

SECOND REGULAR SESSION

HOUSE BILL NO. 2779

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NURRENBERN.

5517H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 563.031, 571.030, and 571.111, RSMo, and to enact in lieu thereof four new sections relating to firearms, with penalty provisions.

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

Section A. Sections 563.031, 571.030, and 571.111, RSMo, are repealed and four
2 new sections enacted in lieu thereof, to be known as sections 563.031, 571.011, 571.030, and
3 571.111, to read as follows:

563.031. 1. A person may, subject to the provisions of subsection 2 of this section,
2 use physical force upon another person when and to the extent he or she reasonably believes
3 such force to be necessary to defend himself or herself or a third person from what he or she
4 reasonably believes to be the use or imminent use of unlawful force by such other person,
5 unless:

6 (1) The actor was the initial aggressor; except that in such case his or her use of force
7 is nevertheless justifiable provided:

8 (a) He or she has withdrawn from the encounter and effectively communicated such
9 withdrawal to such other person but the latter persists in continuing the incident by the use or
10 threatened use of unlawful force; or

11 (b) He or she is a law enforcement officer and as such is an aggressor pursuant to
12 section 563.046; or

13 (c) The aggressor is justified under some other provision of this chapter or other
14 provision of law;

15 (2) Under the circumstances as the actor reasonably believes them to be, the person
16 whom he or she seeks to protect would not be justified in using such protective force;

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 (3) The actor was attempting to commit, committing, or escaping after the
18 commission of a forcible felony.

19 2. A person shall not use deadly force upon another person under the circumstances
20 specified in subsection 1 of this section unless:

21 (1) He or she reasonably believes that such deadly force is necessary to protect
22 himself, or herself or her unborn child, or another against death, serious physical injury, or
23 any forcible felony;

24 (2) Such force is used against a person who unlawfully enters, remains after
25 unlawfully entering, or attempts to unlawfully enter a dwelling, residence, or vehicle lawfully
26 occupied by such person; or

27 (3) Such force is used against a person who unlawfully enters, remains after
28 unlawfully entering, or attempts to unlawfully enter private property that is owned or leased
29 by an individual~~], or is occupied by an individual who has been given specific authority by~~
30 ~~the property owner to occupy the property,~~ claiming a justification of using protective force
31 under this section.

32 3. A person does not have a duty to retreat[;

33 ~~(1)] from a dwelling, residence, or vehicle where the person is not unlawfully~~
34 ~~entering or unlawfully remaining[;~~

35 ~~(2)] . A person does not have a duty to retreat~~ from private property that is owned
36 or leased by such individual~~]; or~~

37 ~~(3) If the person is in any other location such person has the right to be].~~

38 4. The justification afforded by this section extends to the use of physical restraint as
39 protective force provided that the actor takes all reasonable measures to terminate the restraint
40 as soon as it is reasonable to do so.

41 5. The defendant shall have the burden of injecting the issue of justification under this
42 section. If a defendant asserts that his or her use of force is described under subdivision (2) of
43 subsection 2 of this section, the burden shall then be on the state to prove beyond a reasonable
44 doubt that the defendant did not reasonably believe that the use of such force was necessary to
45 defend against what he or she reasonably believed was the use or imminent use of unlawful
46 force.

**571.011. 1. In order to purchase a firearm in the state, a person shall first obtain
2 a firearm purchase permit issued by the sheriff's department in the county in which the
3 person resides. Permit applications shall be available in each county sheriff's
4 department, and the secretary of state shall administer a website allowing for
5 electronic submission of application materials. Firearm purchase permits issued
6 under this section shall be valid for a period of ten years.**

7 **2. Applications shall require the following information:**

- 8 **(1) The applicant's name, social security number, and address of residence;**
9 **(2) The applicant's criminal history; and**
10 **(3) The number of persons and dependents living in the applicant's residence.**
11 **3. A sheriff may elect to require an applicant submit the following additional**
12 **information:**
13 **(1) The applicant's psychiatric history; or**
14 **(2) Character references.**
15 **4. Any person who moves from one county to another county within this state**
16 **shall alert the sheriff's department of the county to which the person is moving that he**
17 **or she has a firearm purchase permit.**
18 **5. The following persons shall not be issued a firearm purchase permit:**
19 **(1) Any person ineligible to own a firearm under the laws of this state;**
20 **(2) Any person who is under an order of protection due to domestic violence,**
21 **stalking, or a sexual offense;**
22 **(3) Any person who has multiple charges for violent felonies or misdemeanors,**
23 **at the discretion of the sheriff;**
24 **(4) Any person on the Federal Bureau of Investigation's terrorist screening**
25 **database, also known as the watchlist;**
26 **(5) Any person listed by the Federal Bureau of Investigation as a member of a**
27 **violent criminal gang;**
28 **(6) Any person who has not completed a certified firearm safety course;**
29 **(7) Any person having a persistent history of aggressive or self-destructive**
30 **behavior as documented by a psychiatrist, psychologist, counselor, or social worker; or**
31 **(8) Any person who has not passed a federal background check.**

