

FIRST REGULAR SESSION

# HOUSE BILL NO. 778

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES RIDDLE (Sponsor), PARKINSON, JONES (89), SCHOELLER, ALLEN, KEENEY, SMITH (150), SILVEY, TILLEY, ENTLICHER, RICHARDSON, WALLINGFORD, KORMAN, LEARA, BROWN (116), HIGDON, HOUGHTON, SCHATZ, PHILLIPS, GRISAMORE, LAIR, FISHER, LOEHNER, SCHAD, ROWLAND, SHUMAKE, CAUTHORN, FUNDERBURK, HINSON, HAMPTON, CROSS, CRAWFORD, BRATTIN, DAVIS, WHITE, FREDERICK, McCAHERTY, BERRY, BARNES, LANT, REIBOLDT, FUHR, BROWN (85), FITZWATER, LEACH, COOKSON, FRAKER, BAHR, WYATT, HAEFNER, MARSHALL, CONWAY (14), GUERNSEY, ASBURY, LARGENT, MOLENDORP, COX, BERNSKOETTER, REDMON, KLIPPENSTEIN, ZERR AND FRANZ (Co-sponsors).

1229L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 571.107, RSMo, and to enact in lieu thereof one new section relating to carrying concealed firearms in the state capitol building, 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Section A. Section 571.107, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.107, to read as follows:

571.107. 1. A concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize the person in whose name the permit or endorsement is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No driver's license or nondriver's license containing a concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize any person to carry concealed firearms into:

(1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

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           (2) Within twenty-five feet of any polling place on any election day. Possession of a  
14 firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long  
15 as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

16           (3) The facility of any adult or juvenile detention or correctional institution, prison or  
17 jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or  
18 correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not  
19 removed from the vehicle or brandished while the vehicle is on the premises;

20           (4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any  
21 courtrooms, administrative offices, libraries or other rooms of any such court whether or not such  
22 court solely occupies the building in question. This subdivision shall also include, but not be  
23 limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of  
24 the courts or offices listed in this subdivision are temporarily conducting any business within the  
25 jurisdiction of such courts or offices, and such other locations in such manner as may be  
26 specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this  
27 subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section  
28 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2), (4),  
29 and (10) of subsection 2 of section 571.030, or such other persons who serve in a law  
30 enforcement capacity for a court as may be specified by supreme court rule pursuant to  
31 subdivision (6) of this subsection from carrying a concealed firearm within any of the areas  
32 described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the  
33 areas listed in this subdivision shall not be a criminal offense so long as the firearm is not  
34 removed from the vehicle or brandished while the vehicle is on the premises;

35           (5) Any meeting of the governing body of a unit of local government; or any meeting of  
36 the general assembly or a committee of the general assembly, except that nothing in this  
37 subdivision shall preclude a member of the body holding a valid concealed carry endorsement  
38 from carrying a concealed firearm at a meeting of the body which he or she is a member.  
39 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the  
40 firearm is not removed from the vehicle or brandished while the vehicle is on the premises.  
41 **Nothing in this subdivision shall preclude a member of the general assembly, a full-time**  
42 **employee of the general assembly employed under section 17, article III, Constitution of**  
43 **Missouri, legislative employees of the general assembly as determined under section 21.155,**  
44 **or statewide elected officials and their employees, holding a valid concealed carry**  
45 **endorsement, from carrying a concealed firearm in the state capitol building or at a**  
46 **meeting whether of the full body of a house of the general assembly or a committee thereof,**  
47 **that is held in the state capitol building;**

48 (6) The general assembly, supreme court, county or municipality may by rule,  
49 administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by  
50 endorsement holders in that portion of a building owned, leased or controlled by that unit of  
51 government. Any portion of a building in which the carrying of concealed firearms is prohibited  
52 or limited shall be clearly identified by signs posted at the entrance to the restricted area. The  
53 statute, rule or ordinance shall exempt any building used for public housing by private persons,  
54 highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that  
55 unit of government from any restriction on the carrying or possession of a firearm. The statute,  
56 rule or ordinance shall not specify any criminal penalty for its violation but may specify that  
57 persons violating the statute, rule or ordinance may be denied entrance to the building, ordered  
58 to leave the building and if employees of the unit of government, be subjected to disciplinary  
59 measures for violation of the provisions of the statute, rule or ordinance. The provisions of this  
60 subdivision shall not apply to any other unit of government;

