

SECOND REGULAR SESSION

# SENATE BILL NO. 852

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHMITT.

Read 1st time February 10, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5816S.011

## AN ACT

To repeal section 84.340 and 571.030, RSMo, and to enact in lieu thereof three new sections relating to corporate security advisors, with a penalty provision.

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

Section A. Sections 84.340 and 571.030, RSMo, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 84.340, 571.030 and  
3 590.750, to read as follows:

84.340. **Except as provided under section 590.750**, the police  
2 commissioner of the said cities shall have power to regulate and license all  
3 private watchmen, private detectives and private policemen, serving or acting as  
4 such in said cities, and no person shall act as such private watchman, private  
5 detective or private policeman in said cities without first having obtained the  
6 written license of the president or acting president of said police commissioners  
7 of the said cities, under pain of being guilty of a misdemeanor.

571.030. 1. A person commits the crime of unlawful use of weapons if he  
2 or she knowingly:

- 3 (1) Carries concealed upon or about his or her person a knife, a firearm,  
4 a blackjack or any other weapon readily capable of lethal use; or
- 5 (2) Sets a spring gun; or
- 6 (3) Discharges or shoots a firearm into a dwelling house, a railroad train,  
7 boat, aircraft, or motor vehicle as defined in section 302.010, or any building or  
8 structure used for the assembling of people; or
- 9 (4) Exhibits, in the presence of one or more persons, any weapon readily  
10 capable of lethal use in an angry or threatening manner; or
- 11 (5) Has a firearm or projectile weapon readily capable of lethal use on his

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

12 or her person, while he or she is intoxicated, and handles or otherwise uses such  
13 firearm or projectile weapon in either a negligent or unlawful manner or  
14 discharges such firearm or projectile weapon unless acting in self-defense; or

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

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

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

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

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

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

41 (1) All state, county and municipal peace officers who have completed the  
42 training required by the police officer standards and training commission  
43 pursuant to sections 590.030 to 590.050 and who possess the duty and power of  
44 arrest for violation of the general criminal laws of the state or for violation of  
45 ordinances of counties or municipalities of the state, whether such officers are on  
46 or off duty, and whether such officers are within or outside of the law  
47 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined

48 in subsection 11 of this section, and who carry the identification defined in  
49 subsection 12 of this section, or any person summoned by such officers to assist  
50 in making arrests or preserving the peace while actually engaged in assisting  
51 such officer;

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

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

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

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

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

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

68 (8) Any corporate security advisor meeting the definition and fulfilling the  
69 requirements of the regulations established by the [board of police commissioners  
70 under section 84.340] **department of public safety under section 590.750**;

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

73 (10) Any prosecuting attorney or assistant prosecuting attorney or any  
74 circuit attorney or assistant circuit attorney who has completed the firearms  
75 safety training course required under subsection 2 of section 571.111;

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

81 (12) Upon the written approval of the governing body of a fire department  
82 or fire protection district, any paid fire department or fire protection district chief  
83 who is employed on a full-time basis and who has a valid concealed carry

84 endorsement, when such uses are reasonably associated with or are necessary to  
85 the fulfillment of such person's official duties.

86           3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not  
87 apply when the actor is transporting such weapons in a nonfunctioning state or  
88 in an unloaded state when ammunition is not readily accessible or when such  
89 weapons are not readily accessible. Subdivision (1) of subsection 1 of this section  
90 does not apply to any person twenty-one years of age or older or eighteen years  
91 of age or older and a member of the United States Armed Forces, or honorably  
92 discharged from the United States Armed Forces, transporting a concealable  
93 firearm in the passenger compartment of a motor vehicle, so long as such  
94 concealable firearm is otherwise lawfully possessed, nor when the actor is also in  
95 possession of an exposed firearm or projectile weapon for the lawful pursuit of  
96 game, or is in his or her dwelling unit or upon premises over which the actor has  
97 possession, authority or control, or is traveling in a continuous journey peaceably  
98 through this state. Subdivision (10) of subsection 1 of this section does not apply  
99 if the firearm is otherwise lawfully possessed by a person while traversing school  
100 premises for the purposes of transporting a student to or from school, or  
101 possessed by an adult for the purposes of facilitation of a school-sanctioned  
102 firearm-related event or club event.

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

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

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

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

127           8. Unlawful use of weapons is a class D felony unless committed pursuant  
128 to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a  
129 class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in  
130 which case it is a class A misdemeanor if the firearm is unloaded and a class D  
131 felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section,  
132 in which case it is a class B felony, except that if the violation of subdivision (9)  
133 of subsection 1 of this section results in injury or death to another person, it is  
134 a class A felony.

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

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

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

143           (3) For any violation by a persistent offender as defined in section  
144 558.016, a person shall be sentenced to the maximum authorized term of  
145 imprisonment for a class B felony without the possibility of parole, probation, or  
146 conditional release;

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

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

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

156 felony offense.

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

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

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

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

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

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

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

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

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

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

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

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

192 concealed firearm.

590.750. 1. The department of public safety shall have the sole  
2 authority to regulate and license all corporate security advisors. The  
3 authority and jurisdiction of a corporate security advisor shall be  
4 limited only by the geographical limits of the state, unless the  
5 corporate security advisor's license is recognized by the laws or  
6 regulations of another state or the federal government.

7 2. Acting as a corporate security advisor without a license from  
8 the department of public safety is a class A misdemeanor.

9 3. The director may promulgate rules to implement the  
10 provisions of this section under chapter 536 and section 590.190.

11 4. Any corporate security advisor licensed as of February 1, 2014  
12 shall not be required to apply for a new license from the department  
13 until the advisor's license expires or is otherwise revoked.

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Bill

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