

FIRST REGULAR SESSION

HOUSE BILL NO. 749

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JONES.

0665H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to a prosecutor's or judge's ability to concealed carry a firearm.

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Section A. Section 571.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.030, to read as follows: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 in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; or

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

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.

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; or

29 (11) Possesses a firearm while also knowingly in possession of a controlled substance
30 that is sufficient for a felony violation of section 195.202.

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

38 (1) All state, county and municipal peace officers who have completed the training
39 required by the police officer standards and training commission pursuant to sections 590.030
40 to 590.050 and who possess the duty and power of arrest for violation of the general criminal
41 laws of the state or for violation of ordinances of counties or municipalities of the state, whether
42 such officers are on or off duty, and whether such officers are within or outside of the law
43 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection
44 12 of this section, and who carry the identification defined in subsection 13 of this section, or
45 any person summoned by such officers to assist in making arrests or preserving the peace while
46 actually engaged in assisting such officer;

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

49 (3) Members of the Armed Forces or National Guard while performing their official
50 duty;

51 (4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with
52 the judicial power of the state and those persons vested by Article III of the Constitution of the
53 United States with the judicial power of the United States, the members of the federal judiciary;

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

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

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

60 (8) Any corporate security advisor meeting the definition and fulfilling the requirements
61 of the regulations established by the department of public safety under section 590.750;

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

63 (10) Any **municipal or county** prosecuting attorney or assistant prosecuting attorney[,]
64 ; circuit attorney or assistant circuit attorney[,] ; **municipal, associate circuit, or circuit judge**;
65 or any person appointed by a court to be a special prosecutor who has completed the firearms
66 safety training course required under subsection 2 of section 571.111;

67 (11) Any member of a fire department or fire protection district who is employed on a
68 full-time basis as a fire investigator and who has a valid concealed carry endorsement issued
69 prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such
70 uses are reasonably associated with or are necessary to the fulfillment of such person's official
71 duties; and

72 (12) Upon the written approval of the governing body of a fire department or fire
73 protection district, any paid fire department or fire protection district chief who is employed on
74 a full-time basis and who has a valid concealed carry endorsement issued prior to August 28,
75 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are
76 necessary to the fulfillment of such person's official duties.

77 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when
78 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
79 ammunition is not readily accessible or when such weapons are not readily accessible.
80 Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age
81 or older or eighteen years of age or older and a member of the United States Armed Forces, or
82 honorably discharged from the United States Armed Forces, transporting a concealable firearm
83 in the passenger compartment of a motor vehicle, so long as such concealable firearm is
84 otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or
85 projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon
86 premises over which the actor has possession, authority or control, or is traveling in a continuous

87 journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not
88 apply if the firearm is otherwise lawfully possessed by a person while traversing school premises
89 for the purposes of transporting a student to or from school, or possessed by an adult for the
90 purposes of facilitation of a school-sanctioned firearm-related event or club event.

91 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
92 person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121,
93 a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or
94 endorsement to carry concealed firearms issued by another state or political subdivision of
95 another state.

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

98 6. Notwithstanding any provision of this section to the contrary, the state shall not
99 prohibit any state employee from having a firearm in the employee's vehicle on the state's
100 property provided that the vehicle is locked and the firearm is not visible. This subsection shall
101 only apply to the state as an employer when the state employee's vehicle is on property owned
102 or leased by the state and the state employee is conducting activities within the scope of his or
103 her employment. For the purposes of this subsection, "state employee" means an employee of
104 the executive, legislative, or judicial branch of the government of the state of Missouri.

105 7. Nothing in this section shall make it unlawful for a student to actually participate in
106 school-sanctioned gun safety courses, student military or ROTC courses, or other
107 school-sponsored or club-sponsored firearm-related events, provided the student does not carry
108 a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or
109 onto the premises of any other function or activity sponsored or sanctioned by school officials
110 or the district school board.

111 8. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision
112 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or
113 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor
114 if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of
115 subsection 1 of this section, in which case it is a class B felony, except that if the violation of
116 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is
117 a class A felony.

118 9. Violations of subdivision (9) of subsection 1 of this section shall be punished as
119 follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

155 (1) A photographic identification issued by the agency from which the individual retired
156 from service as a peace officer that indicates that the individual has, not less recently than one
157 year before the date the individual is carrying the concealed firearm, been tested or otherwise

158 found by the agency to meet the standards established by the agency for training and qualification
159 for active peace officers to carry a firearm of the same type as the concealed firearm; or

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

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

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