

FIRST REGULAR SESSION

# HOUSE BILL NO. 760

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES JOHNSON (Sponsor), BRATTIN, SCHIEBER, WALLINGFORD, CROSS, CONWAY (14), KELLEY (126), JONES (117), REDMON, HIGDON, HOUGHTON, KLIPPENSTEIN, ELMER, HINSON, TORPEY, LANT, REIBOLDT, BROWN (85), ENTLICHER, LICHTENEGGER, JONES (89), LASATER, HOSKINS, FRANKLIN, BERRY, ZERR, HAMPTON, KOENIG, RICHARDSON, ASBURY, MEADOWS, NANCE, GOSEN AND PARKINSON (Co-sponsors).

1823L.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to allowing full-time fire investigators to carry concealed weapons, with existing penalty provisions.

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Section A. Section 571.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.030, to read as follows:

571.030. 1. A person commits the crime of unlawful use of weapons if he or she knowingly:

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

(2) Sets a spring gun; or

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

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

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

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.

13 in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless  
14 acting in self-defense;

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

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

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

23 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section  
24 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any  
25 building or habitable structure, unless the person was lawfully acting in self-defense; or

26 (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable  
27 of lethal use into any school, onto any school bus, or onto the premises of any function or activity  
28 sponsored or sanctioned by school officials or the district school board.

29 2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this section shall  
30 not apply to or affect any of the following when such uses are reasonably associated with or are  
31 necessary to the fulfillment of such person's official duties:

32 (1) All state, county and municipal peace officers who have completed the training  
33 required by the police officer standards and training commission pursuant to sections 590.030  
34 to 590.050 and who possess the duty and power of arrest for violation of the general criminal  
35 laws of the state or for violation of ordinances of counties or municipalities of the state, whether  
36 such officers are on or off duty, and whether such officers are within or outside of the law  
37 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection  
38 10 of this section, and who carry the identification defined in subsection 11 of this section, or  
39 any person summoned by such officers to assist in making arrests or preserving the peace while  
40 actually engaged in assisting such officer;

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

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

44 (4) Those persons vested by article V, section 1 of the Constitution of Missouri with the  
45 judicial power of the state and those persons vested by Article III of the Constitution of the  
46 United States with the judicial power of the United States, the members of the federal judiciary;

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

48 (6) Any federal probation officer or federal flight deck officer as defined under the  
49 federal flight deck officer program, 49 U.S.C. Section 44921;

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

52 (8) Any corporate security advisor meeting the definition and fulfilling the requirements  
53 of the regulations established by the board of police commissioners under section 84.340;

54 (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner; [and]

55 (10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney  
56 or assistant circuit attorney who has completed the firearms safety training course required under  
57 subsection 2 of section 571.111; **and**

58 **(11) Any member of a fire department, who is employed on a full-time basis as a**  
59 **fire investigator and who has met the training requirements for a concealed carry**  
60 **endorsement under section 571.111.**

61 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when  
62 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when  
63 ammunition is not readily accessible or when such weapons are not readily accessible.  
64 Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of  
65 age or older transporting a concealable firearm in the passenger compartment of a motor vehicle,  
66 so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also  
67 in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in  
68 his or her dwelling unit or upon premises over which the actor has possession, authority or  
69 control, or is traveling in a continuous journey peaceably through this state. Subdivision (10)  
70 of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by  
71 a person while traversing school premises for the purposes of transporting a student to or from  
72 school, or possessed by an adult for the purposes of facilitation of a school-sanctioned  
73 firearm-related event.

74 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any  
75 person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to  
76 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or  
77 political subdivision of another state.

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

80 6. Nothing in this section shall make it unlawful for a student to actually participate in  
81 school-sanctioned gun safety courses, student military or ROTC courses, or other  
82 school-sponsored firearm-related events, provided the student does not carry a firearm or other  
83 weapon readily capable of lethal use into any school, onto any school bus, or onto the premises

84 of any other function or activity sponsored or sanctioned by school officials or the district school  
85 board.

86 7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision  
87 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or  
88 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor  
89 if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of  
90 subsection 1 of this section, in which case it is a class B felony, except that if the violation of  
91 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is  
92 a class A felony.

93 8. Violations of subdivision (9) of subsection 1 of this section shall be punished as  
94 follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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