- 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
68 any person appointed by a court to be a special prosecutor who has completed the firearms
69 safety 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~~] **chief** 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. Nothing in this section shall make it unlawful for a student to actually participate in
112 school-sanctioned gun safety courses, student military or ROTC courses, or other school-
113 sponsored or club-sponsored firearm-related events, provided the student does not carry a
114 firearm or other weapon readily capable of lethal use into any school, onto any school bus, or
115 onto the premises of any other function or activity sponsored or sanctioned by school officials
116 or the district school board.

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

118 (1) Subdivision **(1)**, (2), (3), (4), **(10)**, or (11) of subsection 1 of this section shall be
119 guilty of a class ~~[E]~~ **D** felony;

120 (2) Subdivision ~~[(4);]~~ (6), (7), or (8) of subsection 1 of this section shall be guilty of a
121 class ~~[B]~~ **A** misdemeanor~~[-, except when a concealed weapon is carried onto any private~~
122 ~~property whose owner has posted the premises as being off limits to concealed firearms by~~
123 ~~means of one or more signs displayed in a conspicuous place of a minimum size of eleven~~

124 inches by fourteen inches with the writing thereon in letters of not less than one inch, in which
125 ease the penalties of subsection 2 of section 571.107 shall apply] **if the firearm is unloaded**
126 **and a class D felony if the firearm is loaded;**

127 (3) Subdivision (5) [~~or (10)~~] of subsection 1 of this section shall be guilty of a class A
128 misdemeanor if the firearm is unloaded and a class ~~E~~ **D** felony if the firearm is loaded;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

571.111. 1. An applicant for a concealed carry permit shall demonstrate knowledge
2 of firearms safety training. This requirement shall be fully satisfied if the applicant for a
3 concealed carry permit:

4 (1) Submits a photocopy of a certificate of firearms safety training course completion,
5 as defined in subsection 2 of this section, signed by a qualified firearms safety instructor as
6 defined in subsection 6 of this section; or

7 (2) Submits a photocopy of a certificate that shows the applicant completed a firearms
8 safety course given by or under the supervision of any state, county, municipal, or federal law
9 enforcement agency; or

10 (3) Is a qualified firearms safety instructor as defined in subsection 6 of this section;
11 or

12 (4) Submits proof that the applicant currently holds any type of valid peace officer
13 license issued under the requirements of chapter 590; or

14 (5) Submits proof that the applicant is currently allowed to carry firearms in
15 accordance with the certification requirements of section 217.710; or

16 (6) Submits proof that the applicant is currently certified as any class of corrections
17 officer by the Missouri department of corrections and has passed at least one eight-hour
18 firearms training course, approved by the director of the Missouri department of corrections
19 under the authority granted to him or her, that includes instruction on the justifiable use of
20 force as prescribed in chapter 563; or

21 (7) Submits a photocopy of a certificate of firearms safety training course completion
22 that was issued on August 27, 2011, or earlier so long as the certificate met the requirements
23 of subsection 2 of this section that were in effect on the date it was issued.

24 2. A certificate of firearms safety training course completion may be issued to any
25 applicant by any qualified firearms safety instructor. On the certificate of course completion
26 the qualified firearms safety instructor shall affirm that the individual receiving instruction
27 has taken and passed a firearms safety course of at least eight hours in length taught by the
28 instructor that included:

29 (1) Handgun safety in the classroom, at home, on the firing range and while carrying
30 the firearm;

31 (2) A physical demonstration performed by the applicant that demonstrated his or her
32 ability to safely load and unload either a revolver or a semiautomatic pistol and demonstrated
33 his or her marksmanship with either firearm;

34 (3) The basic principles of marksmanship;

35 (4) Care and cleaning of concealable firearms;

36 (5) Safe storage of firearms at home;

37 (6) The requirements of this state for obtaining a concealed carry permit from the
38 sheriff of the individual's county of residence;

39 (7) The laws relating to firearms as prescribed in this chapter;

40 (8) The laws relating to the justifiable use of force as prescribed in chapter 563;

41 (9) A live firing exercise of sufficient duration for each applicant to fire either a
42 revolver or a semiautomatic pistol, from a standing position or its equivalent, a minimum of
43 twenty rounds from the handgun at a distance of seven yards from a B-27 silhouette target or
44 an equivalent target;

45 (10) A live-fire test administered to the applicant while the instructor was present of
46 twenty rounds from either a revolver or a semiautomatic pistol from a standing position or its
47 equivalent at a distance from a B-27 silhouette target, or an equivalent target, of seven yards.

