vehicle throughout the state. No  
4 Missouri lifetime or extended concealed carry permit shall authorize any person to carry  
5 concealed firearms into:

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

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

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

18 (4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any  
19 courtrooms, administrative offices, libraries, or other rooms of any such court whether or not  
20 such court solely occupies the building in question. This subdivision shall also include, but  
21 not be limited to, any juvenile, family, drug, or other court offices, any room or office wherein  
22 any of the courts or offices listed in this subdivision are temporarily conducting any business  
23 within the jurisdiction of such courts or offices, and such other locations in such manner as  
24 may be specified by supreme court rule under subdivision (6) of this subsection. Nothing in  
25 this subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of  
26 section 571.030 while within their jurisdiction and on duty, those persons listed in  
27 subdivisions (2), (4), and (10) of subsection 2 of section 571.030, or such other persons who  
28 serve in a law enforcement capacity for a court as may be specified by supreme court rule  
29 under subdivision (6) of this subsection from carrying a concealed firearm within any of the  
30 areas described in this subdivision. Possession of a firearm in a vehicle on the premises of

31 any of the areas listed in this subdivision shall not be a criminal offense so long as the firearm  
32 is not removed from the vehicle or brandished while the vehicle is on the premises;

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

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

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

68 subdivision authorizes any individual who has been issued a Missouri lifetime or extended  
69 concealed carry permit to possess any firearm while intoxicated;

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

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

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

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

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

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

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

101 (15) Any private property whose owner has posted the premises as being off-limits to  
102 concealed firearms by means of one or more signs displayed in a conspicuous place of a  
103 minimum size of eleven inches by fourteen inches with the writing thereon in letters of not  
104 less than one inch. The owner, business or commercial lessee, manager of a private business



105 enterprise, or any other organization, entity, or person may prohibit persons holding a  
106 Missouri lifetime or extended concealed carry permit from carrying concealed firearms on the  
107 premises and may prohibit employees, not authorized by the employer, holding a Missouri  
108 lifetime or extended concealed carry permit from carrying concealed firearms on the property  
109 of the employer. If the building or the premises are open to the public, the employer of the  
110 business enterprise shall post signs on or about the premises if carrying a concealed firearm is  
111 prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal  
112 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle  
113 is on the premises. An employer may prohibit employees or other persons holding a Missouri  
114 lifetime or extended concealed carry permit from carrying a concealed firearm in vehicles  
115 owned by the employer;

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

123 2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17)  
124 of subsection 1 of this section by any individual who holds a Missouri lifetime or extended  
125 concealed carry permit shall not be a criminal act but may subject the person to denial to the  
126 premises or removal from the premises. If such person refuses to leave the premises and a  
127 peace officer is summoned, such person may be issued a citation for an amount not to exceed  
128 one hundred dollars for the first offense. If a second citation for a similar violation occurs  
129 within a six-month period, such person shall be fined an amount not to exceed two hundred  
130 dollars and his or her permit to carry concealed firearms shall be suspended for a period of  
131 one year. If a third citation for a similar violation is issued within one year of the first  
132 citation, such person shall be fined an amount not to exceed five hundred dollars and shall  
133 have his or her Missouri lifetime or extended concealed carry permit revoked and such person  
134 shall not be eligible for a Missouri lifetime or extended concealed carry permit or a concealed  
135 carry permit issued under sections 571.101 to 571.121 for a period of three years. Upon  
136 conviction of charges arising from a citation issued under this subsection, the court shall  
137 notify the sheriff of the county which issued the Missouri lifetime or extended concealed  
138 carry permit. The sheriff shall suspend or revoke the Missouri lifetime or extended concealed  
139 carry permit.

140 **3. (1) Notwithstanding any provision of this section to the contrary, no**  
141 **homeowners' association, condominium owners' association, property owners'**

142 association, master association, or any other similar superordinate entity shall, by rule,  
143 policy, covenant, deed, contract, or any other similar instrument or method, infringe  
144 upon the right to carry concealed firearms of any person who:

145 (a) Is an owner or occupant of a condominium or house within or under the  
146 control, authority, limits, or oversight of any such association or entity; and

147 (b) Is lawfully in possession of a valid Missouri lifetime or extended concealed  
148 carry permit.

149 (2) The prohibition on any infringement on the right to carry concealed firearms  
150 described in subdivision (1) of this subsection shall extend to privately owned property,  
151 common elements, limited common elements, parking areas, and all ingress and egress  
152 routes, paths, and areas regardless of use, purpose, activity, necessity, convenience, or  
153 alternative.

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