

FIRST REGULAR SESSION

SENATE BILL NO. 225

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

0637S.01H

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 571, RSMo, by adding thereto one new section relating to the liability of businesses prohibiting firearms on the premises.

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

Section A. Chapter 571, RSMo, is amended by adding thereto one new section, to be known as section 571.069, to read as follows:

571.069. 1. Any business that elects to prohibit the possession of firearms or other arms on its premises by posting a sign described under section 571.107 or by another method authorized under this chapter shall assume custodial responsibility for the safety and defense of any person who is authorized to carry firearms or other arms under this chapter while the person is on the premises of the business. The provisions of this section shall not apply to private property not used for commercial purposes or private residences of any type. As used in this section, "business" means any business that sells or provides goods or services to the general public.

2. Notwithstanding any other provision of law to the contrary, the requirement to ensure the safety and defense of persons under subsection 1 of this section shall include a mandatory and explicit duty to guard persons authorized to carry firearms or other arms under this chapter against criminal or harmful acts, as such terms are defined in

19 section 537.785, of a third party including, but not limited
20 to, trespassers, employees, customers, or other invitees of
21 the business. The requirement to ensure safety and defense
22 shall also include a duty to guard persons authorized to
23 carry firearms or other arms against vicious animals and
24 wild animals. The duty to guard such persons under this
25 section shall apply only to the defense against conduct that
26 could reasonably have been prevented by the use of arms in
27 lawful self-defense. If a business restricts the possession
28 of firearms or other arms, such business shall post,
29 together with the sign required under section 571.107,
30 notice stating that persons authorized to carry firearms or
31 other arms under this chapter are under the custodial
32 responsibility of the business.

33 3. If a person authorized to carry firearms or other
34 arms under this chapter is injured, suffers bodily injury or
35 death, incurs economic loss or expense, or suffers property
36 damage as a result of a business breaching the duty to
37 defend such person, the person shall have a cause of action
38 against the business prohibiting the possession of firearms
39 or other arms under this chapter.

40 4. The standard of proof for any action under this
41 section shall require a plaintiff to show by a preponderance
42 of the evidence that:

43 (1) The plaintiff was authorized to carry firearms or
44 other arms under this chapter;

45 (2) The plaintiff was lawfully prohibited from
46 carrying firearms or other arms by reason of a sign
47 voluntarily posted by a business under section 571.107;

48 (3) The business was not required to prohibit firearms
49 or other arms under state or federal law or by a rule or

50 policy enacted by a political subdivision or the state
51 contracting with such business entity; and

52 (4) The business's prohibition of carrying firearms or
53 other arms was the proximate cause of the damages, loss, or
54 injury suffered by the plaintiff.

55 5. If a plaintiff is successful in an action brought
56 under this section, the plaintiff shall be entitled to
57 actual damages sustained as a result of the failure of the
58 business to guard against criminal and harmful acts, and
59 shall also be entitled to recover reasonable attorney's
60 fees, expert witness costs, and court costs.

61 6. The statute of limitations for an action under this
62 section shall be two years from the date on which the
63 damages, loss, or injury occurred.

64 7. Any business electing to allow invitees, employees,
65 or other guests to lawfully possess firearms or other lawful
66 weapons on its premises as authorized under section 571.107,
67 or other provisions of this chapter, shall not be held
68 liable for any bodily injury or death, economic loss or
69 expense, property damage, emotional distress, or other
70 injury any person suffers while such person is on the
71 premises of the business unless the business, or an owner or
72 agent thereof, acted purposely, in committing or assisting
73 in committing the act that caused such injury.

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