

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend \_\_\_\_\_ Bill No. \_\_\_\_\_, Page \_\_\_\_\_, Section \_\_\_\_\_, Line \_\_\_\_\_,

2 by inserting after all of said line the following:

3 "571.030. 1. A person commits the offense of unlawful use  
4 of weapons, except as otherwise provided by sections 571.101 to  
5 571.121, if he or she knowingly:

6 (1) Carries concealed upon or about his or her person a  
7 knife, a firearm, a blackjack or any other weapon readily capable  
8 of lethal use into any area where firearms are restricted under  
9 section 571.107; or

10 (2) Sets a spring gun; or

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

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

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

23 (6) Discharges a firearm within one hundred yards of any

1 occupied schoolhouse, courthouse, or church building; or

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

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

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

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

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

24 (12) Carries a concealed firearm upon or about his or her  
25 person or any other weapon capable of lethal use into a city not  
26 within a county, unless he or she has a valid concealed carry  
27 permit pursuant to section 571.101 to 571.121. The provisions of  
28 this subdivision shall expire on August 31, 2023.

29 2. Subdivisions (1), (8), **[and]** (10), and (12) of

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

10 (1) All state, county and municipal peace officers who have  
11 completed the training required by the police officer standards  
12 and training commission pursuant to sections 590.030 to 590.050  
13 and who possess the duty and power of arrest for violation of the  
14 general criminal laws of the state or for violation of ordinances  
15 of counties or municipalities of the state, whether such officers  
16 are on or off duty, and whether such officers are within or  
17 outside of the law enforcement agency's jurisdiction, or all  
18 qualified retired peace officers, as defined in subsection 12 of  
19 this section, and who carry the identification defined in  
20 subsection 13 of this section, or any person summoned by such  
21 officers to assist in making arrests or preserving the peace  
22 while actually engaged in assisting such officer;

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

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

28 (4) Those persons vested by Article V, Section 1 of the  
29 Constitution of Missouri with the judicial power of the state and

1 those persons vested by Article III of the Constitution of the  
2 United States with the judicial power of the United States, the  
3 members of the federal judiciary;

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

6 (6) Any federal probation officer or federal flight deck  
7 officer as defined under the federal flight deck officer program,  
8 49 U.S.C. Section 44921, regardless of whether such officers are  
9 on duty, or within the law enforcement agency's jurisdiction;

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

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

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

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

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

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

8           3. Subdivisions (1), (5), (8), **[and]** (10), and (12) of  
9 subsection 1 of this section do not apply when the actor is  
10 transporting such weapons in a nonfunctioning state or in an  
11 unloaded state when ammunition is not readily accessible or when  
12 such weapons are not readily accessible. Subdivision (1) of  
13 subsection 1 of this section does not apply to any person  
14 nineteen years of age or older or eighteen years of age or older  
15 and a member of the United States Armed Forces, or honorably  
16 discharged from the United States Armed Forces, transporting a  
17 concealable firearm in the passenger compartment of a motor  
18 vehicle, so long as such concealable firearm is otherwise  
19 lawfully possessed, nor when the actor is also in possession of  
20 an exposed firearm or projectile weapon for the lawful pursuit of  
21 game, or is in his or her dwelling unit or upon premises over  
22 which the actor has possession, authority or control, or is  
23 traveling in a continuous journey peaceably through this state.  
24 Subdivision (10) of subsection 1 of this section does not apply  
25 if the firearm is otherwise lawfully possessed by a person while  
26 traversing school premises for the purposes of transporting a  
27 student to or from school, or possessed by an adult for the  
28 purposes of facilitation of a school-sanctioned firearm-related  
29 event or club event.

1           4. Subdivisions (1), (8), **[and]** (10), and (12) of  
2 subsection 1 of this section shall not apply to any person who  
3 has a valid concealed carry permit issued pursuant to sections  
4 571.101 to 571.121, a valid concealed carry endorsement issued  
5 before August 28, 2013, or a valid permit or endorsement to carry  
6 concealed firearms issued by another state or political  
7 subdivision of another state.

8           5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10)  
9 of subsection 1 of this section shall not apply to persons who  
10 are engaged in a lawful act of defense pursuant to section  
11 563.031.

12           6. Notwithstanding any provision of this section to the  
13 contrary, the state shall not prohibit any state employee from  
14 having a firearm in the employee's vehicle on the state's  
15 property provided that the vehicle is locked and the firearm is  
16 not visible. This subsection shall only apply to the state as an  
17 employer when the state employee's vehicle is on property owned  
18 or leased by the state and the state employee is conducting  
19 activities within the scope of his or her employment. For the  
20 purposes of this subsection, "state employee" means an employee  
21 of the executive, legislative, or judicial branch of the  
22 government of the state of Missouri.

23           7. Nothing in this section shall make it unlawful for a  
24 student to actually participate in school-sanctioned gun safety  
25 courses, student military or ROTC courses, or other  
26 school-sponsored or club-sponsored firearm-related events,  
27 provided the student does not carry a firearm or other weapon  
28 readily capable of lethal use into any school, onto any school  
29 bus, or onto the premises of any other function or activity

1 sponsored or sanctioned by school officials or the district  
2 school board.

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

5 (1) Subdivision (2), (3), (4), [or] (11), or (12) of  
6 subsection 1 of this section shall be guilty of a class E felony;

7 (2) Subdivision (1), (6), (7), or (8) of subsection 1 of  
8 this section shall be guilty of a class B misdemeanor, except  
9 when a concealed weapon is carried onto any private property  
10 whose owner has posted the premises as being off-limits to  
11 concealed firearms by means of one or more signs displayed in a  
12 conspicuous place of a minimum size of eleven inches by fourteen  
13 inches with the writing thereon in letters of not less than one  
14 inch, in which case the penalties of subsection 2 of section  
15 571.107 shall apply;

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

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

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

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

27 (2) For any violation by a prior offender as defined in  
28 section 558.016, a person shall be sentenced to the maximum  
29 authorized term of imprisonment for a class B felony without the

1 possibility of parole, probation or conditional release for a  
2 term of ten years;

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

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

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

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

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

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

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

29 (3) Before such retirement, was regularly employed as a



1 peace officer for an aggregate of fifteen years or more, or  
2 retired from service with such agency, after completing any  
3 applicable probationary period of such service, due to a  
4 service-connected disability, as determined by such agency;

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

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

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

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

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

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

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

26 (3) A certification issued by the state in which the  
27 individual resides that indicates that the individual has, not  
28 less recently than one year before the date the individual is  
29 carrying the concealed firearm, been tested or otherwise found by

1 the state to meet the standards established by the state for  
2 training and qualification for active peace officers to carry a  
3 firearm of the same type as the concealed firearm."; and

4 Further amend the title and enacting clause accordingly.