

FIRST REGULAR SESSION

SENATE BILL NO. 87

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PARSONS.

Read 1st time January 6, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

0710S.01I

AN ACT

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

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Section A. Section 571.030, RSMo, is repealed and one new section
2 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
2 or she knowingly:

3 (1) Carries concealed upon or about his or her person a knife, a firearm,
4 a blackjack or any other weapon readily capable of lethal use; or

5 (2) Sets a spring gun; or

6 (3) Discharges or shoots a firearm into a dwelling house, a railroad train,
7 boat, aircraft, or motor vehicle as defined in section 302.010, or any building or
8 structure used for the assembling of people; or

9 (4) Exhibits, in the presence of one or more persons, any weapon readily
10 capable of lethal use in an angry or threatening manner; or

11 (5) Has a firearm or projectile weapon readily capable of lethal use on his
12 or her person, while he or she is intoxicated, and handles or otherwise uses such
13 firearm or projectile weapon in either a negligent or unlawful manner or
14 discharges such firearm or projectile weapon unless acting in self-defense;

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

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

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

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

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

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

33 2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this
34 section shall not apply to or affect any of the following [when such uses are
35 reasonably associated with or are necessary to the fulfillment of such person's
36 official duties]:

37 (1) All state, county and municipal peace officers who have completed the
38 training required by the police officer standards and training commission
39 pursuant to sections 590.030 to 590.050 and who possess the duty and power of
40 arrest for violation of the general criminal laws of the state or for violation of
41 ordinances of counties or municipalities of the state, whether such officers are on
42 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
44 in subsection 10 of this section, and who carry the identification defined in
45 subsection 11 of this section, or any person summoned by such officers to assist
46 in making arrests or preserving the peace while actually engaged in assisting
47 such officer;

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

50 (3) Members of the armed forces or national guard while performing their
51 official duty;

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

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

58 (6) Any federal probation officer or federal flight deck officer as defined
59 under the federal flight deck officer program, 49 U.S.C. Section 44921;

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

62 (8) Any corporate security advisor meeting the definition and fulfilling the
63 requirements of the regulations established by the board of police commissioners
64 under section 84.340;

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

67 (10) Any prosecuting attorney or assistant prosecuting attorney or any
68 circuit attorney or assistant circuit attorney who has completed the firearms
69 safety training course required under subsection 2 of section 571.111.

70 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not
71 apply when the actor is transporting such weapons in a nonfunctioning state or
72 in an unloaded state when ammunition is not readily accessible or when such
73 weapons are not readily accessible. Subdivision (1) of subsection 1 of this section
74 does not apply to any person twenty-one years of age or older transporting a
75 concealable firearm in the passenger compartment of a motor vehicle, so long as
76 such concealable firearm is otherwise lawfully possessed, nor when the actor is
77 also in possession of an exposed firearm or projectile weapon for the lawful
78 pursuit of game, or is in his or her dwelling unit or upon premises over which the
79 actor has possession, authority or control, or is traveling in a continuous journey
80 peaceably through this state. Subdivision (10) of subsection 1 of this section does
81 not apply if the firearm is otherwise lawfully possessed by a person while
82 traversing school premises for the purposes of transporting a student to or from
83 school, or possessed by an adult for the purposes of facilitation of a
84 school-sanctioned firearm-related event.

85 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not
86 apply to any person who has a valid concealed carry endorsement issued pursuant
87 to sections 571.101 to 571.121 or a valid permit or endorsement to carry concealed
88 firearms issued by another state or political subdivision of another state.

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

92 6. Nothing in this section shall make it unlawful for a student to actually
93 participate in school-sanctioned gun safety courses, student military or ROTC
94 courses, or other school-sponsored firearm-related events, provided the student
95 does not carry a firearm or other weapon readily capable of lethal use into any
96 school, onto any school bus, or onto the premises of any other function or activity
97 sponsored or sanctioned by school officials or the district school board.

98 7. Unlawful use of weapons is a class D felony unless committed pursuant
99 to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a
100 class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in
101 which case it is a class A misdemeanor if the firearm is unloaded and a class D
102 felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section,
103 in which case it is a class B felony, except that if the violation of subdivision (9)
104 of subsection 1 of this section results in injury or death to another person, it is
105 a class A felony.

106 8. Violations of subdivision (9) of subsection 1 of this section shall be
107 punished as follows:

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

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

114 (3) For any violation by a persistent offender as defined in section
115 558.016, a person shall be sentenced to the maximum authorized term of
116 imprisonment for a class B felony without the possibility of parole, probation, or
117 conditional release;

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

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

123 10. As used in this section "qualified retired peace officer" means an
124 individual who:

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

127 (2) Before such retirement, was authorized by law to engage in or

128 supervise the prevention, detection, investigation, or prosecution of, or the
129 incarceration of any person for, any violation of law, and had statutory powers of
130 arrest;

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

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

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

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

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

143 11. The identification required by subdivision (1) of subsection 2 of this
144 section is:

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

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

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

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