

FIRST REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 301
102ND GENERAL ASSEMBLY

0695H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 301.3175, 558.019, 571.010, 571.020, 571.030, 571.070, 575.095, and 590.060, RSMo, and to enact in lieu thereof sixteen new sections relating to public safety, with penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 301.3175, 558.019, 571.010, 571.020, 571.030, 571.070, 2 575.095, and 590.060, RSMo, are repealed and sixteen new sections enacted in lieu thereof, 3 to be known as sections 56.601, 217.830, 301.3175, 544.453, 558.019, 558.043, 571.010, 4 571.020, 571.030, 571.031, 571.070, 575.095, 578.710, 590.060, 590.1070, and 590.1075, to 5 read as follows:

56.601. 1. If the governor determines that a threat to public safety and health
2 **exists in a circuit or prosecuting attorney's jurisdiction after:**
3 **(1) Reviewing federal, state, or local crime statistics; or**
4 **(2) Finding that the number of occurrences of homicide cases in the twelve**
5 **months immediately preceding exceeds a rate of thirty-five cases per every one hundred**
6 **thousand people within the circuit or prosecuting attorney's jurisdiction,**
7
8 **the governor may appoint a special prosecutor who shall serve for a period of up to five**
9 **years. The special prosecutor shall be employed at the will of the governor, shall not be**
10 **required to reside in the jurisdiction to which he or she was appointed to serve, and shall**
11 **be an attorney but shall not be the attorney general or an assistant attorney general.**
12 **2. (1) The special prosecutor shall have exclusive jurisdiction to initiate and**
13 **prosecute the following felony offenses:**

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.

- 14 **(a) First degree murder under section 565.020;**
15 **(b) Second degree murder under section 565.021;**
16 **(c) Assault in the first degree under section 565.050;**
17 **(d) Assault in the second degree under section 565.052;**
18 **(e) Robbery in the first degree under section 570.023;**
19 **(f) Robbery in the second degree under section 570.025; and**
20 **(g) Vehicle hijacking under section 570.027.**

21 **(2) For felony offenses listed under subdivision (1) of this subsection, the special**
22 **prosecutor shall have all powers, duties, and responsibilities granted to the circuit or**
23 **prosecuting attorney in the jurisdiction under sections 56.087, 56.130, and 56.360. If an**
24 **offense leads to criminal charges for which the special prosecutor has exclusive**
25 **jurisdiction, the special prosecutor shall also have exclusive jurisdiction over all other**
26 **charges stemming from the same criminal event. After the special prosecutor has filed**
27 **criminal charges in a case over which he or she has exclusive jurisdiction, the special**
28 **prosecutor shall continue to have exclusive jurisdiction over the entire criminal case**
29 **regardless of whether the charges are later reduced.**

30 **3. (1) Moneys for the special prosecutor shall be provided by the state from the**
31 **general revenue fund. The special prosecutor shall be paid the same salary as a state**
32 **circuit court judge and, upon his or her appointment, shall become a member of the**
33 **prosecuting attorneys and circuit attorneys' retirement system as set forth under**
34 **sections 56.800 to 56.840.**

35 **(2) The special prosecutor shall have a budget, which shall be provided by the**
36 **state from the general revenue fund, to hire up to fifteen assistant special prosecuting**
37 **attorneys and up to fifteen staff members including, but not limited to, assistants, clerks,**
38 **reporters, grand jury reporters, legal investigators, and stenographers, as the special**
39 **prosecutor deems necessary. The assistant special prosecuting attorneys and staff of the**
40 **special prosecutor shall be subject to the same duties and responsibilities as those in the**
41 **circuit or prosecuting attorney's office. The salaries of all employees hired by the**
42 **special prosecutor shall be set and determined by the special prosecutor but shall be**
43 **within the budget provided by the state.**

44 **(3) If, at the end of the first five-year term of the special prosecutor, the**
45 **governor, after reviewing federal, state, or local crime statistics or finding that the**
46 **number of occurrences of homicide cases in the twelve months immediately preceding**
47 **exceeds a rate of thirty-five cases per every one hundred thousand people within the**
48 **circuit or prosecuting attorney's jurisdiction, determines that a threat to public safety**
49 **and health still exists, the governor may continue to appoint the special prosecutor for**
50 **five-year terms as provided under this section.**

217.830. The department of corrections shall develop a policy and procedures outlining for offenders how to apply for Medicaid and how to obtain a birth certificate, Social Security card, and state identification prior to release from a correctional center. The policy shall be made available to the offender population. If an offender does not have access to his or her birth certificate, Social Security card, or state identification upon release, the department shall assist such offender in obtaining the documents prior to release. Any educational or special training certificate shall be provided to the offender at the time he or she is released from custody.

