

SECOND REGULAR SESSION

HOUSE BILL NO. 2212

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLY (36).

Read 1st time March 15, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

5028L.011

AN ACT

To repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to unlawful use of a weapon.

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Section A. Section 571.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.030, to read as follows: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

(8) Carries a firearm or any other weapon readily capable of lethal use into any church

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

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 officers [possessing] **whether on**
31 **duty or off duty, anywhere in the state, who possess** the duty and power of arrest for violation
32 of the general criminal laws of the state or for violation of ordinances of counties or
33 municipalities of the state, or any person summoned by such officers to assist in making arrests
34 or preserving the peace while actually engaged in assisting such 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 when the actor is also in possession
51 of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his dwelling
52 unit or upon business premises over which the actor has possession, authority or control, or is

53 traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection
54 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while
55 traversing school premises for the purposes of transporting a student to or from school, or
56 possessed by an adult for the purposes of facilitation of a school-sanctioned firearm- related
57 event.

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

64 5. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision
65 (5), (6), (7) or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or
66 subdivision (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the
67 firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection
68 1 of this section, in which case it is a class B felony, except that if the violation of subdivision
69 (9) of subsection 1 of this section results in injury or death to another person, it is a class A
70 felony.

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

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

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

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

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

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