

SECOND REGULAR SESSION

HOUSE BILL NO. 2644

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ENGLISH.

6654H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 571.030 and 571.107, RSMo, and to enact in lieu thereof two new sections relating to members of the National Guard carrying concealed weapons, with penalty provisions.

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

Section A. Sections 571.030 and 571.107, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 571.030 and 571.107, to read as follows:

571.030. 1. A person commits the crime of unlawful use of weapons 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; 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.

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

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

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

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

29 (11) Possesses a firearm while also knowingly in possession of a controlled substance
30 that is sufficient for a felony violation of section 195.202.

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

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

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

49 (3) Members of the Armed Forces [or National Guard] while performing their official
50 duty;

51 **(4) Current members of the National Guard who are in good standing;**

52 [(4)] (5) Those persons vested by Article V, Section 1 of the Constitution of Missouri
53 with the judicial power of the state and those persons vested by Article III of the Constitution of
54 the United States with the judicial power of the United States, the members of the federal
55 judiciary;

56 [(5)] (6) Any person whose bona fide duty is to execute process, civil or criminal;

57 [(6)] (7) Any federal probation officer or federal flight deck officer as defined under the
58 federal flight deck officer program, 49 U.S.C. Section 44921, regardless of whether such officers
59 are on duty, or within the law enforcement agency's jurisdiction;

60 [(7)] (8) Any state probation or parole officer, including supervisors and members of the
61 board of probation and parole;

62 [(8)] (9) Any corporate security advisor meeting the definition and fulfilling the
63 requirements of the regulations established by the department of public safety under section
64 590.750;

65 [(9)] (10) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

66 [(10)] (11) Any prosecuting attorney or assistant prosecuting attorney, circuit attorney
67 or assistant circuit attorney, or any person appointed by a court to be a special prosecutor who
68 has completed the firearms safety training course required under subsection 2 of section 571.111;

69 [(11)] (12) Any member of a fire department or fire protection district who is employed
70 on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued
71 prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such
72 uses are reasonably associated with or are necessary to the fulfillment of such person's official
73 duties; and

74 [(12)] (13) Upon the written approval of the governing body of a fire department or fire
75 protection district, any paid fire department or fire protection district chief who is employed on
76 a full-time basis and who has a valid concealed carry endorsement issued prior to August 28,
77 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are
78 necessary to the fulfillment of such person's official duties.

79 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when
80 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
81 ammunition is not readily accessible or when such weapons are not readily accessible.
82 Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age
83 or older or eighteen years of age or older and a member of the United States Armed Forces, or
84 honorably discharged from the United States Armed Forces, transporting a concealable firearm
85 in the passenger compartment of a motor vehicle, so long as such concealable firearm is
86 otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or
87 projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon

88 premises over which the actor has possession, authority or control, or is traveling in a continuous
89 journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not
90 apply if the firearm is otherwise lawfully possessed by a person while traversing school premises
91 for the purposes of transporting a student to or from school, or possessed by an adult for the
92 purposes of facilitation of a school-sanctioned firearm-related event or club event.

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

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

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

107 7. Nothing in this section shall make it unlawful for a student to actually participate in
108 school-sanctioned gun safety courses, student military or ROTC courses, or other
109 school-sponsored or club-sponsored firearm-related events, provided the student does not carry
110 a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or
111 onto the premises of any other function or activity sponsored or sanctioned by school officials
112 or the district school board.

113 8. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision
114 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or
115 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor
116 if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of
117 subsection 1 of this section, in which case it is a class B felony, except that if the violation of
118 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is
119 a class A felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

157 (1) A photographic identification issued by the agency from which the individual retired
158 from service as a peace officer that indicates that the individual has, not less recently than one
159 year before the date the individual is carrying the concealed firearm, been tested or otherwise

160 found by the agency to meet the standards established by the agency for training and qualification
161 for active peace officers to carry a firearm of the same type as the concealed firearm; or

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

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

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 permit
6 issued pursuant to sections 571.101 to 571.121, valid concealed carry endorsement issued prior
7 to August 28, 2013, or a concealed carry endorsement or permit issued by another state or
8 political subdivision of another state shall authorize any person to carry concealed firearms into:

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

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

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

20 (4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any
21 courtrooms, administrative offices, libraries or other rooms of any such court whether or not such
22 court solely occupies the building in question. This subdivision shall also include, but not be
23 limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of
24 the courts or offices listed in this subdivision are temporarily conducting any business within the
25 jurisdiction of such courts or offices, and such other locations in such manner as may be
26 specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this
27 subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section

28 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2), [(4)]
29 (5), and [(10)] (11) of subsection 2 of section 571.030, or such other persons who serve in a law
30 enforcement capacity for a court as may be specified by supreme court rule pursuant to
31 subdivision (6) of this subsection from carrying a concealed firearm within any of the areas
32 described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the
33 areas listed in this subdivision shall not be a criminal offense so long as the firearm is not
34 removed from the vehicle or brandished while the vehicle is on the premises;

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

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

61 (7) Any establishment licensed to dispense intoxicating liquor for consumption on the
62 premises, which portion is primarily devoted to that purpose, without the consent of the owner
63 or manager. The provisions of this subdivision shall not apply to the licensee of said

64 establishment. The provisions of this subdivision shall not apply to any bona fide restaurant
65 open to the general public having dining facilities for not less than fifty persons and that receives
66 at least fifty-one percent of its gross annual income from the dining facilities by the sale of food.
67 This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the
68 establishment and shall not be a criminal offense so long as the firearm is not removed from the
69 vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision
70 authorizes any individual who has been issued a concealed carry permit or endorsement to
71 possess any firearm while intoxicated;

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

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

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

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

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

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

97 (14) Any church or other place of religious worship without the consent of the minister
98 or person or persons representing the religious organization that exercises control over the place
99 of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal

100 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle
101 is on the premises;

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

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

122 2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of
123 subsection 1 of this section by any individual who holds a concealed carry permit issued pursuant
124 to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28,
125 2013, shall not be a criminal act but may subject the person to denial to the premises or removal
126 from the premises. If such person refuses to leave the premises and a peace officer is summoned,
127 such person may be issued a citation for an amount not to exceed one hundred dollars for the first
128 offense. If a second citation for a similar violation occurs within a six-month period, such person
129 shall be fined an amount not to exceed two hundred dollars and his or her permit, and, if
130 applicable, endorsement to carry concealed firearms shall be suspended for a period of one year.
131 If a third citation for a similar violation is issued within one year of the first citation, such person
132 shall be fined an amount not to exceed five hundred dollars and shall have his or her concealed
133 carry permit, and, if applicable, endorsement revoked and such person shall not be eligible for
134 a concealed carry permit for a period of three years. Upon conviction of charges arising from
135 a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which

136 issued the concealed carry permit, or, if the person is a holder of a concealed carry endorsement
137 issued prior to August 28, 2013, the court shall notify the sheriff of the county which issued the
138 certificate of qualification for a concealed carry endorsement and the department of revenue.
139 The sheriff shall suspend or revoke the concealed carry permit or, if applicable, the certificate
140 of qualification for a concealed carry endorsement. If the person holds an endorsement, the
141 department of revenue shall issue a notice of such suspension or revocation of the concealed
142 carry endorsement and take action to remove the concealed carry endorsement from the
143 individual's driving record. The director of revenue shall notify the licensee that he or she must
144 apply for a new license pursuant to chapter 302 which does not contain such endorsement. The
145 notice issued by the department of revenue shall be mailed to the last known address shown on
146 the individual's driving record. The notice is deemed received three days after mailing.

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