301.3175. 1. Any vehicle owner may apply for "Back the Blue" license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Upon making a ten dollar contribution to the Missouri Law Enforcement Memorial Foundation, the vehicle owner may apply for the "Back the Blue" plate. If the contribution is made directly to the Missouri Law Enforcement Memorial Foundation, the foundation shall issue the individual making the contribution a receipt, verifying the contribution, that may be used to apply for the "Back the Blue" license plate. If the contribution is made directly to the director of revenue pursuant to section 301.3031, the director shall note the contribution and the owner may then apply for the "Back the Blue" plate. The applicant for such plate shall pay a fifteen dollar fee in addition to the regular registration fees and present any other documentation required by law for each set of "Back the Blue" plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. **Notwithstanding any provision of law to the contrary, the department of revenue shall issue the license plate or plates, as authorized in this section, for nonapportioned vehicles of any classification for which it issues a license plate or plates.**

2. The "Back the Blue" plate shall bear the emblem of a thin blue line encompassed in black as prescribed by the director of revenue and shall have the words "BACK THE BLUE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

~~[2-]~~ 3. The director of revenue may promulgate rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective

30 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant
 31 of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be
 32 invalid and void.

**544.453. Notwithstanding any provision of the law or court rule to the contrary,
 2 a judge or judicial officer, when setting bail or conditions of release in all courts in
 3 Missouri for any offense charged, shall consider, in addition to any factor required by
 4 law, whether:**

5 **(1) A defendant poses a danger to a victim of a crime, the community, any
 6 witness to the crime, or to any other person;**

7 **(2) A defendant is a flight risk;**

8 **(3) A defendant has committed a misdemeanor offense involving a crime of
 9 violence, sexual offense, or felony offense in this state or any other state in the last five
 10 years; and**

11 **(4) A defendant has failed to appear in court as a required condition of
 12 probation or parole for a misdemeanor involving a crime of violence or felony or a
 13 sexual offense within the last three years.**

558.019. 1. This section shall not be construed to affect the powers of the governor
 2 under Article IV, Section 7, of the Missouri Constitution. This statute shall not affect those
 3 provisions of section 565.020, section 566.125, or section 571.015, which set minimum terms
 4 of sentences, or the provisions of section 559.115, relating to probation.

5 2. The provisions of subsections 2 to 5 of this section shall ~~only~~ be applicable to ~~the~~
 6 ~~offenses contained in sections 565.021, 565.023, 565.024, 565.027, 565.050, 565.052,~~
 7 ~~565.054, 565.072, 565.073, 565.074, 565.090, 565.110, 565.115, 565.120, 565.153, 565.156,~~
 8 ~~565.225, 565.300, 566.030, 566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064,~~
 9 ~~566.067, 566.068, 566.069, 566.071, 566.083, 566.086, 566.100, 566.101, 566.103, 566.111,~~
 10 ~~566.115, 566.145, 566.151, 566.153, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215,~~
 11 ~~568.030, 568.045, 568.060, 568.065, 568.175, 569.040, 569.160, 570.023, 570.025, 570.030~~
 12 ~~when punished as a class A, B, or C felony, 570.145 when punished as a class A or B felony,~~
 13 ~~570.223 when punished as a class B or C felony, 571.020, 571.030, 571.070, 573.023,~~
 14 ~~573.025, 573.035, 573.037, 573.200, 573.205, 574.070, 574.080, 574.115, 575.030, 575.150,~~
 15 ~~575.153, 575.155, 575.157, 575.200 when punished as a class A felony, 575.210, 575.230~~
 16 ~~when punished as a class B felony, 575.240 when punished as a class B felony, 576.070,~~
 17 ~~576.080, 577.010, 577.013, 577.078, 577.703, 577.706, 579.065, and 579.068 when punished~~
 18 ~~as a class A or B felony] all classes of felonies except those set forth in chapter 579, or in~~
 19 **chapter 195 prior to January 1, 2017, and those otherwise excluded in subsection 1 of**
 20 **this section.** For the purposes of this section, "prison commitment" means and is the receipt
 21 by the department of corrections of an offender after sentencing. For purposes of this section,

22 prior prison commitments to the department of corrections shall not include an offender's first
23 incarceration prior to release on probation under section 217.362 or 559.115. Other
24 provisions of the law to the contrary notwithstanding, any offender who has been found guilty
25 of a felony other than a dangerous felony as defined in section 556.061 and is committed to
26 the department of corrections shall be required to serve the following minimum prison terms:

27 (1) If the offender has one previous prison commitment to the department of
28 corrections for a felony offense, the minimum prison term which the offender must serve shall
29 be forty percent of his or her sentence or until the offender attains seventy years of age, and
30 has served at least thirty percent of the sentence imposed, whichever occurs first;

31 (2) If the offender has two previous prison commitments to the department of
32 corrections for felonies unrelated to the present offense, the minimum prison term which the
33 offender must serve shall be fifty percent of his or her sentence or until the offender attains
34 seventy years of age, and has served at least forty percent of the sentence imposed, whichever
35 occurs first;

36 (3) If the offender has three or more previous prison commitments to the department
37 of corrections for felonies unrelated to the present offense, the minimum prison term which
38 the offender must serve shall be eighty percent of his or her sentence or until the offender
39 attains seventy years of age, and has served at least forty percent of the sentence imposed,
40 whichever occurs first.

