

SECOND REGULAR SESSION

HOUSE BILL NO. 2102

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PHIFER.

4704H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to firearms in motor vehicles, with penalty provisions.

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

Section A. Section 571.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.030, to read as follows:

571.030. 1. A person commits the offense of unlawful use of weapons, except as otherwise provided by sections 571.101 to 571.121, 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

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

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

24 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
25 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any
26 building or habitable structure, unless the person was lawfully acting in self-defense; or

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

30 (11) Possesses a firearm while also knowingly in possession of a controlled substance
31 that is sufficient for a felony violation of section 579.015; or

32 **(12) Transports or stores a loaded, concealed firearm in a motor vehicle and**
33 **outside of a locked container or locked trunk.**

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

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

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

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

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

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

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

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

64 (8) Any corporate security advisor meeting the definition and fulfilling the
65 requirements of the regulations established by the department of public safety under section
66 590.750;

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

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

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

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

82 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply
83 when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state
84 when ammunition is not readily accessible or when such weapons are not readily accessible.
85 ~~Subdivision~~ **Subdivisions (1) and (12)** of subsection 1 of this section ~~[does]~~ **do** not apply to
86 any person nineteen years of age or older or eighteen years of age or older and a member of
87 the United States Armed Forces, or honorably discharged from the United States Armed
88 Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle,
89 so long as:

90 (1) Such ~~[concealable]~~ firearm is otherwise lawfully possessed~~[-nor when the actor];~~
91 **and**

92 (2) **One of the following:**

93 (a) **If the firearm is a handgun, the firearm is under the direct control of the**
94 **person carrying the firearm;**

95 (b) **The person** is also in possession of an exposed firearm or projectile weapon for
96 the lawful pursuit of game~~[-or is];~~

97 (c) **The person and motor vehicle are** in ~~[his or her]~~ **the person's** dwelling unit or
98 upon premises over which the ~~[actor]~~ **person** has possession, authority, or control~~[-];~~ or

99 (d) **The person** is traveling ~~[in]~~ **on** a continuous journey peaceably through this state.

100

101 Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise
102 lawfully possessed by a person while traversing school premises for the purposes of
103 transporting a student to or from school, or possessed by an adult for the purposes of
104 facilitation of a school-sanctioned firearm-related event or club event.

105 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
106 person who has a valid concealed carry permit issued pursuant to sections 571.101 to
107 571.121, a valid concealed carry endorsement issued before August 28, 2013, or a valid
108 permit or endorsement to carry concealed firearms issued by another state or political
109 subdivision of another state.

110 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section
111 shall not apply to persons who are engaged in a lawful act of defense pursuant to section
112 563.031.

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

121 7. (1) Subdivision (10) of subsection 1 of this section shall not apply to a person who
122 is a school officer commissioned by the district school board under section 162.215 or who is
123 a school protection officer, as described under section 160.665.

124 (2) Nothing in this section shall make it unlawful for a student to actually participate
125 in school-sanctioned gun safety courses, student military or ROTC courses, or other school-
126 sponsored or club-sponsored firearm-related events, provided the student does not carry a

127 firearm or other weapon readily capable of lethal use into any school, onto any school bus, or
128 onto the premises of any other function or activity sponsored or sanctioned by school officials
129 or the district school board.

130 8. A person who commits the ~~[crime]~~ **offense** of unlawful use of weapons under:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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