

FIRST REGULAR SESSION

HOUSE BILL NO. 487

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HICKS.

1154H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 70.441, 571.107, 577.703, and 577.712, RSMo, and to enact in lieu thereof four new sections relating to the carrying of firearms on public transportation systems, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 70.441, 571.107, 577.703, and 577.712, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 70.441, 571.107, 577.703, and 577.712, to read as follows:

- 70.441. 1. As used in this section, the following terms have the following meanings:
- (1) "Agency", the bi-state development agency created by compact under section 70.370;
 - (2) "Conveyance" includes bus, paratransit vehicle, rapid transit car or train, locomotive, or other vehicle used or held for use by the agency as a means of transportation of passengers;
 - (3) "Facilities" includes all property and equipment, including, without limitation, rights-of-way and related trackage, rails, signals, power, fuel, communication and ventilation systems, power plants, stations, terminals, signage, storage yards, depots, repair and maintenance shops, yards, offices, parking lots and other real estate or personal property used or held for or incidental to the operation, rehabilitation or improvement of any public mass transportation system of the agency;
 - (4) "Person", any individual, firm, copartnership, corporation, association or company;
- and
- (5) "Sound production device" includes, but is not limited to, any radio receiver, phonograph, television receiver, musical instrument, tape recorder, cassette player, speaker device and any sound amplifier.

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.

16 2. In interpreting or applying this section, the following provisions shall apply:

17 (1) Any act otherwise prohibited by this section is lawful if specifically authorized by
18 agreement, permit, license or other writing duly signed by an authorized officer of the agency or
19 if performed by an officer, employee or designated agent of the agency acting within the scope
20 of his or her employment or agency;

21 (2) Rules shall apply with equal force to any person assisting, aiding or abetting another,
22 including a minor, in any of the acts prohibited by the rules or assisting, aiding or abetting
23 another in the avoidance of any of the requirements of the rules; and

24 (3) The singular shall mean and include the plural; the masculine gender shall mean the
25 feminine and the neuter genders; and vice versa.

26 3. (1) No person shall use or enter upon the light rail conveyances of the agency without
27 payment of the fare or other lawful charges established by the agency. Any person on any such
28 conveyance must have properly validated fare media in his possession. This ticket must be valid
29 to or from the station the passenger is using, and must have been used for entry for the trip then
30 being taken;

31 (2) No person shall use any token, pass, badge, ticket, document, transfer, card or fare
32 media to gain entry to the facilities or conveyances of, or make use of the services of, the agency,
33 except as provided, authorized or sold by the agency and in accordance with any restriction on
34 the use thereof imposed by the agency;

35 (3) No person shall enter upon parking lots designated by the agency as requiring
36 payment to enter, either by electronic gate or parking meters, where the cost of such parking fee
37 is visibly displayed at each location, without payment of such fees or other lawful charges
38 established by the agency;

39 (4) Except for employees of the agency acting within the scope of their employment, no
40 person shall sell, provide, copy, reproduce or produce, or create any version of any token, pass,
41 badge, ticket, document, transfer, card or any other fare media or otherwise authorize access to
42 or use of the facilities, conveyances or services of the agency without the written permission of
43 an authorized representative of the agency;

44 (5) No person shall put or attempt to put any paper, article, instrument or item, other than
45 a token, ticket, badge, coin, fare card, pass, transfer or other access authorization or other fare
46 media issued by the agency and valid for the place, time and manner in which used, into any fare
47 box, pass reader, ticket vending machine, parking meter, parking gate or other fare collection
48 instrument, receptacle, device, machine or location;

49 (6) Tokens, tickets, fare cards, badges, passes, transfers or other fare media that have
50 been forged, counterfeited, imitated, altered or improperly transferred or that have been used in
51 a manner inconsistent with this section shall be confiscated;

52 (7) No person may perform any act which would interfere with the provision of transit
53 service or obstruct the flow of traffic on facilities or conveyances or which would in any way
54 interfere or tend to interfere with the safe and efficient operation of the facilities or conveyances
55 of the agency;

56 (8) All persons on or in any facility or conveyance of the agency shall:

57 (a) Comply with all lawful orders and directives of any agency employee acting within
58 the scope of his employment;

59 (b) Obey any instructions on notices or signs duly posted on any agency facility or
60 conveyance; and

61 (c) Provide accurate, complete and true information or documents requested by agency
62 personnel acting within the scope of their employment and otherwise in accordance with law;

63 (9) No person shall falsely represent himself or herself as an agent, employee or
64 representative of the agency;

65 (10) No person on or in any facility or conveyance shall:

66 (a) Litter, dump garbage, liquids or other matter, or create a nuisance, hazard or
67 unsanitary condition, including, but not limited to, spitting and urinating, except in facilities
68 provided;

