

HOUSE SUBSTITUTE
FOR
HOUSE BILL NO. 1584

1 AN ACT

2 To repeal section 571.030, RSMo, and to enact
3 in lieu thereof one new section relating to
4 unlawful use of weapons, with penalty
5 provisions.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,**
7 **AS FOLLOWS:**

8 Section A. Section 571.030, RSMo, is repealed and one new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

11 571.030. 1. A person commits the crime of unlawful use of
12 weapons if he or she knowingly, except as to subdivision (11) of
13 this subsection:

14 (1) Carries concealed upon or about his or her person a
15 knife, a firearm, a blackjack or any other weapon readily capable
16 of lethal use; or

17 (2) Sets a spring gun; or

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

22 (4) Exhibits, in the presence of one or more persons, any

1 weapon readily capable of lethal use in an angry or threatening
2 manner; or

3 (5) Possesses or discharges a firearm or projectile weapon
4 while intoxicated; or

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

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

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

16 (9) Discharges or shoots a firearm at or from a motor
17 vehicle, as defined in section 301.010, RSMo, discharges or
18 shoots a firearm at any person, or at any other motor vehicle, or
19 at any building or habitable structure, unless the person was
20 lawfully acting in self-defense; or

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

1 (11) With criminal negligence, carries a firearm or any
2 other weapon readily capable of lethal use into any area of an
3 airport to which access is controlled by inspection of persons
4 and property or into any area in which such inspections are
5 conducted.

6 2. Subdivisions (1), (3), (4), (6), (7), (8), (9) [and],
7 (10) and (11) of subsection 1 of this section shall not apply to
8 or affect any of the following:

9 (1) All state, county and municipal peace officers who have
10 completed the training required by the police officer standards
11 and training commission pursuant to sections 590.030 to 590.050,
12 RSMo, and possessing the duty and power of arrest for violation
13 of the general criminal laws of the state or for violation of
14 ordinances of counties or municipalities of the state, whether
15 such officers are on or off duty, and whether such officers are
16 within or outside of the law enforcement agency's jurisdiction,
17 or any person summoned by such officers to assist in making
18 arrests or preserving the peace while actually engaged in
19 assisting such officer;

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

23 (3) Members of the armed forces or national guard while
24 performing their official duty;

25 (4) Those persons vested by article V, section 1 of the

1 Constitution of Missouri with the judicial power of the state and
2 those persons vested by Article III of the Constitution of the
3 United States with the judicial power of the United States, the
4 members of the federal judiciary;

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

7 (6) Any federal probation officer;

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

10 (8) Any corporate security advisor meeting the definition
11 and fulfilling the requirements of the regulations established by
12 the board of police commissioners under section 84.340, RSMo; and

13 (9) Any coroner, deputy coroner, medical examiner, or
14 assistant medical examiner.

15 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of
16 this section do not apply when the actor is transporting such
17 weapons in a nonfunctioning state or in an unloaded state when
18 ammunition is not readily accessible or when such weapons are not
19 readily accessible. Subdivision (1) of subsection 1 of this
20 section does not apply to any person twenty-one years of age or
21 older transporting a concealable firearm in the passenger
22 compartment of a motor vehicle, so long as such concealable
23 firearm is otherwise lawfully possessed, nor when the actor is
24 also in possession of an exposed firearm or projectile weapon for
25 the lawful pursuit of game, or is in his or her dwelling unit or

1 upon premises over which the actor has possession, authority or
2 control, or is traveling in a continuous journey peaceably
3 through this state. However, the defenses in this subsection
4 shall not apply to any person who enters into any area of an
5 airport to which access is controlled by inspection of persons
6 and property or into any area in which such inspections are
7 conducted, except that a person may possess a firearm in a
8 vehicle on the premises of an airport so long as the firearm is
9 not removed from the vehicle or brandished while the vehicle is
10 on the premises. Subdivision (10) of subsection 1 of this
11 section does not apply if the firearm is otherwise lawfully
12 possessed by a person while traversing school premises for the
13 purposes of transporting a student to or from school, or
14 possessed by an adult for the purposes of facilitation of a
15 school-sanctioned firearm-related event.

16 4. Subdivisions (1), (8), and (10) of subsection 1 of this
17 section shall not apply to any person who has a valid concealed
18 carry endorsement issued pursuant to sections 571.101 to 571.121
19 or a valid permit or endorsement to carry concealed firearms
20 issued by another state or political subdivision of another
21 state.

22 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10)
23 of subsection 1 of this section shall not apply to persons who
24 are engaged in a lawful act of defense pursuant to section
25 563.031, RSMo.

1 6. Nothing in this section shall make it unlawful for a
2 student to actually participate in school-sanctioned gun safety
3 courses, student military or ROTC courses, or other
4 school-sponsored firearm-related events, provided the student
5 does not carry a firearm or other weapon readily capable of
6 lethal use into any school, onto any school bus, or onto the
7 premises of any other function or activity sponsored or
8 sanctioned by school officials or the district school board.

9 7. Nothing in this section shall make it unlawful to
10 transport firearms on airplanes in checked luggage if such
11 firearms are transported in compliance with federal law.

12 8. Unlawful use of weapons is a class D felony unless
13 committed pursuant to subdivision (6), (7), [or] (8), or (11) of
14 subsection 1 of this section, in which cases it is a class B
15 misdemeanor, or subdivision (5) or (10) of subsection 1 of this
16 section, in which case it is a class A misdemeanor if the firearm
17 is unloaded and a class D felony if the firearm is loaded, or
18 subdivision (9) of subsection 1 of this section, in which case it
19 is a class B felony, except that if the violation of subdivision
20 (9) of subsection 1 of this section results in injury or death to
21 another person, it is a class A felony.

22 [8.] 9. Violations of subdivision (9) of subsection 1 of
23 this section shall be punished as follows:

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

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

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

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

14 [9.] 10. Any person knowingly aiding or abetting any other
15 person in the violation of subdivision (9) of subsection 1 of
16 this section shall be subject to the same penalty as that
17 prescribed by this section for violations by other persons.