

HOUSE _____ **AMENDMENT NO.** _____

Offered By

1 AMEND Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 489 & 637, Page
2 2, Section 571.020, Line 34, by inserting after all of said section and line, the following:

3
4 “571.030. 1. A person commits the crime of unlawful use of weapons if he or she
5 knowingly:

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

8 (2) Sets a spring gun; or

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

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

14 (5) Has a firearm or projectile weapon readily capable of lethal use on his or her person,
15 while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in
16 either a negligent or unlawful manner or discharges such firearm or projectile weapon unless
17 acting in self-defense;

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

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

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

26 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
27 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any
28 building or habitable structure, unless the person was lawfully acting in self-defense; or

29 (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable

1 of lethal use into any school, onto any school bus, or onto the premises of any function or activity
2 sponsored or sanctioned by school officials or the district school board;

3 (11) Possesses a firearm while also knowingly in possession of controlled substances that
4 are sufficient for a felony violation under section 195.202.

5 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the
6 persons described in this subsection, regardless of whether such uses are reasonably associated
7 with or are necessary to the fulfillment of such person's official duties except as otherwise
8 provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section
9 shall not apply to or affect any of the following persons, when such uses are reasonably associated
10 with or are necessary to the fulfillment of such person's official duties, except as otherwise
11 provided in this subsection:

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

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

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

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

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

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

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

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

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

36 (10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or

1 assistant circuit attorney who has completed the firearms safety training course required under
2 subsection 2 of section 571.111; and

3 (11) Any member of a fire department or fire protection district who is employed on a
4 full-time basis as a fire investigator and who has a valid concealed carry endorsement under
5 section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment
6 of such person's official duties.

7 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the
8 actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
9 ammunition is not readily accessible or when such weapons are not readily accessible.

10 Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of
11 age or older transporting a concealable firearm in the passenger compartment of a motor vehicle,
12 so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in
13 possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his
14 or her dwelling unit or upon premises over which the actor has possession, authority or control, or
15 is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1
16 of this section does not apply if the firearm is otherwise lawfully possessed by a person while
17 traversing school premises for the purposes of transporting a student to or from school, or
18 possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event
19 or club event.

20 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
21 person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to
22 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or
23 political subdivision of another state.

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

26 6. Nothing in this section shall make it unlawful for a student to actually participate in
27 school-sanctioned gun safety courses, student military or ROTC courses, or other
28 school-sponsored or club-sponsored firearm-related events, provided the student does not carry a
29 firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto
30 the premises of any other function or activity sponsored or sanctioned by school officials or the
31 district school board.

32 7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision
33 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or
34 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor if
35 the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of
36 subsection 1 of this section, in which case it is a class B felony, except that if the violation of

1 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a
2 class A felony.

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

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

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

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

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

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

18 10. Notwithstanding any other provision of law, no person who pleads guilty to or is
19 found guilty of a felony violation of subsection 1 of this section shall receive a suspended
20 imposition of sentence if such person has previously received a suspended imposition of sentence
21 for any other firearms- or weapons-related felony offense.

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

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

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

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

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

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

36 (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or

1 substance; and

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

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

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

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

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

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17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.