41 3. Other provisions of the law to the contrary notwithstanding, any offender who has
42 been found guilty of a dangerous felony as defined in section 556.061 and is committed to the
43 department of corrections shall be required to serve a minimum prison term of eighty-five
44 percent of the sentence imposed by the court or until the offender attains seventy years of age,
45 and has served at least forty percent of the sentence imposed, whichever occurs first.

46 4. For the purpose of determining the minimum prison term to be served, the
47 following calculations shall apply:

48 (1) A sentence of life shall be calculated to be thirty years;

49 (2) Any sentence either alone or in the aggregate with other consecutive sentences for
50 offenses committed at or near the same time which is over seventy-five years shall be
51 calculated to be seventy-five years.

52 5. For purposes of this section, the term "minimum prison term" shall mean time
53 required to be served by the offender before he or she is eligible for parole, conditional
54 release or other early release by the department of corrections.

55 6. ~~[An offender who was convicted of, or pled guilty to, a felony offense other than
56 those offenses listed in subsection 2 of this section prior to August 28, 2019, shall no longer
57 be subject to the minimum prison term provisions under subsection 2 of this section, and shall~~

58 ~~be eligible for parole, conditional release, or other early release by the department of~~
59 ~~corrections according to the rules and regulations of the department.~~

60 7.] (1) A sentencing advisory commission is hereby created to consist of eleven
61 members. One member shall be appointed by the speaker of the house. One member shall be
62 appointed by the president pro tem of the senate. One member shall be the director of the
63 department of corrections. Six members shall be appointed by and serve at the pleasure of the
64 governor from among the following: the public defender commission; private citizens; a
65 private member of the Missouri Bar; the board of probation and parole; and a prosecutor.
66 Two members shall be appointed by the supreme court, one from a metropolitan area and one
67 from a rural area. All members shall be appointed to a four-year term. All members of the
68 sentencing commission appointed prior to August 28, 1994, shall continue to serve on the
69 sentencing advisory commission at the pleasure of the governor.

70 (2) The commission shall study sentencing practices in the circuit courts throughout
71 the state for the purpose of determining whether and to what extent disparities exist among
72 the various circuit courts with respect to the length of sentences imposed and the use of
73 probation for offenders convicted of the same or similar offenses and with similar criminal
74 histories. The commission shall also study and examine whether and to what extent
75 sentencing disparity among economic and social classes exists in relation to the sentence of
76 death and if so, the reasons therefor, if sentences are comparable to other states, if the length
77 of the sentence is appropriate, and the rate of rehabilitation based on sentence. It shall
78 compile statistics, examine cases, draw conclusions, and perform other duties relevant to the
79 research and investigation of disparities in death penalty sentencing among economic and
80 social classes.

81 (3) The commission shall study alternative sentences, prison work programs, work
82 release, home-based incarceration, probation and parole options, and any other programs and
83 report the feasibility of these options in Missouri.

84 (4) The governor shall select a chairperson who shall call meetings of the commission
85 as required or permitted pursuant to the purpose of the sentencing commission.

86 (5) The members of the commission shall not receive compensation for their duties
87 on the commission, but shall be reimbursed for actual and necessary expenses incurred in the
88 performance of these duties and for which they are not reimbursed by reason of their other
89 paid positions.

90 (6) The circuit and associate circuit courts of this state, the office of the state courts
91 administrator, the department of public safety, and the department of corrections shall
92 cooperate with the commission by providing information or access to information needed by
93 the commission. The office of the state courts administrator will provide needed staffing
94 resources.

95 ~~[8-]~~ 7. Courts shall retain discretion to lower or exceed the sentence recommended by
96 the commission as otherwise allowable by law, and to order restorative justice methods, when
97 applicable.

98 ~~[9-]~~ 8. If the imposition or execution of a sentence is suspended, the court may order
99 any or all of the following restorative justice methods, or any other method that the court
100 finds just or appropriate:

101 (1) Restitution to any victim or a statutorily created fund for costs incurred as a result
102 of the offender's actions;

103 (2) Offender treatment programs;

104 (3) Mandatory community service;

105 (4) Work release programs in local facilities; and

106 (5) Community-based residential and nonresidential programs.