69 (b) Drink any alcoholic beverage or possess any opened or unsealed container of
70 alcoholic beverage, except on premises duly licensed for the sale of alcoholic beverages, such
71 as bars and restaurants;

72 (c) Enter or remain in any facility or conveyance while his ability to function safely in
73 the environment of the agency transit system is impaired by the consumption of alcohol or by the
74 taking of any drug;

75 (d) Loiter or stay on any facility of the agency;

76 (e) Consume foods or liquids of any kind, except in those areas specifically authorized
77 by the agency;

78 (f) Smoke or carry an open flame or lighted match, cigar, cigarette, pipe or torch, except
79 in those areas or locations specifically authorized by the agency; or

80 (g) Throw or cause to be propelled any stone, projectile or other article at, from, upon
81 or in a facility or conveyance;

82 (11) **Except as otherwise provided under section 571.107**, no weapon or other
83 instrument intended for use as a weapon may be carried in or on any facility or conveyance,
84 except for law enforcement personnel. For the purposes hereof, a weapon shall include, but not
85 be limited to, a firearm, switchblade knife, sword, or any instrument of any kind known as
86 blackjack, billy club, club, sandbag, metal knuckles, leather bands studded with metal, wood
87 impregnated with metal filings or razor blades; except that this subdivision shall not apply to a

88 rifle or shotgun which is unloaded and carried in any enclosed case, box or other container which
89 completely conceals the item from view and identification as a weapon;

90 (12) No explosives, flammable liquids, acids, fireworks or other highly combustible
91 materials or radioactive materials may be carried on or in any facility or conveyance, except as
92 authorized by the agency;

93 (13) No person, except as specifically authorized by the agency, shall enter or attempt
94 to enter into any area not open to the public, including, but not limited to, motorman's cabs,
95 conductor's cabs, bus operator's seat location, closed-off areas, mechanical or equipment rooms,
96 concession stands, storage areas, interior rooms, tracks, roadbeds, tunnels, plants, shops, barns,
97 train yards, garages, depots or any area marked with a sign restricting access or indicating a
98 dangerous environment;

99 (14) No person may ride on the roof, the platform between rapid transit cars, or on any
100 other area outside any rapid transit car or bus or other conveyance operated by the agency;

101 (15) No person shall extend his hand, arm, leg, head or other part of his or her person
102 or extend any item, article or other substance outside of the window or door of a moving rapid
103 transit car, bus or other conveyance operated by the agency;

104 (16) No person shall enter or leave a rapid transit car, bus or other conveyance operated
105 by the agency except through the entrances and exits provided for that purpose;

106 (17) No animals may be taken on or into any conveyance or facility except the following:

107 (a) An animal enclosed in a container, accompanied by the passenger and carried in a
108 manner which does not annoy other passengers; and

109 (b) Working dogs for law enforcement agencies, agency dogs on duty, dogs properly
110 harnessed and accompanying blind or hearing-impaired persons to aid such persons, or dogs
111 accompanying trainers carrying a certificate of identification issued by a dog school;

112 (18) No vehicle shall be operated carelessly, or negligently, or in disregard of the rights
113 or safety of others or without due caution and circumspection, or at a speed in such a manner as
114 to be likely to endanger persons or property on facilities of the agency. The speed limit on
115 parking lots and access roads shall be posted as fifteen miles per hour unless otherwise
116 designated.

117 4. (1) Unless a greater penalty is otherwise provided by the laws of the state, any
118 violation of this section shall constitute a misdemeanor, and any person committing a violation
119 thereof shall be subject to arrest and, upon conviction in a court of competent jurisdiction, shall
120 pay a fine in an amount not less than twenty-five dollars and no greater than two hundred fifty
121 dollars per violation, in addition to court costs. Any default in the payment of a fine imposed
122 pursuant to this section without good cause shall result in imprisonment for not more than thirty
123 days;

124 (2) Unless a greater penalty is provided by the laws of the state, any person convicted
125 a second or subsequent time for the same offense under this section shall be guilty of a
126 misdemeanor and sentenced to pay a fine of not less than fifty dollars nor more than five hundred
127 dollars in addition to court costs, or to undergo imprisonment for up to sixty days, or both such
128 fine and imprisonment;

129 (3) Any person failing to pay the proper fare, fee or other charge for use of the facilities
130 and conveyances of the agency shall be subject to payment of such charge as part of the judgment
131 against the violator. All proceeds from judgments for unpaid fares or charges shall be directed
132 to the appropriate agency official;

133 (4) All juvenile offenders violating the provisions of this section shall be subject to the
134 jurisdiction of the juvenile court as provided in chapter 211;

135 (5) As used in this section, the term "conviction" shall include all pleas of guilty and
136 findings of guilt.

