

SECOND REGULAR SESSION

# HOUSE BILL NO. 1054

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES JOLLY (Sponsor), WILDBERGER, MEINERS, PAGE, SPRENG,  
MUSCHANY, MCGHEE AND BAKER (25) (Co-sponsors).

Pre-filed December 1, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3125L.01I

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### AN ACT

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

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*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Section A. Section 571.107, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.107, to read as follows: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 **to a nonresident** 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] **this state, so long as the person fulfills all of the requirements of this subsection. Any Missouri resident who obtains a concealed carry endorsement issued by another state or any resident of another state who obtains a concealed carry endorsement from such state and who subsequently becomes a Missouri resident shall apply for a Missouri permit within thirty days after the effective date of this section or within thirty days after the county where the person resides begins taking permit applications, whichever occurs later. Any person who obtains a concealed carry endorsement from another state and subsequently moves to Missouri shall apply for a permit within thirty days of coming into the state or within thirty days after the county the person moves to begins taking permit applications whichever occurs later. If any person fails to apply for**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 **a Missouri permit within the time limits prescribed in this subsection and subsequently**  
16 **fails to obtain a Missouri permit, such person's out-of-state permit shall be deemed invalid.**

17 No driver's license or nondriver's license containing a concealed carry endorsement issued  
18 pursuant to sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by  
19 another state or political subdivision of another state shall authorize any person to carry  
20 concealed firearms into:

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

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

28 (3) The facility of any adult or juvenile detention or correctional institution, prison or  
29 jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or  
30 correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not  
31 removed from the vehicle or brandished while the vehicle is on the premises;

32 (4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any  
33 courtrooms, administrative offices, libraries or other rooms of any such court whether or not such  
34 court solely occupies the building in question. This subdivision shall also include, but not be  
35 limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of  
36 the courts or offices listed in this subdivision are temporarily conducting any business within the  
37 jurisdiction of such courts or offices, and such other locations in such manner as may be  
38 specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this  
39 subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section  
40 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2) and  
41 (4) of subsection 2 of section 571.030, or such other persons who serve in a law enforcement  
42 capacity for a court as may be specified by supreme court rule pursuant to subdivision (6) of this  
43 subsection from carrying a concealed firearm within any of the areas described in this  
44 subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this  
45 subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle  
46 or brandished while the vehicle is on the premises;

47 (5) Any meeting of the governing body of a unit of local government; or any meeting of  
48 the general assembly or a committee of the general assembly, except that nothing in this  
49 subdivision shall preclude a member of the body holding a valid concealed carry endorsement  
50 from carrying a concealed firearm at a meeting of the body which he or she is a member.

51 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the  
52 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

53 (6) The general assembly, supreme court, county or municipality may by rule,  
54 administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by  
55 endorsement holders in that portion of a building owned, leased or controlled by that unit of  
56 government. Any portion of a building in which the carrying of concealed firearms is prohibited  
57 or limited shall be clearly identified by signs posted at the entrance to the restricted area. The  
58 statute, rule or ordinance shall exempt any building used for public housing by private persons,  
59 highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that  
60 unit of government from any restriction on the carrying or possession of a firearm. The statute,  
61 rule or ordinance shall not specify any criminal penalty for its violation but may specify that  
62 persons violating the statute, rule or ordinance may be denied entrance to the building, ordered  
63 to leave the building and if employees of the unit of government, be subjected to disciplinary  
64 measures for violation of the provisions of the statute, rule or ordinance. The provisions of this  
65 subdivision shall not apply to any other unit of government;

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

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

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

82 (10) Any higher education institution or elementary or secondary school facility without  
83 the consent of the governing body of the higher education institution or a school official or the  
84 district school board. Possession of a firearm in a vehicle on the premises of any higher  
85 education institution or elementary or secondary school facility shall not be a criminal offense

86 so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the  
87 premises;

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

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

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

100 (14) Any church or other place of religious worship without the consent of the minister  
101 or person or persons representing the religious organization that exercises control over the place  
102 of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal  
103 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle  
104 is on the premises;

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

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

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

125 2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of  
126 subsection 1 of this section by any individual who holds a concealed carry endorsement issued  
127 pursuant to sections 571.101 to 571.121 shall not be a criminal act but may subject the person  
128 to denial to the premises or removal from the premises. If such person refuses to leave the  
129 premises and a peace officer is summoned, such person may be issued a citation for an amount  
130 not to exceed one hundred dollars for the first offense. If a second citation for a similar violation  
131 occurs within a six-month period, such person shall be fined an amount not to exceed two  
132 hundred dollars and his or her endorsement to carry concealed firearms shall be suspended for  
133 a period of one year. If a third citation for a similar violation is issued within one year of the first  
134 citation, such person shall be fined an amount not to exceed five hundred dollars and shall have  
135 his or her concealed carry endorsement revoked and such person shall not be eligible for a  
136 concealed carry endorsement for a period of three years. Upon conviction of charges arising  
137 from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county  
138 which issued the certificate of qualification for a concealed carry endorsement and the  
139 department of revenue. The sheriff shall suspend or revoke the certificate of qualification for  
140 a concealed carry endorsement and the department of revenue shall issue a notice of such  
141 suspension or revocation of the concealed carry endorsement and take action to remove the  
142 concealed carry endorsement from the individual's driving record. The director of revenue shall  
143 notify the licensee that he or she must apply for a new license pursuant to chapter 302, RSMo,  
144 which does not contain such endorsement. A concealed carry endorsement suspension pursuant  
145 to sections 571.101 to 571.121 shall be reinstated at the time of the renewal of his or her driver's  
146 license. The notice issued by the department of revenue shall be mailed to the last known  
147 address shown on the individual's driving record. The notice is deemed received three days after  
148 mailing.

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