

CCS HCS SCS SB 62 & 41 -- DEFENSIVE USE OF FORCE AND FIREARMS

This bill changes the laws regarding the defensive use of force, concealable firearms and firearms training, unlawful use of a weapon, and background checks for firearm sales.

DEFENSIVE USE OF FORCE

The bill allows the justifiable use of deadly force in several new circumstances against a person who poses what a reasonable person would believe to be the imminent threat of harm. The duty to retreat is abolished for those persons using deadly force to prevent someone from unlawfully entering or remaining in a residence, a dwelling designed for lodging persons, or a vehicle. Anyone who takes actions that create a reasonable fear of the imminent use of unlawful force to another person and who unlawfully enters or remains in vehicles, residences, or buildings used for lodging may be subject to the legitimate use of deadly force.

The use of deadly force will be allowed by persons, in any location, in order to protect themselves against what a reasonable person would believe to be the imminent threat of any type of forcible felony. Currently, the use of deadly force is allowed in circumstances where a reasonable person believes it is necessary to prevent death, serious bodily injury, and other specified felonies.

Anyone who uses force in a lawful manner will be immune from both civil and criminal penalties. If anyone sues a person who is ultimately found to have acted lawfully in using defensive force, the plaintiff must pay court costs, attorney fees, and any expenses incurred by the defendant as a result of the lawsuit.

CONCEALABLE FIREARMS AND FIREARMS TRAINING

The bill:

- (1) Makes state restrictions on the transfer of concealable firearms identical to the federal restrictions;
- (2) Repeals the permit requirement for the purchase of a concealable firearm;
- (3) Allows police or sheriffs' departments to sell or trade certain confiscated firearms to licensed firearms dealers; and
- (4) Changes the laws regarding the firearms safety training requirement for obtaining a permit to carry a concealed weapon. The requirement that an applicant must demonstrate knowledge of

firearms safety will be fully satisfied if the applicant submits proof that he or she:

(a) Holds any type of valid peace officer license issued under the requirements of Chapter 590, RSMo;

(b) Is allowed to carry firearms in accordance with the certification requirements of Section 217.710 for probation and parole officers or members of the Board of Probation and Parole; or

(c) Is certified as any class of corrections officer by the Department of Corrections and has passed a department-approved, eight-hour firearms training course.

UNLAWFUL USE OF A WEAPON

All qualified retired peace officers, as well as federal flight deck officers, are exempt from the crime of unlawful use of weapons. For purposes of the bill, a qualified retired peace officer is any individual who retired in good standing from service with a public agency as a peace officer. Before retirement, the individual must have been regularly employed for 15 years; been authorized by law to engage in or supervise the prevention, detection, investigation, prosecution of, or the incarceration of any person for any violation of law; and had statutory powers of arrest. The bill requires the retired peace officer to have met, within the last year, the standards for training and qualification for active peace officers to carry firearms. Photographic identification, issued by the agency from which the peace officer retired, must be carried by the individual to qualify for the exemption.

BACKGROUND CHECKS FOR FIREARM SALES

Any record or file maintained by the court for any Chapter 632 psychiatric services proceeding must be made available to the State Highway Patrol for reporting to the National Instant Criminal Background Check System to be used for background checks on any firearm sale.