61 (7) Any establishment licensed to dispense intoxicating liquor for consumption on the  
62 premises, which portion is primarily devoted to that purpose, without the consent of the owner  
63 or manager. The provisions of this subdivision shall not apply to the licensee of said  
64 establishment. The provisions of this subdivision shall not apply to any bona fide restaurant  
65 open to the general public having dining facilities for not less than fifty persons and that receives  
66 at least fifty-one percent of its gross annual income from the dining facilities by the sale of food.  
67 This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the  
68 establishment and shall not be a criminal offense so long as the firearm is not removed from the  
69 vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision  
70 authorizes any individual who has been issued a concealed carry endorsement to possess any  
71 firearm while intoxicated;

72 (8) Any area of an airport to which access is controlled by the inspection of persons and  
73 property. Possession of a firearm in a vehicle on the premises of the airport shall not be a  
74 criminal offense so long as the firearm is not removed from the vehicle or brandished while the  
75 vehicle is on the premises;

76 (9) Any place where the carrying of a firearm is prohibited by federal law;

77 (10) Any higher education institution or elementary or secondary school facility without  
78 the consent of the governing body of the higher education institution or a school official or the  
79 district school board. Possession of a firearm in a vehicle on the premises of any higher  
80 education institution or elementary or secondary school facility shall not be a criminal offense  
81 so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the  
82 premises;

83 (11) Any portion of a building used as a child-care facility without the consent of the  
84 manager. Nothing in this subdivision shall prevent the operator of a child-care facility in a  
85 family home from owning or possessing a firearm or a driver's license or nondriver's license  
86 containing a concealed carry endorsement;

87 (12) Any riverboat gambling operation accessible by the public without the consent of  
88 the owner or manager pursuant to rules promulgated by the gaming commission. Possession of  
89 a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal  
90 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle  
91 is on the premises;

92 (13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the  
93 premises of the amusement park shall not be a criminal offense so long as the firearm is not  
94 removed from the vehicle or brandished while the vehicle is on the premises;

95 (14) Any church or other place of religious worship without the consent of the minister  
96 or person or persons representing the religious organization that exercises control over the place  
97 of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal  
98 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle  
99 is on the premises;

100 (15) Any private property whose owner has posted the premises as being off-limits to  
101 concealed firearms by means of one or more signs displayed in a conspicuous place of a  
102 minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less  
103 than one inch. The owner, business or commercial lessee, manager of a private business  
104 enterprise, or any other organization, entity, or person may prohibit persons holding a concealed  
105 carry endorsement from carrying concealed firearms on the premises and may prohibit  
106 employees, not authorized by the employer, holding a concealed carry endorsement from  
107 carrying concealed firearms on the property of the employer. If the building or the premises are  
108 open to the public, the employer of the business enterprise shall post signs on or about the  
109 premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on  
110 the premises shall not be a criminal offense so long as the firearm is not removed from the  
111 vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees  
112 or other persons holding a concealed carry endorsement from carrying a concealed firearm in  
113 vehicles owned by the employer;

114 (16) Any sports arena or stadium with a seating capacity of five thousand or more.  
115 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the  
116 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

117 (17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the  
118 premises of a hospital shall not be a criminal offense so long as the firearm is not removed from  
119 the vehicle or brandished while the vehicle is on the premises.

120 2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of  
121 subsection 1 of this section by any individual who holds a concealed carry endorsement issued  
122 pursuant to sections 571.101 to 571.121 shall not be a criminal act but may subject the person  
123 to denial to the premises or removal from the premises. If such person refuses to leave the  
124 premises and a peace officer is summoned, such person may be issued a citation for an amount  
125 not to exceed one hundred dollars for the first offense. If a second citation for a similar violation  
126 occurs within a six-month period, such person shall be fined an amount not to exceed two  
127 hundred dollars and his or her endorsement to carry concealed firearms shall be suspended for  
128 a period of one year. If a third citation for a similar violation is issued within one year of the first  
129 citation, such person shall be fined an amount not to exceed five hundred dollars and shall have  
130 his or her concealed carry endorsement revoked and such person shall not be eligible for a  
131 concealed carry endorsement for a period of three years. Upon conviction of charges arising  
132 from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county  
133 which issued the certificate of qualification for a concealed carry endorsement and the  
134 department of revenue. The sheriff shall suspend or revoke the certificate of qualification for  
135 a concealed carry endorsement and the department of revenue shall issue a notice of such  
136 suspension or revocation of the concealed carry endorsement and take action to remove the  
137 concealed carry endorsement from the individual's driving record. The director of revenue shall  
138 notify the licensee that he or she must apply for a new license pursuant to chapter 302 which  
139 does not contain such endorsement. A concealed carry endorsement suspension pursuant to  
140 sections 571.101 to 571.121 shall be reinstated at the time of the renewal of his or her driver's  
141 license. The notice issued by the department of revenue shall be mailed to the last known  
142 address shown on the individual's driving record. The notice is deemed received three days after  
143 mailing.