

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 1344 & 1944
91ST GENERAL ASSEMBLY

Reported from the Committee on Sportsmanship, Safety, and Firearms, February 21, 2002, with recommendation that the House Committee Substitute for House Bill Nos. 1344 & 1944 Do Pass.

TED WEDEL, Chief Clerk

2838L.06C

AN ACT

To repeal section 571.030, RSMo, and to enact in lieu thereof two new sections relating to firearms, 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Section A. Section 571.030, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 571.030 and 571.099, to read as follows:

571.030. 1. A person commits the crime of unlawful use of weapons 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; 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, RSMo, 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) Possesses or discharges a firearm or projectile weapon while intoxicated; or

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

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

16 (8) Carries a firearm or any other weapon readily capable of lethal use into any church
17 or place where people have assembled for worship, or into any election precinct on any election
18 day, or into any building owned or occupied by any agency of the federal government, state
19 government, or political subdivision thereof, or into any public assemblage of persons met for
20 any lawful purpose; or

21 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
22 301.010, RSMo, while within any city, town, or village, and discharges or shoots a firearm at any
23 person, or at any other motor vehicle, or at any building or habitable structure, unless the person
24 was lawfully acting in self-defense; or

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

28 2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this section shall
29 not apply to or affect any of the following:

30 (1) All state, county and municipal [law enforcement] **peace** officers possessing the duty
31 and power of arrest for violation of the general criminal laws of the state or for violation of
32 ordinances of counties or municipalities of the state, or any person summoned by such officers
33 to assist in making arrests or preserving the peace while actually engaged in assisting such
34 officer;

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

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

38 (4) Those persons vested by article V, section 1 of the Constitution of Missouri with the
39 judicial power of the state and those persons vested by article III of the Constitution of the United
40 States with the judicial power of the United States, the members of the federal judiciary;

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

42 (6) Any federal probation officer;

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

45 (8) Any corporate security advisor meeting the definition and fulfilling the requirements
46 of the regulations established by the board of police commissioners under section 84.340, RSMo.

47 3. Subdivisions (1), (5), (8) and (10) of subsection 1 of this section do not apply when
48 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
49 ammunition is not readily accessible or when such weapons are not readily accessible.
50 Subdivision (1) of subsection 1 of this section does not apply **to any person twenty-one years**
51 **of age or older transporting a concealable firearm anywhere in the passenger compartment**

52 **of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor**
53 when the actor is also in possession of an exposed firearm or projectile weapon for the lawful
54 pursuit of game, or is in his **or her** dwelling unit or upon business premises over which the actor
55 has possession, authority or control, or is traveling in a continuous journey peaceably through
56 this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is
57 otherwise lawfully possessed by a person while traversing school premises for the purposes of
58 transporting a student to or from school, or possessed by an adult for the purposes of facilitation
59 of a school-sanctioned firearm-related event.

60 4. Nothing in this section shall make it unlawful for a student to actually participate in
61 school-sanctioned gun safety courses, student military or ROTC courses, or other
62 school-sponsored firearm-related events, provided the student does not carry a firearm or other
63 weapon readily capable of lethal use into any school, onto any school bus, or onto the premises
64 of any function or activity sponsored or sanctioned by school officials or the district school
65 board.

66 5. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision
67 (5), (6), (7) or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or
68 subdivision (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the
69 firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection
70 1 of this section, in which case it is a class B felony, except that if the violation of subdivision
71 (9) of subsection 1 of this section results in injury or death to another person, it is a class A
72 felony.

73 6. Violations of subdivision (9) of subsection 1 of this section shall be punished as
74 follows:

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

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

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

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

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

571.099. The law enforcement agencies of the state of Missouri shall review each person's case as described in this section for the possibility of prosecution pursuant to federal law. The prosecutor and law enforcement agency with jurisdiction in each particular case shall cooperate with federal authorities if the prosecution pursuant to federal law is reasonably likely to result in more restrictive bail, stricter enforcement, or greater penalties being assessed. This program shall be referred to as "Project Exile" and shall apply to any person being prosecuted for:

(1) Violating subdivisions (3) to (10) of subsection 1 of section 571.030;

(2) Violating any provision of this chapter who also has pled guilty to or been convicted of murder or any other dangerous felony as that term is defined in section 556.061, RSMo;

(3) Violating any provision of this chapter who also is not legally in the United States;

(4) Possession of a firearm in violation of this chapter who also has been found not guilty of any crime by reason of mental disease or defect pursuant to chapter 552, RSMo;

(5) Possession of a firearm in violation of this chapter who also has an outstanding arrest warrant or indictment for murder or a dangerous felony as that term is defined in section 556.061, RSMo, has escaped from any correctional institution or jail, or is addicted to any controlled substance provided that cooperation shall only be mandatory pursuant to this section if the outstanding arrest warrant or indictment leads to a subsequent conviction;

(6) Possession of a firearm in violation of this chapter who also has pled guilty to or been convicted of any domestic assault offense pursuant to sections 565.072 to 565.074, RSMo;

(7) Violating section 571.020;

(8) Violating section 571.015;

(9) Committing any act of domestic assault, as that term is defined in sections 565.072 to 565.074, RSMo, by, with, or through the use, assistance, or aid of a firearm.