

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 533

## 97TH GENERAL ASSEMBLY

1369S.03T

2013

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### AN ACT

To repeal section 571.030, RSMo, and to enact in lieu thereof three new sections relating to firearms, with a penalty provision.

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

Section A. Section 571.030, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 571.030, 571.067, and 1, to read as follows: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, 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) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; **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 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.

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

23 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section  
24 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any  
25 building or habitable structure, unless the person was lawfully acting in self-defense; or

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

29 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the  
30 persons described in this subsection, regardless of whether such uses are reasonably associated  
31 with or are necessary to the fulfillment of such person's official duties except as otherwise  
32 provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section  
33 shall not apply to or affect any of the following persons, when such uses are reasonably  
34 associated with or are necessary to the fulfillment of such person's official duties, except as  
35 otherwise provided in this subsection:

36 (1) All state, county and municipal peace officers who have completed the training  
37 required by the police officer standards and training commission pursuant to sections 590.030  
38 to 590.050 and who possess the duty and power of arrest for violation of the general criminal  
39 laws of the state or for violation of ordinances of counties or municipalities of the state, whether  
40 such officers are on or off duty, and whether such officers are within or outside of the law  
41 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection  
42 11 of this section, and who carry the identification defined in subsection 12 of this section, or  
43 any person summoned by such officers to assist in making arrests or preserving the peace while  
44 actually engaged in assisting such officer;

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

47 (3) Members of the Armed Forces or National Guard while performing their official  
48 duty;

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

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

53 (6) Any federal probation officer or federal flight deck officer as defined under the  
54 federal flight deck officer program, 49 U.S.C. Section 44921 regardless of whether such officers  
55 are on duty, or within the law enforcement agency's jurisdiction;

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

58 (8) Any corporate security advisor meeting the definition and fulfilling the requirements  
59 of the regulations established by the board of police commissioners under section 84.340;

60 (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

61 (10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney  
62 or assistant circuit attorney who has completed the firearms safety training course required under  
63 subsection 2 of section 571.111; [and]

64 (11) Any member of a fire department or fire protection district who is employed on a  
65 full-time basis as a fire investigator and who has a valid concealed carry endorsement under  
66 section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment  
67 of such person's official duties; **and**

68 **(12) Upon the written approval of the governing body of a fire department or fire**  
69 **protection district, any paid fire department or fire protection district chief who is**  
70 **employed on a full-time basis and who has a valid concealed carry endorsement, when such**  
71 **uses are reasonably associated with or are necessary to the fulfillment of such person's**  
72 **official duties.**

73 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when  
74 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when  
75 ammunition is not readily accessible or when such weapons are not readily accessible.  
76 Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of  
77 age or older or eighteen years of age or older and a member of the United States Armed Forces,  
78 or honorably discharged from the United States Armed Forces, transporting a concealable  
79 firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm  
80 is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm  
81 or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon  
82 premises over which the actor has possession, authority or control, or is traveling in a continuous  
83 journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not  
84 apply if the firearm is otherwise lawfully possessed by a person while traversing school premises  
85 for the purposes of transporting a student to or from school, or possessed by an adult for the  
86 purposes of facilitation of a school-sanctioned firearm-related event or club event.

87 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any  
88 person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to  
89 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or  
90 political subdivision of another state.

91 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall  
92 not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

93           **6. Notwithstanding any provision of this section to the contrary, the state shall not**  
94 **prohibit any state employee from having a firearm in the employee’s vehicle on the state’s**  
95 **property provided that the vehicle is locked and the firearm is not visible. This subsection**  
96 **shall only apply to the state as an employer when the state employee’s vehicle is on**  
97 **property owned or leased by the state and the state employee is conducting activities within**  
98 **the scope of his or her employment. For the purposes of this subsection, “state employee”**  
99 **means an employee of the executive, legislative, or judicial branch of the government of the**  
100 **state of Missouri.**

101           **7.** Nothing in this section shall make it unlawful for a student to actually participate in  
102 school-sanctioned gun safety courses, student military or ROTC courses, or other  
103 school-sponsored or club-sponsored firearm-related events, provided the student does not carry  
104 a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or  
105 onto the premises of any other function or activity sponsored or sanctioned by school officials  
106 or the district school board.

