

SECOND REGULAR SESSION

HOUSE BILL NO. 1733

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES PARKER (Sponsor) AND WILSON (42) (Co-sponsor).

Read 1st time April 14, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5030L.011

AN ACT

To repeal section 571.107, RSMo, and to enact in lieu thereof one new section relating to concealed firearms.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 571.107, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.107, to read as follows:

571.107. 1. A concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize the person in whose name the permit or endorsement is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No driver's license or nondriver's license containing a concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize any person to carry concealed firearms into:

(1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(2) Within twenty-five feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not

19 removed from the vehicle or brandished while the vehicle is on the premises;

20 (4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any
21 courtrooms, administrative offices, libraries or other rooms of any such court whether or not such
22 court solely occupies the building in question. This subdivision shall also include, but not be
23 limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of
24 the courts or offices listed in this subdivision are temporarily conducting any business within the
25 jurisdiction of such courts or offices, and such other locations in such manner as may be
26 specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this
27 subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section
28 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2) and
29 (4) of subsection 2 of section 571.030, or such other persons who serve in a law enforcement
30 capacity for a court as may be specified by supreme court rule pursuant to subdivision (6) of this
31 subsection from carrying a concealed firearm within any of the areas described in this
32 subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this
33 subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle
34 or brandished while the vehicle is on the premises;

35 (5) Any meeting of the governing body of a unit of local government; or any meeting of
36 the general assembly or a committee of the general assembly, except that nothing in this
37 subdivision shall preclude a member of the body holding a valid concealed carry endorsement
38 from carrying a concealed firearm at a meeting of the body which he or she is a member.
39 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the
40 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

41 (6) The general assembly, supreme court, county or municipality may by rule,
42 administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by
43 endorsement holders in that portion of a building, **playground, park, pool, athletic or**
44 **recreational facility** owned, leased or controlled by that unit of government. Any portion of a
45 building, **playground, park, pool, athletic or recreational facility** in which the carrying of
46 concealed firearms is prohibited or limited shall be clearly identified by signs posted at the
47 entrance to the restricted area. The statute, rule or ordinance shall exempt any building used for
48 public housing by private persons, highways or rest areas, firing ranges, and private dwellings
49 owned, leased, or controlled by that unit of government from any restriction on the carrying or
50 possession of a firearm. The statute, rule or ordinance shall not specify any criminal penalty for
51 its violation but may specify that persons violating the statute, rule or ordinance may be denied
52 entrance to the building, ordered to leave the building and if employees of the unit of
53 government, be subjected to disciplinary measures for violation of the provisions of the statute,
54 rule or ordinance. The provisions of this subdivision shall not apply to any other unit of

55 government;

56 (7) Any establishment licensed to dispense intoxicating liquor or nonintoxicating beer
57 for consumption on the premises, which portion is primarily devoted to that purpose, without the
58 consent of the owner or manager. The provisions of this subdivision shall not apply to the
59 licensee of said establishment. The provisions of this subdivision shall not apply to any bona
60 fide restaurant open to the general public having dining facilities for not less than fifty persons
61 and that receives at least fifty-one percent of its gross annual income from the dining facilities
62 by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle
63 on the premises of the establishment and shall not be a criminal offense so long as the firearm
64 is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in
65 this subdivision authorizes any individual who has been issued a concealed carry endorsement
66 to possess any firearm while intoxicated;

67 (8) Any area of an airport to which access is controlled by the inspection of persons and
68 property. Possession of a firearm in a vehicle on the premises of the airport shall not be a
69 criminal offense so long as the firearm is not removed from the vehicle or brandished while the
70 vehicle is on the premises;

71 (9) Any place where the carrying of a firearm is prohibited by federal law;

72 (10) Any higher education institution or elementary or secondary school facility without
73 the consent of the governing body of the higher education institution or a school official or the
74 district school board. Possession of a firearm in a vehicle on the premises of any higher
75 education institution or elementary or secondary school facility shall not be a criminal offense
76 so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the
77 premises;

78 (11) Any portion of a building used as a child-care facility without the consent of the
79 manager. Nothing in this subdivision shall prevent the operator of a child-care facility in a
80 family home from owning or possessing a firearm or a driver's license or nondriver's license
81 containing a concealed carry endorsement;

82 (12) Any riverboat gambling operation accessible by the public without the consent of
83 the owner or manager pursuant to rules promulgated by the gaming commission. Possession of
84 a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal
85 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle
86 is on the premises;

87 (13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the
88 premises of the amusement park shall not be a criminal offense so long as the firearm is not
89 removed from the vehicle or brandished while the vehicle is on the premises;

90 (14) Any church or other place of religious worship without the consent of the minister

91 or person or persons representing the religious organization that exercises control over the place
92 of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal
93 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle
94 is on the premises;

95 (15) Any private property whose owner has posted the premises as being off-limits to
96 concealed firearms by means of one or more signs displayed in a conspicuous place of a
97 minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less
98 than one inch. The owner, business or commercial lessee, manager of a private business
99 enterprise, or any other organization, entity, or person may prohibit persons holding a concealed
100 carry endorsement from carrying concealed firearms on the premises and may prohibit
101 employees, not authorized by the employer, holding a concealed carry endorsement from
102 carrying concealed firearms on the property of the employer. If the building or the premises are
103 open to the public, the employer of the business enterprise shall post signs on or about the
104 premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on
105 the premises shall not be a criminal offense so long as the firearm is not removed from the
106 vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees
107 or other persons holding a concealed carry endorsement from carrying a concealed firearm in
108 vehicles owned by the employer;

109 (16) Any sports arena or stadium with a seating capacity of five thousand or more.
110 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the
111 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

112 (17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the
113 premises of a hospital shall not be a criminal offense so long as the firearm is not removed from
114 the vehicle or brandished while the vehicle is on the premises.

115 2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of
116 subsection 1 of this section by any individual who holds a concealed carry endorsement issued
117 pursuant to sections 571.101 to 571.121 shall not be a criminal act but may subject the person
118 to denial to the premises or removal from the premises. If such person refuses to leave the
119 premises and a peace officer is summoned, such person may be issued a citation for an amount
120 not to exceed one hundred dollars for the first offense. If a second citation for a similar violation
121 occurs within a six-month period, such person shall be fined an amount not to exceed two
122 hundred dollars and his or her endorsement to carry concealed firearms shall be suspended for
123 a period of one year. If a third citation for a similar violation is issued within one year of the first
124 citation, such person shall be fined an amount not to exceed five hundred dollars and shall have
125 his or her concealed carry endorsement revoked and such person shall not be eligible for a
126 concealed carry endorsement for a period of three years. Upon conviction of charges arising

127 from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county
128 which issued the certificate of qualification for a concealed carry endorsement and the
129 department of revenue. The sheriff shall suspend or revoke the certificate of qualification for
130 a concealed carry endorsement and the department of revenue shall issue a notice of such
131 suspension or revocation of the concealed carry endorsement and take action to remove the
132 concealed carry endorsement from the individual's driving record. The director of revenue shall
133 notify the licensee that he or she must apply for a new license pursuant to chapter 302, RSMo,
134 which does not contain such endorsement. A concealed carry endorsement suspension pursuant
135 to sections 571.101 to 571.121 shall be reinstated at the time of the renewal of his or her driver's
136 license. The notice issued by the department of revenue shall be mailed to the last known
137 address shown on the individual's driving record. The notice is deemed received three days after
138 mailing.