137 5. Any person who is convicted, pleads guilty, or pleads nolo contendere for failing to
138 pay the proper fare, fee, or other charge for the use of the facilities and conveyances of the
139 bi-state development agency, as described in subdivision (3) of subsection 4 of this section, may,
140 in addition to the unpaid fares or charges and any fines, penalties, or sentences imposed by law,
141 be required to reimburse the reasonable costs attributable to the enforcement, investigation, and
142 prosecution of such offense by the bi-state development agency. The court shall direct the
143 reimbursement proceeds to the appropriate agency official.

144 6. (1) Stalled or disabled vehicles may be removed from the roadways of the agency
145 property by the agency and parked or stored elsewhere at the risk and expense of the owner;

146 (2) Motor vehicles which are left unattended or abandoned on the property of the agency
147 for a period of over seventy-two hours may be removed as provided for in section 304.155,
148 except that the removal may be authorized by personnel designated by the agency under section
149 70.378.

571.107. 1. A concealed carry permit issued pursuant to sections 571.101 to 571.121,
2 a valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry
3 endorsement or permit issued by another state or political subdivision of another state shall
4 authorize the person in whose name the permit or endorsement is issued to carry concealed
5 firearms on or about his or her person or vehicle throughout the state. No concealed carry permit
6 issued pursuant to sections 571.101 to 571.121, valid concealed carry endorsement issued prior
7 to August 28, 2013, or a concealed carry endorsement or permit issued by another state or
8 political subdivision of another state shall authorize any person to carry concealed firearms into:

9 (1) Any police, sheriff, or highway patrol office or station without the consent of the
10 chief law enforcement officer in charge of that office or station. Possession of a firearm in a

11 vehicle on the premises of the office or station shall not be a criminal offense so long as the
12 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

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 permit or
38 endorsement from carrying a concealed firearm at a meeting of the body which he or she is a
39 member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so
40 long as the firearm is not removed from the vehicle or brandished while the vehicle is on the
41 premises. Nothing in this subdivision shall preclude a member of the general assembly, a
42 full-time employee of the general assembly employed under Section 17, Article III, Constitution
43 of 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 permit or
45 endorsement, from carrying a concealed firearm in the state capitol building or at a meeting

46 whether of the full body of a house of the general assembly or a committee thereof, that is held
47 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 permit or endorsement holders in that portion of a building owned, leased or controlled by that
51 unit of government. Any portion of a building in which the carrying of concealed firearms is
52 prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted
53 area. The statute, rule or ordinance shall exempt any building used for public housing by private
54 persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled
55 by that unit of government from any restriction on the carrying or possession of a firearm. The
56 statute, rule or ordinance shall not specify any criminal penalty for its violation but may specify
57 that persons violating the statute, rule or ordinance may be denied entrance to the building,
58 ordered to leave the building and if employees of the unit of government, be subjected to
59 disciplinary measures for violation of the provisions of the statute, rule or ordinance. The
60 provisions of this 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 permit or endorsement to
71 possess any 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, unless the person with the concealed carry endorsement or permit is a
80 teacher or administrator of an elementary or secondary school who has been designated by his
81 or her school district as a school protection officer and is carrying a firearm in a school within

82 that district, in which case no consent is required. Possession of a firearm in a vehicle on the
83 premises of any higher education institution or elementary or secondary school facility shall not
84 be a criminal offense so long as the firearm is not removed from the vehicle or brandished while
85 the vehicle is on the premises;

86 (11) Any portion of a building used as a child care facility without the consent of the
87 manager. Nothing in this subdivision shall prevent the operator of a child care facility in a
88 family home from owning or possessing a firearm or a concealed carry permit or endorsement;

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

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

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

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

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

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

122 2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of
123 subsection 1 of this section by any individual who holds a concealed carry permit issued pursuant
124 to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28,
125 2013, shall not be a criminal act but may subject the person to denial to the premises or removal
126 from the premises. If such person refuses to leave the premises and a peace officer is summoned,
127 such person may be issued a citation for an amount not to exceed one hundred dollars for the first
128 offense. If a second citation for a similar violation occurs within a six-month period, such person
129 shall be fined an amount not to exceed two hundred dollars and his or her permit, and, if
130 applicable, endorsement to carry concealed firearms shall be suspended for a period of one year.
131 If a third citation for a similar violation is issued within one year of the first citation, such person
132 shall be fined an amount not to exceed five hundred dollars and shall have his or her concealed
133 carry permit, and, if applicable, endorsement revoked and such person shall not be eligible for
134 a concealed carry permit for a period of three years. Upon conviction of charges arising from
135 a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which
136 issued the concealed carry permit, or, if the person is a holder of a concealed carry endorsement
137 issued prior to August 28, 2013, the court shall notify the sheriff of the county which issued the
138 certificate of qualification for a concealed carry endorsement and the department of revenue.
139 The sheriff shall suspend or revoke the concealed carry permit or, if applicable, the certificate
140 of qualification for a concealed carry endorsement. If the person holds an endorsement, the
141 department of revenue shall issue a notice of such suspension or revocation of the concealed
142 carry endorsement and take action to remove the concealed carry endorsement from the
143 individual's driving record. The director of revenue shall notify the licensee that he or she must
144 apply for a new license pursuant to chapter 302 which does not contain such endorsement. The
145 notice issued by the department of revenue shall be mailed to the last known address shown on
146 the individual's driving record. The notice is deemed received three days after mailing.

