

HCS HB 1787 -- FIREARMS AND DEFENSIVE USE OF FORCE

SPONSOR: Munzlinger (Jones, 117)

COMMITTEE ACTION: Voted "do pass" by the Committee on Agri-Business by a vote of 12 to 0.

This substitute changes the laws regarding firearms and the defensive use of force. In its main provisions, the substitute:

- (1) Specifies that an individual who owns or leases private property may use deadly force against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter the property. The owner or lessor of the private property does not have a duty to retreat from the property;
- (2) Exempts all prosecuting attorneys, assistant prosecuting attorneys, circuit attorneys, and assistant circuit attorneys who have completed the firearms safety training course required under Section 571.111, RSMo, from the general prohibition on carrying concealed firearms and from certain other restrictions in Section 571.030;
- (3) Specifies that an intoxicated individual will not be charged with the unlawful use of a weapon while keeping a firearm or projectile weapon in his or her own residence unless he or she has the firearm on or about his or her person or has threatened to retrieve a firearm from an area under his or her control for the purpose of doing bodily harm;
- (4) Repeals the provisions which specify that a Missouri resident is only allowed to purchase rifles and shotguns in states contiguous to Missouri and a resident of a contiguous state is allowed to purchase these items in Missouri if he or she conforms to the Federal Gun Control Act of 1968, the laws regarding these purchases in Missouri, and the laws of the state in which the purchase was made and allows a Missouri resident or the resident of any state to make these purchases if he or she conforms to the federal act and the laws of both states;
- (5) Lowers the minimum age requirement for obtaining a concealed carry endorsement from 23 to 21 years of age. To process a change of address for a concealed carry endorsement, the sheriff of the new jurisdiction may charge a fee of up to \$10; and a sheriff may charge a fee of up to \$10 to change the name on an endorsement; and
- (6) Adds the conviction of a misdemeanor offense of domestic violence as grounds to disqualify a person from receiving a

concealed carry endorsement.

FISCAL NOTE: Estimated Cost on General Revenue Fund of \$8,170 in FY 2011, \$0 in FY 2012, and \$0 in FY 2013. No impact on Other State Funds in FY 2011, FY 2012, and FY 2013.

PROPONENTS: Supporters say that the right of personal protection should not be second guessed by bureaucrats and personal safety is as important as public safety. The statutory modification regarding the purchase of rifles and shot guns is necessary to ensure that a qualified Missouri resident can legally purchase weapons any where in the United States.

Testifying for the bill were Representative Jones (117); Phillip Todd; National Rifle Association-Institute for Legislative Action; Stu Stnickler; and Missouri Family Network.

OPPONENTS: There was no opposition voiced to the committee.