

FIRST REGULAR SESSION

# HOUSE BILL NO. 719

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BOYKO.

1892H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

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

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*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Section A. Section 571.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.030, to read as follows: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 **and sections 571.205 to 571.230**, 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

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

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

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

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

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

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

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

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

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

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

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

63 (8) Any corporate security advisor meeting the definition and fulfilling the  
64 requirements of the regulations established by the department of public safety under section  
65 590.750;

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

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

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

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

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

90 dwelling unit or upon premises over which the actor has possession, authority or control, or is  
91 traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection  
92 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person  
93 while traversing school premises for the purposes of transporting a student to or from school,  
94 or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related  
95 event or club event.

96 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any  
97 person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121  
98 **or sections 571.205 to 571.230**, a valid concealed carry endorsement issued before August  
99 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another state  
100 or political subdivision of another state.

101 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section  
102 shall not apply to persons who are engaged in a lawful act of defense pursuant to section  
103 563.031.

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

112 7. (1) Subdivision (10) of subsection 1 of this section shall not apply to a person who  
113 is a school officer commissioned by the district school board under section 162.215 or who is  
114 a school protection officer, as described under section 160.665.

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

121 8. A person who commits the crime of unlawful use of weapons under:

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

124 (2) Subdivision (1), (6), (7), or (8) of subsection 1 of this section shall be guilty of a  
125 class B misdemeanor~~], except when a concealed weapon is carried onto any private property~~  
126 ~~whose owner has posted the premises as being off-limits to concealed firearms by means of~~

127 ~~one or more signs displayed in a conspicuous place of a minimum size of eleven inches by~~  
128 ~~fourteen inches with the writing thereon in letters of not less than one inch, in which case the~~  
129 ~~penalties of subsection 2 of section 571.107 shall apply];~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

169 (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug  
170 or 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  
174 retired from service as a peace officer that indicates that the individual has, not less recently  
175 than one year before the date the individual is carrying the concealed firearm, been tested or  
176 otherwise found by the agency to meet the standards established by the agency for training  
177 and qualification for active peace officers to carry a firearm of the same type as the concealed  
178 firearm; or

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

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

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