147 **3. Notwithstanding any provision of this chapter or chapter 70, 577, or 578 to the**
148 **contrary, a person carrying a firearm concealed on or about his or her person who is**
149 **lawfully in possession of a valid concealed carry permit or endorsement shall not be**
150 **prohibited or impeded from accessing or using any publicly funded transportation system,**
151 **nor shall such person be harassed or detained for carrying a concealed firearm on the**

152 property, vehicles, or conveyances owned, contracted, or leased by such systems that are
153 accessible to the public. For purposes of this section, "public transportation system"
154 means the property, equipment, rights-of-way, and buildings, either publicly or privately
155 owned and operated, of an entity that receives public funds and holds itself out to the
156 general public for the transportation of persons. This includes portions of a public
157 transportation system provided through a contract with a private entity but excludes any
158 corporation that provides intercity passenger train service on railroads throughout the
159 United States or any private partnership in which the corporation engages.

577.703. 1. A person commits the offense of bus hijacking if he or she seizes or
2 exercises control, by force or violence or threat of force or violence, of any bus. The offense of
3 bus hijacking is a class B felony.

4 2. The offense of "assault with the intent to commit bus hijacking" is defined as an
5 intimidation, threat, assault or battery toward any driver, attendant or guard of a bus so as to
6 interfere with the performance of duties by such person. Assault to commit bus hijacking is a
7 class D felony.

8 3. Any person, who, in the commission of such intimidation, threat, assault or battery
9 with the intent to commit bus hijacking, employs a dangerous or deadly weapon or other means
10 capable of inflicting serious bodily injury shall, upon conviction, be guilty of a class A felony.

11 4. **Except as otherwise provided under section 571.107**, any passenger who boards a
12 bus with a dangerous or deadly weapon or other means capable of inflicting serious bodily injury
13 concealed upon his or her person or effects is guilty of the felony of "possession and concealment
14 of a dangerous or deadly weapon" upon a bus. Possession and concealment of a dangerous and
15 deadly weapon by a passenger upon a bus is a class D felony. The provisions of this subsection
16 shall not apply to:

17 (1) Duly elected or appointed law enforcement officers or commercial security personnel
18 who are in possession of weapons used within the course and scope of their employment; ~~nor~~
19 ~~shall the provisions of this subsection apply to]~~

20 (2) Persons who are in possession of weapons or other means of inflicting serious bodily
21 injury with the consent of the owner of such bus, his or her agent, or the lessee or bailee of such
22 bus;

23 (3) **Persons carrying a concealed firearm who lawfully possess a valid concealed**
24 **carry permit or endorsement in accordance with section 571.107; or**

25 (4) **Persons transporting a firearm in a nonfunctioning state or in an unloaded state**
26 **if ammunition is not readily accessible.**

577.712. 1. In order to provide for the safety, comfort, and well-being of passengers and
2 others having a bona fide business interest in any terminal, a bus transportation company may

3 refuse admission to terminals to any person not having bona fide business within the terminal.
4 Any such refusal shall not be inconsistent or contrary to state or federal laws, regulations
5 pursuant thereto, or to any ordinance of the political subdivision in which such terminal is
6 located. A duly authorized company representative may ask any person in a terminal or on the
7 premises of a terminal to identify himself or herself and state his or her business. Failure to
8 comply with such request or failure to state an acceptable business purpose shall be grounds for
9 the company representative to request that such person leave the terminal. Refusal to comply
10 with such request shall constitute disorderly conduct. Disorderly conduct shall be a class C
11 misdemeanor.

12 2. **Except as otherwise provided under section 571.107**, it is unlawful for any person
13 to carry a deadly or dangerous weapon or any explosives or hazardous material into a terminal
14 or aboard a bus. Possession of a deadly or dangerous weapon, explosive or hazardous material
15 shall be a class D felony. Upon the discovery of any such item or material, the company may
16 obtain possession and retain custody of such item or material until it is transferred to the custody
17 of law enforcement officers. **The provisions of this section shall not apply to persons**
18 **transporting a firearm in a nonfunctioning state or in an unloaded state if ammunition is**
19 **not readily accessible.**

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