107           **[7.] 8.** Unlawful use of weapons is a class D felony unless committed pursuant to  
108 subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B  
109 misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in which case it is a class  
110 A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or  
111 subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that  
112 if the violation of subdivision (9) of subsection 1 of this section results in injury or death to  
113 another person, it is a class A felony.

114           **[8.] 9.** Violations of subdivision (9) of subsection 1 of this section shall be punished as  
115 follows:

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

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

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

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

126           **[9.] 10.** Any person knowingly aiding or abetting any other person in the violation of  
127 subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that  
128 prescribed by this section for violations by other persons.

129           **[10.] 11.** Notwithstanding any other provision of law, no person who pleads guilty to  
130 or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended

131 imposition of sentence if such person has previously received a suspended imposition of sentence  
132 for any other firearms- or weapons-related felony offense.

133 [11.] 12. As used in this section "qualified retired peace officer" means an individual  
134 who:

135 (1) Retired in good standing from service with a public agency as a peace officer, other  
136 than for reasons of mental instability;

137 (2) Before such retirement, was authorized by law to engage in or supervise the  
138 prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any  
139 violation of law, and had statutory powers of arrest;

140 (3) Before such retirement, was regularly employed as a peace officer for an aggregate  
141 of fifteen years or more, or retired from service with such agency, after completing any  
142 applicable probationary period of such service, due to a service-connected disability, as  
143 determined by such agency;

144 (4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such  
145 a plan is available;

146 (5) During the most recent twelve-month period, has met, at the expense of the  
147 individual, the standards for training and qualification for active peace officers to carry firearms;

148 (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or  
149 substance; and

150 (7) Is not prohibited by federal law from receiving a firearm.

151 [12.] 13. The identification required by subdivision (1) of subsection 2 of this section  
152 is:

153 (1) A photographic identification issued by the agency from which the individual retired  
154 from service as a peace officer that indicates that the individual has, not less recently than one  
155 year before the date the individual is carrying the concealed firearm, been tested or otherwise  
156 found by the agency to meet the standards established by the agency for training and qualification  
157 for active peace officers to carry a firearm of the same type as the concealed firearm; or

158 (2) A photographic identification issued by the agency from which the individual retired  
159 from service as a peace officer; and

160 (3) A certification issued by the state in which the individual resides that indicates that  
161 the individual has, not less recently than one year before the date the individual is carrying the  
162 concealed firearm, been tested or otherwise found by the state to meet the standards established  
163 by the state for training and qualification for active peace officers to carry a firearm of the same  
164 type as the concealed firearm.

**571.067. No county, municipality, or other governmental body, or an agent of a  
2 county, municipality, or other governmental body, may participate in any program in  
3 which individuals are given a thing of value in exchange for surrendering a firearm to the  
4 county, municipality, or other governmental body unless:**

5           **(1) The county, municipality, or governmental body has adopted a resolution,**  
6 **ordinance, or rule authorizing the participation of the county, municipality, or**  
7 **governmental body, or participation by an agent of the county, municipality, or**  
8 **governmental body, in such a program; and**

9           **(2) The resolution, ordinance, or rule enacted pursuant to this section provides that**  
10 **any firearm received shall be offered for sale or trade to a licensed firearms dealer. The**  
11 **proceeds from any sale or gains from trade shall be the property of the county,**  
12 **municipality, or governmental body. Any proceeds collected under this subdivision shall**  
13 **be deposited with the municipality, county, or governmental body unless the proceeds are**  
14 **collected by a sheriff, in which case the proceeds shall be deposited in the county sheriff's**  
15 **revolving fund under section 50.535. Any firearm remaining in the possession of the**  
16 **county, municipality, or governmental body after the firearm has been offered for sale or**  
17 **trade to at least two licensed firearms dealers may be destroyed.**

**Section 1. The general assembly of the state of Missouri strongly promotes**  
2 **responsible gun ownership, including parental supervision of minors in the proper use,**  
3 **storage, and ownership of all firearms, the prompt reporting of stolen firearms, and the**  
4 **proper enforcement of all state gun laws. The general assembly of the state of Missouri**  
5 **hereby condemns any unlawful transfer of firearms and the use of any firearm in any**  
6 **criminal or unlawful activity.**

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