107 ~~[10-]~~ 9. Pursuant to subdivision (1) of subsection ~~[9]~~ 8 of this section, the court may
108 order the assessment and payment of a designated amount of restitution to a county law
109 enforcement restitution fund established by the county commission pursuant to section
110 50.565. Such contribution shall not exceed three hundred dollars for any charged offense.
111 Any restitution moneys deposited into the county law enforcement restitution fund pursuant
112 to this section shall only be expended pursuant to the provisions of section 50.565.

113 ~~[11-]~~ 10. A judge may order payment to a restitution fund only if such fund had been
114 created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A
115 judge shall not have any direct supervisory authority or administrative control over any fund
116 to which the judge is ordering a person to make payment.

117 ~~[12-]~~ 11. A person who fails to make a payment to a county law enforcement
118 restitution fund may not have his or her probation revoked solely for failing to make such
119 payment unless the judge, after evidentiary hearing, makes a finding supported by a
120 preponderance of the evidence that the person either willfully refused to make the payment or
121 that the person willfully, intentionally, and purposefully failed to make sufficient bona fide
122 efforts to acquire the resources to pay.

123 ~~[13-]~~ 12. Nothing in this section shall be construed to allow the sentencing advisory
124 commission to issue recommended sentences in specific cases pending in the courts of this
125 state.

**558.043. Notwithstanding any other provision of law, in sentencing a person
2 convicted of an offense for which there is a statutory minimum sentence or a minimum
3 prison term required by section 558.019 but that did not:**

4 **(1) Include the use, attempted use, or threatened use of serious physical force by**
5 **the defendant against another person or result in the serious physical injury of another**
6 **person by the defendant;**

7 **(2) Involve any sexual offense by the defendant against a minor; or**
8 **(3) Include the brandishing or discharge of a firearm by the defendant,**
9
10 **the court may depart from the applicable statutory minimum sentence or minimum**
11 **prison term required by section 558.019 if the court finds substantial and compelling**
12 **reasons on the record that, giving due regard to the nature of the offense, the history**
13 **and character of the defendant, and his or her chances of successful rehabilitation,**
14 **imposition of the statutory minimum sentence or minimum prison term required by**
15 **section 558.019 would result in substantial injustice to the defendant or is not necessary**
16 **for the protection of the public.**

571.010. As used in this chapter, the following terms shall mean:

2 (1) "Antique, curio or relic firearm", any firearm so defined by the National Gun
3 Control Act, 18 U.S.C. Title 26, Section 5845, and the United States Treasury/Bureau of
4 Alcohol Tobacco and Firearms, 27 CFR Section 178.11:

5 (a) "Antique firearm" is any firearm not designed or redesigned for using rim fire or
6 conventional center fire ignition with fixed ammunition and manufactured in or before 1898,
7 said ammunition not being manufactured any longer; this includes any matchlock, wheel
8 lock, flintlock, percussion cap or similar type ignition system, or replica thereof;

9 (b) "Curio or relic firearm" is any firearm deriving value as a collectible weapon due
10 to its unique design, ignition system, operation or at least fifty years old, associated with a
11 historical event, renown personage or major war;

12 (2) "Blackjack", any instrument that is designed or adapted for the purpose of
13 stunning or inflicting physical injury by striking a person, and which is readily capable of
14 lethal use;

15 (3) "Blasting agent", any material or mixture, consisting of fuel and oxidizer that is
16 intended for blasting, but not otherwise defined as an explosive under this section, provided
17 that the finished product, as mixed for use of shipment, cannot be detonated by means of a
18 numbered 8 test blasting cap when unconfined;

19 (4) "Concealable firearm", any firearm with a barrel less than sixteen inches in length,
20 measured from the face of the bolt or standing breech;

21 (5) "Deface", to alter or destroy the manufacturer's or importer's serial number or any
22 other distinguishing number or identification mark;

23 (6) "Detonator", any device containing a detonating charge that is used for initiating
24 detonation in an explosive, including but not limited to, electric blasting caps of instantaneous
25 and delay types, nonelectric blasting caps for use with safety fuse or shock tube and
26 detonating cord delay connectors;

27 (7) "Explosive weapon", any explosive, incendiary, or poison gas bomb or similar
28 device designed or adapted for the purpose of inflicting death, serious physical injury, or
29 substantial property damage; or any device designed or adapted for delivering or shooting
30 such a weapon. For the purposes of this subdivision, the term "explosive" shall mean any
31 chemical compound mixture or device, the primary or common purpose of which is to
32 function by explosion, including but not limited to, dynamite and other high explosives, pellet
33 powder, initiating explosives, detonators, safety fuses, squibs, detonating cords, igniter cords,
34 and igniters or blasting agents;

