

# SENATE BILL NO. 1016

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROBERTS.

4955S.01H

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to the offense of unlawful use of weapons, with penalty provisions.

*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Section A. Section 571.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.030, to read as follows: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 offense of unlawful use of weapons, except as otherwise provided by sections 571.101 to 571.121, 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 into any area where firearms are restricted under section 571.107; 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

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 projectile weapon in either a negligent or unlawful manner  
20 or discharges such firearm or projectile weapon unless  
21 acting in self-defense; or

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

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

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

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

38 (10) Carries a firearm, whether loaded or unloaded, or  
39 any other weapon readily capable of lethal use into any  
40 school, onto any school bus, or onto the premises of any  
41 function or activity sponsored or sanctioned by school  
42 officials or the district school board; or

43 (11) Possesses a firearm while also knowingly in  
44 possession of a controlled substance that is sufficient for  
45 a felony violation of section 579.015; or

46 (12) **Within any city not within a county, carries**  
47 **openly or concealed upon or about his or her person a**  
48 **firearm.**

49 2. Subdivisions (1), (8), and (10) of subsection 1 of  
50 this section shall not apply to the persons described in

51 this subsection, regardless of whether such uses are  
52 reasonably associated with or are necessary to the  
53 fulfillment of such person's official duties except as  
54 otherwise provided in this subsection. Subdivisions (3),  
55 (4), (6), (7), [and] (9), **and (12)** of subsection 1 of this  
56 section shall not apply to or affect any of the following  
57 persons, when such uses are reasonably associated with or  
58 are necessary to the fulfillment of such person's official  
59 duties, except as otherwise provided in this subsection:

60 (1) All state, county and municipal peace officers who  
61 have completed the training required by the police officer  
62 standards and training commission pursuant to sections  
63 590.030 to 590.050 and who possess the duty and power of  
64 arrest for violation of the general criminal laws of the  
65 state or for violation of ordinances of counties or  
66 municipalities of the state, whether such officers are on or  
67 off duty, and whether such officers are within or outside of  
68 the law enforcement agency's jurisdiction, or all qualified  
69 retired peace officers, as defined in subsection 12 of this  
70 section, and who carry the identification defined in  
71 subsection 13 of this section, or any person summoned by  
72 such officers to assist in making arrests or preserving the  
73 peace while actually engaged in assisting such officer;

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

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

79 (4) Those persons vested by Article V, Section 1 of  
80 the Constitution of Missouri with the judicial power of the  
81 state and those persons vested by Article III of the

82 Constitution of the United States with the judicial power of  
83 the United States, the members of the federal judiciary;

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

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

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

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

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

99 (10) Any municipal or county prosecuting attorney or  
100 assistant prosecuting attorney; circuit attorney or  
101 assistant circuit attorney; municipal, associate, or circuit  
102 judge; or any person appointed by a court to be a special  
103 prosecutor who has completed the firearms safety training  
104 course required under subsection 2 of section 571.111;

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

112 (12) Upon the written approval of the governing body  
113 of a fire department or fire protection district, any paid

114 fire department or fire protection district member who is  
115 employed on a full-time basis and who has a valid concealed  
116 carry endorsement issued prior to August 28, 2013, or a  
117 valid concealed carry permit, when such uses are reasonably  
118 associated with or are necessary to the fulfillment of such  
119 person's official duties.

120 3. Subdivisions (1), (5), (8), [and] (10), **and (12)** of  
121 subsection 1 of this section do not apply when the actor is  
122 transporting such weapons in a nonfunctioning state or in an  
123 unloaded state when ammunition is not readily accessible or  
124 when such weapons are not readily accessible. Subdivision  
125 (1) of subsection 1 of this section does not apply to any  
126 person nineteen years of age or older or eighteen years of  
127 age or older and a member of the United States Armed Forces,  
128 or honorably discharged from the United States Armed Forces,  
129 transporting a concealable firearm in the passenger  
130 compartment of a motor vehicle, so long as such concealable  
131 firearm is otherwise lawfully possessed, nor when the actor  
132 is also in possession of an exposed firearm or projectile  
133 weapon for the lawful pursuit of game, or is in his or her  
134 dwelling unit or upon premises over which the actor has  
135 possession, authority or control, or is traveling in a  
136 continuous journey peaceably through this state.  
137 Subdivision (10) of subsection 1 of this section does not  
138 apply if the firearm is otherwise lawfully possessed by a  
139 person while traversing school premises for the purposes of  
140 transporting a student to or from school, or possessed by an  
141 adult for the purposes of facilitation of a school-  
142 sanctioned firearm-related event or club event.

