

FIRST REGULAR SESSION

HOUSE BILL NO. 105

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BANGERT.

0409H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to firearms in motor vehicles, 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Section A. Section 571.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.030, to read as follows: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 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.

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

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

24 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
25 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any
26 building or habitable structure, unless the person was lawfully acting in self-defense; or

27 (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable
28 of lethal use into any school, onto any school bus, or onto the premises of any function or activity
29 sponsored or sanctioned by school officials or the district school board; [øø]

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

32 **(12) Transports or stores a loaded, concealed firearm in a motor vehicle and outside**
33 **of a locked container or locked trunk.**

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

41 (1) All state, county and municipal peace officers who have completed the training
42 required by the police officer standards and training commission pursuant to sections 590.030
43 to 590.050 and who possess the duty and power of arrest for violation of the general criminal
44 laws of the state or for violation of ordinances of counties or municipalities of the state, whether
45 such officers are on or off duty, and whether such officers are within or outside of the law
46 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection
47 12 of this section, and who carry the identification defined in subsection 13 of this section, or
48 any person summoned by such officers to assist in making arrests or preserving the peace while
49 actually engaged in assisting such officer;

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

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

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

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

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

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

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

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

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

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

75 (12) Upon the written approval of the governing body of a fire department or fire
76 protection district, any paid fire department or fire protection district member who is employed
77 on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28,
78 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are
79 necessary to the fulfillment of such person's official duties.

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

83 ~~Subdivision~~ **Subdivisions (1) and (12)** of subsection 1 of this section ~~does~~ **do** not apply to
84 any person nineteen years of age or older or eighteen years of age or older and a member of the
85 United States Armed Forces, or honorably discharged from the United States Armed Forces,
86 transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as:

87 (1) Such ~~concealable~~ firearm is otherwise lawfully possessed ~~[, nor when the actor]~~ ;
88 **and**

89 (2) **One of the following:**

90 **(a) If the firearm is a handgun, the firearm is under the direct control of the person**
91 **carrying the firearm;**

92 **(b) The person** is also in possession of an exposed firearm or projectile weapon for the
93 lawful pursuit of game~~[, or is]~~ ;

94 **(c) The person and motor vehicle are** in ~~[his or her]~~ **the person's** dwelling unit or upon
95 premises over which the ~~[actor]~~ **person** has possession, authority, or control~~[s]~~ ; or

96 **(d) The person** is traveling ~~[in]~~ **on** a continuous journey peaceably through this state.

97

98 Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise
99 lawfully possessed by a person while traversing school premises for the purposes of transporting
100 a student to or from school, or possessed by an adult for the purposes of facilitation of a
101 school-sanctioned firearm-related event or club event.

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

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

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

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

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

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

125 (2) Subdivision (1), (6), (7), ~~[(8)]~~ (8), **or (12)** of subsection 1 of this section shall be
126 guilty of a class B misdemeanor, except when a concealed weapon is **transported or** carried
127 onto any private property whose owner has posted the premises as being off-limits to concealed
128 firearms by means of one or more signs displayed in a conspicuous place of a minimum size of
129 eleven inches by fourteen inches with the writing thereon in letters of not less than one inch, in
130 which case the penalties of subsection 2 of section 571.107 shall apply;

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

133 (4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony,
134 except that if the violation of subdivision (9) of subsection 1 of this section results in injury or
135 death to another person, it is a class A felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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