35 (8) "Firearm", any weapon that is designed or adapted to expel a projectile by the
36 action of an explosive;

37 (9) "Firearm silencer", any instrument, attachment, or appliance that is designed or
38 adapted to muffle the noise made by the firing of any firearm;

39 (10) "Gas gun", any gas ejection device, weapon, cartridge, container or contrivance
40 other than a gas bomb that is designed or adapted for the purpose of ejecting any poison gas
41 that will cause death or serious physical injury, but not any device that ejects a repellant or
42 temporary incapacitating substance;

43 (11) "Intoxicated", substantially impaired mental or physical capacity resulting from
44 introduction of any substance into the body;

45 (12) "Knife", any dagger, dirk, stiletto, or bladed hand instrument that is readily
46 capable of inflicting serious physical injury or death by cutting or stabbing a person. For
47 purposes of this chapter, "knife" does not include any ordinary pocketknife with no blade
48 more than four inches in length;

49 (13) "Knuckles", any instrument that consists of finger rings or guards made of a hard
50 substance that is designed or adapted for the purpose of inflicting serious physical injury or
51 death by striking a person with a fist enclosed in the knuckles;

52 (14) "Machine gun", any firearm that is capable of firing more than one shot
53 automatically, without manual reloading, by a single function of the trigger;

54 (15) "Projectile weapon", any bow, crossbow, pellet gun, slingshot or other weapon
55 that is not a firearm, which is capable of expelling a projectile that could inflict serious
56 physical injury or death by striking or piercing a person;

57 (16) "Rifle", any firearm designed [~~or adapted~~] to be fired from the shoulder and to
58 use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled
59 bore by a single function of the trigger;

60 (17) "Short barrel", a barrel length of less than sixteen inches for a rifle and eighteen
61 inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall
62 rifle or shotgun length of less than twenty-six inches;

63 (18) "Shotgun", any firearm designed or adapted to be fired from the shoulder and to
 64 use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single
 65 projectile through a smooth bore barrel by a single function of the trigger;

66 (19) "Spring gun", any fused, timed or nonmanually controlled trap or device
 67 designed or adapted to set off an explosion for the purpose of inflicting serious physical injury
 68 or death;

69 (20) "Switchblade knife", any knife which has a blade that folds or closes into the
 70 handle or sheath, and:

71 (a) That opens automatically by pressure applied to a button or other device located
 72 on the handle; or

73 (b) That opens or releases from the handle or sheath by the force of gravity or by the
 74 application of centrifugal force.

571.020. 1. A person commits an offense if such person knowingly possesses,
 2 manufactures, transports, repairs, or sells:

3 (1) An explosive weapon;

4 (2) An explosive, incendiary or poison substance or material with the purpose to
 5 possess, manufacture or sell an explosive weapon;

6 (3) A gas gun;

7 (4) A bullet or projectile which explodes or detonates upon impact because of an
 8 independent explosive charge after having been shot from a firearm; ~~or~~

9 (5) Knuckles; ~~or~~

10 (6) ~~Any of the following in violation of federal law:~~

11 ~~(a)~~ A machine gun;

12 ~~(b)~~ (7) A short-barreled rifle or shotgun;

13 ~~(c)~~ (8) A firearm silencer; or

14 ~~(d)~~ (9) A switchblade knife.

15 2. A person does not commit an offense pursuant to this section if his or her conduct
 16 involved any of the items in subdivisions (1) to ~~(5)~~ (9) of subsection 1, the item was
 17 possessed in conformity with any applicable federal law, and the conduct:

18 (1) Was incident to the performance of official duty by the Armed Forces, National
 19 Guard, a governmental law enforcement agency, or a penal institution; or

20 (2) Was incident to engaging in a lawful commercial or business transaction with an
 21 organization enumerated in subdivision (1) of this section; or

22 (3) Was incident to using an explosive weapon in a manner reasonably related to a
 23 lawful industrial or commercial enterprise; or

24 (4) Was incident to displaying the weapon in a public museum or exhibition; or

25 (5) Was incident to using the weapon in a manner reasonably related to a lawful
26 dramatic performance; or

27 **(6) Was lawful according to any state law.**

28 3. An offense pursuant to subdivision (1), (2), (3)~~[-or]~~, (6), (7), (8), or (9) of
29 subsection 1 of this section is a class D felony; a crime pursuant to subdivision (4) or (5) of
30 subsection 1 of this section is a class A misdemeanor.

