

HOUSE

AMENDMENT NO. ___

Offered by

of

1 AMEND House Committee Substitute for House Bill No. 350, Page 1,
2 In the Title, Lines 2 and 3, by deleting all of said lines and
3 inserting in lieu thereof the following:

4 "To repeal section 571.030, RSMo, and to enact in lieu
5 thereof three new sections relating to firearms, with penalty
6 provisions."; and

7
8 Further amend said bill, Page 1, Section A, Lines 1 and 2,
9 by deleting all of said lines and inserting in lieu thereof the
10 following:

11 "Section A. Section 571.030, RSMo, is repealed and three
12 new sections enacted in lieu thereof, to be known as sections
13 571.011, 571.012, and 571.030, to read as follows:"; and

14
15 Further amend said bill, Page 2, Section 571.012, Line 12,
16 by inserting after all of said line the following:

17 "571.030. 1. A person commits the crime of unlawful use of
18 weapons if he or she knowingly:

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

22 (2) Sets a spring gun; or

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

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

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

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

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

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

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

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

27 (11) Possesses a firearm while also knowingly in possession
28 of controlled substances that are sufficient for a felony
29 violation under section 195.202.

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

1 with or are necessary to the fulfillment of such person's
2 official duties, except as otherwise provided in this subsection:

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

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

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

21 (4) Those persons vested by article V, section 1 of the
22 Constitution of Missouri with the judicial power of the state and
23 those persons vested by Article III of the Constitution of the
24 United States with the judicial power of the United States, the
25 members of the federal judiciary;

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

28 (6) Any federal probation officer or federal flight deck
29 officer as defined under the federal flight deck officer program,
30 49 U.S.C. Section 44921 regardless of whether such officers are
31 on duty, or within the law enforcement agency's jurisdiction;

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

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

37 (9) Any coroner, deputy coroner, medical examiner, or

1 assistant medical examiner;

2 (10) Any prosecuting attorney or assistant prosecuting
3 attorney or any circuit attorney or assistant circuit attorney
4 who has completed the firearms safety training course required
5 under subsection 2 of section 571.111; and

6 (11) Any member of a fire department or fire protection
7 district who is employed on a full-time basis as a fire
8 investigator and who has a valid concealed carry endorsement
9 under section 571.111 when such uses are reasonably associated
10 with or are necessary to the fulfillment of such person's
11 official duties.

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

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

1 state.

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

6 6. Nothing in this section shall make it unlawful for a
7 student to actually participate in school-sanctioned gun safety
8 courses, student military or ROTC courses, or other
9 school-sponsored or club-sponsored firearm-related events,
10 provided the student does not carry a firearm or other weapon
11 readily capable of lethal use into any school, onto any school
12 bus, or onto the premises of any other function or activity
13 sponsored or sanctioned by school officials or the district
14 school board.

15 7. Unlawful use of weapons is a class D felony unless
16 committed pursuant to subdivision (6), (7), or (8) of subsection
17 1 of this section, in which cases it is a class B misdemeanor, or
18 subdivision (5) or (10) of subsection 1 of this section, in which
19 case it is a class A misdemeanor if the firearm is unloaded and a
20 class D felony if the firearm is loaded, or subdivision (9) of
21 subsection 1 of this section, in which case it is a class B
22 felony, except that if the violation of subdivision (9) of
23 subsection 1 of this section results in injury or death to
24 another person, it is a class A felony.

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

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

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

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

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

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

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

14 11. As used in this section "qualified retired peace
15 officer" means an individual who:

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

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

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

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

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

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

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

37 12. The identification required by subdivision (1) of

1 subsection 2 of this section is:

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

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

12 (3) A certification issued by the state in which the
13 individual resides that indicates that the individual has, not
14 less recently than one year before the date the individual is
15 carrying the concealed firearm, been tested or otherwise found by
16 the state to meet the standards established by the state for
17 training and qualification for active peace officers to carry a
18 firearm of the same type as the concealed firearm."; and

19
20 Further amend said title, enacting clause and intersectional
21 references accordingly.