

SENATE BILL NO. 254

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR WILLIAMS.

1209S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to the offense of unlawful use of weapons, with existing penalty provisions.

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

Section A. Section 571.030, RSMo, is repealed and one new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

571.030. 1. A person commits the offense of unlawful
2 use of weapons [, except as otherwise provided by sections
3 571.101 to 571.121,] if he or she knowingly:

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

8 (2) Sets a spring gun; or

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

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

16 (5) Has a firearm or projectile weapon readily capable
17 of lethal use on his or her person, while he or she is
18 intoxicated, and handles or otherwise uses such firearm or

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

19 projectile weapon in either a negligent or unlawful manner
20 or discharges such firearm or projectile weapon unless
21 acting in self-defense; or

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

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

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

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

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

43 (11) Possesses a firearm while also knowingly in
44 possession of a controlled substance that is sufficient for
45 a felony violation of section 579.015.

46 2. Subdivisions (1), (8), and (10) of subsection 1 of
47 this section shall not apply to the persons described in
48 this subsection, regardless of whether such uses are
49 reasonably associated with or are necessary to the
50 fulfillment of such person's official duties except as

51 otherwise provided in this subsection. Subdivisions (3),
52 (4), (6), (7), and (9) of subsection 1 of this section shall
53 not apply to or affect any of the following persons, when
54 such uses are reasonably associated with or are necessary to
55 the fulfillment of such person's official duties, except as
56 otherwise provided in this subsection:

57 (1) All state, county and municipal peace officers who
58 have completed the training required by the police officer
59 standards and training commission pursuant to sections
60 590.030 to 590.050 and who possess the duty and power of
61 arrest for violation of the general criminal laws of the
62 state or for violation of ordinances of counties or
63 municipalities of the state, whether such officers are on or
64 off duty, and whether such officers are within or outside of
65 the law enforcement agency's jurisdiction, or all qualified
66 retired peace officers, as defined in subsection 12 of this
67 section, and who carry the identification defined in
68 subsection 13 of this section, or any person summoned by
69 such officers to assist in making arrests or preserving the
70 peace while actually engaged in assisting such officer;

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

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

76 (4) Those persons vested by Article V, Section 1 of
77 the Constitution of Missouri with the judicial power of the
78 state and those persons vested by Article III of the
79 Constitution of the United States with the judicial power of
80 the United States, the members of the federal judiciary;

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

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

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

90 (8) Any corporate security advisor meeting the
91 definition and fulfilling the requirements of the
92 regulations established by the department of public safety
93 under section 590.750;

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

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

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

109 (12) Upon the written approval of the governing body
110 of a fire department or fire protection district, any paid
111 fire department or fire protection district member who is
112 employed on a full-time basis and who has a valid concealed
113 carry endorsement issued prior to August 28, 2013, or a
114 valid concealed carry permit, when such uses are reasonably

115 associated with or are necessary to the fulfillment of such
116 person's official duties.

117 3. Subdivisions (1), (5), (8), and (10) of subsection
118 1 of this section do not apply when the actor is
119 transporting such weapons in a nonfunctioning state or in an
120 unloaded state when ammunition is not readily accessible or
121 when such weapons are not readily accessible. Subdivision
122 (1) of subsection 1 of this section does not apply to any
123 person nineteen years of age or older or eighteen years of
124 age or older and a member of the United States Armed Forces,
125 or honorably discharged from the United States Armed Forces,
126 transporting a concealable firearm in the passenger
127 compartment of a motor vehicle, so long as such concealable
128 firearm is otherwise lawfully possessed, nor when the actor
129 is also in possession of an exposed firearm or projectile
130 weapon for the lawful pursuit of game, or is in his or her
131 dwelling unit or upon premises over which the actor has
132 possession, authority or control, or is traveling in a
133 continuous journey peaceably through this state.

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

140 4. Subdivisions (1), (8), and (10) of subsection 1 of
141 this section shall not apply to any person who has a valid
142 concealed carry permit issued pursuant to sections 571.101
143 to 571.121, a valid concealed carry endorsement issued
144 before August 28, 2013, or a valid permit or endorsement to
145 carry concealed firearms issued by another state or
146 political subdivision of another state.

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

151 6. Notwithstanding any provision of this section to
152 the contrary, the state shall not prohibit any state
153 employee from having a firearm in the employee's vehicle on
154 the state's property provided that the vehicle is locked and
155 the firearm is not visible. This subsection shall only
156 apply to the state as an employer when the state employee's
157 vehicle is on property owned or leased by the state and the
158 state employee is conducting activities within the scope of
159 his or her employment. For the purposes of this subsection,
160 "state employee" means an employee of the executive,
161 legislative, or judicial branch of the government of the
162 state of Missouri.

163 7. Nothing in this section shall make it unlawful for
164 a student to actually participate in school-sanctioned gun
165 safety courses, student military or ROTC courses, or other
166 school-sponsored or club-sponsored firearm-related events,
167 provided the student does not carry a firearm or other
168 weapon readily capable of lethal use into any school, onto
169 any school bus, or onto the premises of any other function
170 or activity sponsored or sanctioned by school officials or
171 the district school board.

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

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

176 (2) Subdivision (1), (6), (7), or (8) of subsection 1
177 of this section shall be guilty of a class B misdemeanor,
178 except when a concealed weapon is carried onto any private

179 property whose owner has posted the premises as being off-
180 limits to concealed firearms by means of one or more signs
181 displayed in a conspicuous place of a minimum size of eleven
182 inches by fourteen inches with the writing thereon in
183 letters of not less than one inch, in which case the
184 penalties of subsection 2 of section 571.107 shall apply;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

239 (5) During the most recent twelve-month period, has
240 met, at the expense of the individual, the standards for

241 training and qualification for active peace officers to
242 carry firearms;

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

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

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

249 (1) A photographic identification issued by the agency
250 from which the individual retired from service as a peace
251 officer that indicates that the individual has, not less
252 recently than one year before the date the individual is
253 carrying the concealed firearm, been tested or otherwise
254 found by the agency to meet the standards established by the
255 agency for training and qualification for active peace
256 officers to carry a firearm of the same type as the
257 concealed firearm; or

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

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

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