143 4. Subdivisions (1), (8), [and] (10), **and (12)** of  
144 subsection 1 of this section shall not apply to any person  
145 who has a valid concealed carry permit issued pursuant to

146 sections 571.101 to 571.121, a valid concealed carry  
147 endorsement issued before August 28, 2013, or a valid permit  
148 or endorsement to carry concealed firearms issued by another  
149 state or political subdivision of another state.

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

154 6. Notwithstanding any provision of this section to  
155 the contrary, the state shall not prohibit any state  
156 employee from having a firearm in the employee's vehicle on  
157 the state's property provided that the vehicle is locked and  
158 the firearm is not visible. This subsection shall only  
159 apply to the state as an employer when the state employee's  
160 vehicle is on property owned or leased by the state and the  
161 state employee is conducting activities within the scope of  
162 his or her employment. For the purposes of this subsection,  
163 "state employee" means an employee of the executive,  
164 legislative, or judicial branch of the government of the  
165 state of Missouri.

166 7. Nothing in this section shall make it unlawful for  
167 a student to actually participate in school-sanctioned gun  
168 safety courses, student military or ROTC courses, or other  
169 school-sponsored or club-sponsored firearm-related events,  
170 provided the student does not carry a firearm or other  
171 weapon readily capable of lethal use into any school, onto  
172 any school bus, or onto the premises of any other function  
173 or activity sponsored or sanctioned by school officials or  
174 the district school board.

175 8. A person who commits the **[crime] offense** of  
176 unlawful use of weapons under:

177 (1) Subdivision (2), (3), (4), or (11) of subsection 1  
178 of this section shall be guilty of a class E felony;

179 (2) Subdivision (1), (6), (7), or (8) of subsection 1  
180 of this section shall be guilty of a class B misdemeanor,  
181 except when a concealed weapon is carried onto any private  
182 property whose owner has posted the premises as being off-  
183 limits to concealed firearms by means of one or more signs  
184 displayed in a conspicuous place of a minimum size of eleven  
185 inches by fourteen inches with the writing thereon in  
186 letters of not less than one inch, in which case the  
187 penalties of subsection 2 of section 571.107 shall apply;

188 (3) Subdivision (5) or (10) of subsection 1 of this  
189 section shall be guilty of a class A misdemeanor if the  
190 firearm is unloaded and a class E felony if the firearm is  
191 loaded;

192 (4) Subdivision (9) of subsection 1 of this section  
193 shall be guilty of a class B felony, except that if the  
194 violation of subdivision (9) of subsection 1 of this section  
195 results in injury or death to another person, it is a class  
196 A felony; **or**

197 **(5) Subdivision (12) of subsection 1 of this section**  
198 **shall be guilty of a class A misdemeanor for the first**  
199 **offense and a class E felony for a second or subsequent**  
200 **offense.**

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

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

206 (2) For any violation by a prior offender as defined  
207 in section 558.016, a person shall be sentenced to the  
208 maximum authorized term of imprisonment for a class B felony

209 without the possibility of parole, probation or conditional  
210 release for a term of ten years;

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

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

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

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

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

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

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

239 (3) Before such retirement, was regularly employed as  
240 a peace officer for an aggregate of fifteen years or more,

241 or retired from service with such agency, after completing  
242 any applicable probationary period of such service, due to a  
243 service-connected disability, as determined by such agency;

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

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

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

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

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

256 (1) A photographic identification issued by the agency  
257 from which the individual retired from service as a peace  
258 officer that indicates that the individual has, not less  
259 recently than one year before the date the individual is  
260 carrying the concealed firearm, been tested or otherwise  
261 found by the agency to meet the standards established by the  
262 agency for training and qualification for active peace  
263 officers to carry a firearm of the same type as the  
264 concealed firearm; or

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

268 (3) A certification issued by the state in which the  
269 individual resides that indicates that the individual has,  
270 not less recently than one year before the date the  
271 individual is carrying the concealed firearm, been tested or  
272 otherwise found by the state to meet the standards

273 established by the state for training and qualification for  
274 active peace officers to carry a firearm of the same type as  
275 the concealed firearm.

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