48 3. ~~[A certificate of firearms safety training course completion may also be issued to~~
49 ~~an applicant who presents proof to a qualified firearms safety instructor that the applicant has~~
50 ~~passed a regular or online course on firearm safety conducted by an instructor certified by the~~
51 ~~National Rifle Association that is at least one hour in length and who also passes the~~
52 ~~requirements of subdivisions (1), (2), (6), (7), (8), (9), and (10) of subsection 2 of this section~~

53 ~~in a course, not restricted by a period of hours, that is taught by a qualified firearms safety~~
54 ~~instructor.~~

55 4.] A qualified firearms safety instructor shall not give a grade of passing to an
56 applicant for a concealed carry permit who:

57 (1) Does not follow the orders of the qualified firearms instructor or cognizant range
58 officer; or

59 (2) Handles a firearm in a manner that, in the judgment of the qualified firearm safety
60 instructor, poses a danger to the applicant or to others; or

61 (3) During the live-fire testing portion of the course fails to hit the silhouette portion
62 of the targets with at least fifteen rounds.

63 ~~[5-]~~ 4. Qualified firearms safety instructors who provide firearms safety instruction to
64 any person who applies for a concealed carry permit shall:

65 (1) Make the applicant's course records available upon request to the sheriff of the
66 county in which the applicant resides;

67 (2) Maintain all course records on students for a period of no less than four years
68 from course completion date; and

69 (3) Not have more than forty students per certified instructor in the classroom portion
70 of the course or more than five students per range officer engaged in range firing.

71 ~~[6-]~~ 5. A firearms safety instructor shall be considered to be a qualified firearms
72 safety instructor by any sheriff issuing a concealed carry permit pursuant to sections 571.101
73 to 571.121 if the instructor:

74 (1) Is a valid firearms safety instructor certified by the National Rifle Association
75 holding a rating as a personal protection instructor or pistol marksmanship instructor; or

76 (2) Submits a photocopy of a notarized certificate from a firearms safety instructor's
77 course offered by a local, state, or federal governmental agency; or

78 (3) Submits a photocopy of a notarized certificate from a firearms safety instructor
79 course approved by the department of public safety; or

80 (4) Has successfully completed a firearms safety instructor course given by or under
81 the supervision of any state, county, municipal, or federal law enforcement agency; or

82 (5) Is a certified police officer firearms safety instructor.

83 ~~[7-]~~ 6. Any firearms safety instructor qualified under subsection ~~[6]~~ 5 of this section
84 may submit a copy of a training instructor certificate, course outline bearing the notarized
85 signature of the instructor, and a recent photograph of the instructor to the sheriff of the
86 county in which the instructor resides. The sheriff shall review the training instructor
87 certificate along with the course outline and verify the firearms safety instructor is qualified
88 and the course meets the requirements provided under this section. If the sheriff verifies the
89 firearms safety instructor is qualified and the course meets the requirements provided under

90 this section, the sheriff shall collect an annual registration fee of ten dollars from each
91 qualified instructor who chooses to submit such information and submit the registration to the
92 Missouri sheriff methamphetamine relief taskforce. The Missouri sheriff methamphetamine
93 relief taskforce, or its designated agent, shall create and maintain a statewide database of
94 qualified instructors. This information shall be a closed record except for access by any
95 sheriff. Firearms safety instructors may register annually and the registration is only effective
96 for the calendar year in which the instructor registered. Any sheriff may access the statewide
97 database maintained by the Missouri sheriff methamphetamine relief taskforce to verify the
98 firearms safety instructor is qualified and the course offered by the instructor meets the
99 requirements provided under this section. Unless a sheriff has reason to believe otherwise, a
100 sheriff shall presume a firearms safety instructor is qualified to provide firearms safety
101 instruction in counties throughout the state under this section if the instructor is registered on
102 the statewide database of qualified instructors.

103 ~~[8.]~~ 7. Any firearms safety instructor who knowingly provides any sheriff with any
104 false information concerning an applicant's performance on any portion of the required
105 training and qualification shall be guilty of a class C misdemeanor. A violation of the
106 provisions of this section shall result in the person being prohibited from instructing
107 concealed carry permit classes and issuing certificates.

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