571.030. 1. A person commits the offense of unlawful use of weapons, except as
2 otherwise provided by sections 571.101 to 571.121, if he or she knowingly:

3 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack
4 or any other weapon readily capable of lethal use into any area where firearms are restricted
5 under section 571.107; or

6 (2) Sets a spring gun; or

7 (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat,
8 aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for
9 the assembling of people; or

10 (4) Exhibits, in the presence of one or more persons, any weapon readily capable of
11 lethal use in an angry or threatening manner; or

12 (5) Has a firearm or projectile weapon readily capable of lethal use on his or her
13 person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile
14 weapon in either a negligent or unlawful manner or discharges such firearm or projectile
15 weapon unless acting in self-defense; or

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

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.

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

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

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

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

52 (4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with
53 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) Any person whose bona fide duty is to execute process, civil or criminal;

57 (6) 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
59 officers are on duty, or within the law enforcement agency's jurisdiction;

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

62 (8) 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) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

66 (10) Any municipal or county prosecuting attorney or assistant prosecuting attorney;
67 circuit attorney or assistant circuit attorney; municipal, associate, or circuit judge; or any

68 person appointed by a court to be a special prosecutor who has completed the firearms safety
69 training course required under subsection 2 of section 571.111;

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

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

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

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

100 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section
101 shall not apply to persons who are engaged in a lawful act of defense pursuant to section
102 563.031.

103 6. Notwithstanding any provision of this section to the contrary, the state shall not
104 prohibit any state employee from having a firearm in the employee's vehicle on the state's

105 property provided that the vehicle is locked and the firearm is not visible. This subsection
106 shall only apply to the state as an employer when the state employee's vehicle is on property
107 owned or leased by the state and the state employee is conducting activities within the scope
108 of his or her employment. For the purposes of this subsection, "state employee" means an
109 employee of the executive, legislative, or judicial branch of the government of the state of
110 Missouri.

111 **7. (1) Subdivision (10) of subsection 1 of this section shall not apply to a person**
112 **who is a school officer commissioned by the district school board under section 162.215**
113 **or who is a school protection officer, as described under section 160.665.**

114 (2) Nothing in this section shall make it unlawful for a student to actually participate
115 in school-sanctioned gun safety courses, student military or ROTC courses, or other school-
116 sponsored or club-sponsored firearm-related events, provided the student does not carry a
117 firearm or other weapon readily capable of lethal use into any school, onto any school bus, or
118 onto the premises of any other function or activity sponsored or sanctioned by school officials
119 or the district school board.

120 8. A person who commits the crime of unlawful use of weapons under:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

571.031. 1. This section shall be known and may be cited as "Blair's Law".

2 **2. A person commits the offense of unlawful discharge of a firearm if, with**
3 **criminal negligence, he or she discharges a firearm within or into the limits of any**
4 **municipality.**

5 **3. This section shall not apply if the firearm is discharged:**

6 **(1) As allowed by a defense of justification under chapter 563;**

7 **(2) On a properly supervised shooting range;**

8 **(3) To lawfully take wildlife during an open season established by the**
9 **department of conservation. Nothing in this subdivision shall prevent a municipality**
10 **from adopting an ordinance restricting the discharge of a firearm within one-quarter**
11 **mile of an occupied structure;**

12 **(4) For the control of nuisance wildlife as permitted by the department of**
13 **conservation or the United States Fish and Wildlife Service;**

14 **(5) By special permit of the chief of police of the municipality;**

15 **(6) As required by an animal control officer in the performance of his or her**
16 **duties;**

17 **(7) Using blanks;**

18 **(8) More than one mile from any occupied structure;**

19 **(9) In self-defense or defense of another person against an animal attack if a**
20 **reasonable person would believe that deadly physical force against the animal is**
21 **immediately necessary and reasonable under the circumstances to protect oneself or the**
22 **other person; or**

23 **(10) By law enforcement personnel, as defined in section 590.1040, or a member**
24 **of the United States Armed Forces if acting in an official capacity.**

25 **4. A person who commits the offense of unlawful discharge of a firearm shall be**
26 **guilty of:**

27 **(1) For a first offense, a class A misdemeanor;**

28 **(2) For a second offense, a class E felony; and**

29 **(3) For a third or subsequent offense, a class D felony.**

571.070. 1. A person commits the offense of unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and:

(1) Such person has been convicted of a **dangerous** felony under the laws of this state [;] or of a crime under the laws of any state or of the United States [~~which~~] **that**, if committed within this state, would be a **dangerous** felony, as defined in section 556.061; or

(2) **Such person is on probation or parole for a felony other than a dangerous felony, as defined in section 556.061, under the laws of this state or for a crime under the laws of any state or the United States that, if committed within this state, would be a felony other than a dangerous felony, as defined in section 556.061; or**

(3) Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.

2. Unlawful possession of a firearm is a class D felony, unless a person has been convicted of a dangerous felony as defined in section 556.061, in which case it is a class C felony.

3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to the possession of an antique firearm.

575.095. 1. A person commits the offense of tampering with a judicial officer if, with the purpose to harass, intimidate or influence a judicial officer in the performance of such officer's official duties, such person:

(1) Threatens or causes harm to such judicial officer or members of such judicial officer's family;

(2) Uses force, threats, or deception against or toward such judicial officer or members of such judicial officer's family;

(3) Offers, conveys or agrees to convey any benefit direct or indirect upon such judicial officer or such judicial officer's family;

(4) Engages in conduct reasonably calculated to harass or alarm such judicial officer or such judicial officer's family, including stalking pursuant to section 565.225 or 565.227;

(5) Disseminates through any means, including by posting on the internet, the judicial officer's or the judicial officer's family's personal information. For purposes of this section, "personal information" includes a home address, home or mobile telephone number, personal email address, Social Security number, federal tax identification number, checking or savings account number, marital status, and identity of a child under eighteen years of age.

2. A judicial officer for purposes of this section shall be a judge **or commissioner of a state or federal court**, arbitrator, special master, juvenile officer, deputy juvenile officer, state prosecuting or circuit attorney, state assistant prosecuting or circuit attorney, juvenile court commissioner, state probation or parole officer, or referee.

22 3. A judicial officer's family for purposes of this section shall be:

23 (1) Such officer's spouse; or

24 (2) Such officer or such officer's spouse's ancestor or descendant by blood or
25 adoption; or

26 (3) Such officer's stepchild, while the marriage creating that relationship exists.

27 4. The offense of tampering with a judicial officer is a class D felony.

28 **5. If a violation of this section results in death or bodily injury to a judicial**
29 **officer or a member of the judicial officer's family, the offense is a class B felony.**

578.710. 1. For purposes of this section, the following terms mean:

2 (1) "Elected official", any elected member of state government or any political
3 subdivision thereof;

4 (2) "Personal information", the same meaning as defined in section 407.1500.

5 **2. A person commits the offense of unlawful disclosure of personally identifiable**
6 **information if he or she knowingly releases, publicizes, or otherwise publicly discloses**
7 **the name, home address, Social Security number, telephone number, or other personal**
8 **information of an elected official or a family member of the elected official with the**
9 **purpose to harass, intimidate, or cause death or bodily injury to the elected official or a**
10 **family member of the elected official.**

11 **3. The offense of unlawful disclosure of personally identifiable information is a**
12 **class A misdemeanor. However, if a violation of this section is done with the purpose to**
13 **influence an elected official in the performance of such official's official duties, the**
14 **offense is a class D felony.**

590.060. 1. The POST commission shall establish minimum standards for training
2 instructors and training centers, and the director shall establish minimum qualifications for
3 admittance into a basic training course.

4 2. The director shall license training instructors, centers, and curricula, and may
5 probate, suspend and revoke such licenses upon written notice stating the reasons for such
6 action. Any person aggrieved by a decision pursuant to this subsection may appeal as
7 provided in chapter 536.

8 3. Each person seeking entrance into a basic training program shall submit a
9 fingerprint card and authorization for a criminal history background check to include the
10 records of the Federal Bureau of Investigation to the training center where such person is
11 seeking entrance. The training center shall cause a criminal history background check to be
12 made and shall cause the resulting report to be forwarded to the director. The person seeking
13 entrance may be charged a fee for the cost of this procedure.

14 **4. Instructors at Missouri police academies shall be approved by the POST**
15 **commission.**

2 **590.1070. 1. There is hereby established within the department of public safety**
3 **the "Peace Officer Basic Training Tuition Reimbursement Program". Any moneys**
4 **appropriated by the general assembly for this program shall be used to provide tuition**
5 **reimbursement for:**

6 **(1) Qualifying Missouri residents who have paid tuition at a state licensed basic**
7 **law enforcement training center for the basic law enforcement training required for a**
8 **peace officer license in this state and who have been employed as full-time peace officers**
9 **in this state for a specified period; and**

10 **(2) Qualifying government entities that have paid tuition for an employee to**
11 **receive the basic law enforcement training required for a peace officer license in this**
12 **state at a licensed basic law enforcement training center when such employee has been**
13 **employed as a full-time peace officer for a specified period.**

14 **2. The Missouri POST Commission shall be the administrative agency for the**
15 **implementation of the tuition reimbursement program established under this section,**
16 **and shall:**

17 **(1) Prescribe the form and the time and method of awarding tuition**
18 **reimbursement under this section and shall supervise the processing thereof; and**

19 **(2) Select qualifying recipients to receive reimbursement under this section and**
20 **determine the manner and method of payment to the recipient.**

21 **3. To be eligible to receive tuition reimbursement under subdivision (1) of**
22 **subsection 1 of this section, a person shall:**

23 **(1) Be initially employed as a peace officer on or after September 1, 2023;**

24 **(2) Submit to the commission an initial application for tuition reimbursement,**
25 **and annually thereafter for each year of qualifying employment, in the manner and on a**
26 **form prescribed by the commission that requires:**

27 **(a) Employer verification of the person's employment as a full-time peace officer**
28 **in this state for at least one year and the person's current employment as a peace officer**
29 **in this state as of the date of the application;**

30 **(b) A transcript containing the person's basic police training coursework and his**
31 **or her date of graduation; and**

32 **(c) A statement of the total amount of tuition the applicant paid to the basic**
33 **training center for his or her basic training;**

34 **(3) Be currently employed, and have completed at least one year of employment,**
35 **as a full-time peace officer in this state; and**

36 **(4) Comply with any other requirements adopted by the commission under this**
37 **section.**

37 **4. To be eligible to receive tuition reimbursement under subdivision (2) of**
38 **subsection 1 of this section, a government entity shall:**

39 **(1) Be the employer of a peace officer who was initially employed on or after**
40 **September 1, 2023;**

41 **(2) Submit to the commission an initial application for tuition reimbursement,**
42 **and annually thereafter for each year of the employee's qualifying employment, up to**
43 **four years, in the manner and on a form prescribed by the commission that requires:**

44 **(a) Verification of the employee's full-time employment as a peace officer in this**
45 **state for at least one year and the employee's current employment as a peace officer in**
46 **this state as of the date of the application;**

47 **(b) A transcript containing the employee's basic police training coursework and**
48 **his or her date of graduation; and**

49 **(c) A statement of the total amount of tuition and fees the employer paid to the**
50 **basic training center for the employee's basic training;**

51 **(3) Certify that the employee is currently employed, and has completed at least**
52 **one year of employment, as a full-time peace officer in this state; and**

53 **(4) Comply with any other requirements adopted by the commission under this**
54 **section.**

55 **5. Tuition reimbursement granted under this section, subject to the availability**
56 **of funds, shall be reimbursed as follows:**

57 **(1) At the end of one year of continuous employment as a full-time peace officer,**
58 **an applicant or his or her employer, whichever applies, shall be eligible to receive**
59 **reimbursement for twenty-five percent of the total tuition paid to a licensed basic**
60 **training center;**

61 **(2) At the end of two, three, and four years of continuous qualifying employment**
62 **as a full-time peace officer, and submission of documents verifying continued full-time**
63 **employment as a peace officer, an applicant or his or her employer, whichever applies,**
64 **shall be eligible to receive reimbursement each year for twenty-five percent of the total**
65 **tuition paid to a licensed basic training center. A government entity may qualify for**
66 **tuition reimbursement under this subdivision for tuition paid for an employee even if**
67 **such person is no longer employed by the government entity as long as the person for**
68 **whom tuition was paid is still continuously employed as a full-time peace officer.**

69 **6. Notwithstanding any provision of this section to the contrary, the total amount**
70 **of tuition reimbursement provided under this section to an eligible person, or to a**
71 **government entity with respect to an employee, shall not exceed six thousand dollars per**
72 **person or employee.**

73 7. The department of public safety shall promulgate all necessary rules and
74 regulations for the administration of the program. Any rule or portion of a rule, as that
75 term is defined in section 536.010, that is created under the authority delegated in this
76 section shall become effective only if it complies with and is subject to all of the
77 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter
78 536 are nonseverable and if any of the powers vested with the general assembly
79 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul
80 a rule are subsequently held unconstitutional, then the grant of rulemaking authority
81 and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

 590.1075. There is hereby created in the state treasury the "Peace Officer Basic
2 Training Tuition Reimbursement Fund", which shall consist of moneys appropriated
3 annually by the general assembly from general revenue and any gifts, bequests, or
4 donations. The state treasurer shall be custodian of the fund. In accordance with
5 sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund
6 shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used
7 solely for the administration of section 590.1070. Notwithstanding the provisions of
8 section 33.080 to the contrary, any moneys remaining in the fund at the end of the
9 biennium shall not revert to the credit of the general revenue fund. The state treasurer
10 shall invest moneys in the fund in the same manner as other funds are invested. Any
11 interest and moneys earned on such investments shall be credited to the fund.

 Section B. Because immediate action is necessary to reduce crime, the enactment of
2 section 56.601 of section A of this act is deemed necessary for the immediate preservation of
3 the public health, welfare, peace, and safety, and is hereby declared to be an emergency act
4 within the meaning of the constitution, and the enactment of section 56.601 of section A of
5 this act shall be in full force and effect upon its passage and approval.

✓