

**HOUSE**

**AMENDMENT NO. \_\_\_\_\_**

**Offered by**

**of**

1 AMEND House Bill No. 1152, Page 1, In the Title, Lines 2 and 3,  
2 by deleting the words "distribution of a controlled substance  
3 near child care facilities" and inserting in lieu thereof the  
4 words "certain felony offenses"; and  
5

6 Further amend said bill, Page 1, Section 195.215, Line 8, by  
7 inserting after all of said line the following:

8 "571.030. 1. A person commits the crime of unlawful use of  
9 weapons if he or she knowingly:

10 (1) Carries concealed upon or about his or her person a  
11 knife, a firearm, a blackjack or any other weapon readily capable  
12 of lethal use; or

13 (2) Sets a spring gun; or

14 (3) Discharges or shoots a firearm into a dwelling house, a  
15 railroad train, boat, aircraft, or motor vehicle as defined in  
16 section 302.010, or any building or structure used for the  
17 assembling of people; or

18 (4) Exhibits, in the presence of one or more persons, any  
19 weapon readily capable of lethal use in an angry or threatening  
20 manner; or

21 (5) Has a firearm or projectile weapon readily capable of  
22 lethal use on his or her person, while he or she is intoxicated,  
23 and handles or otherwise uses such firearm or projectile weapon  
24 in either a negligent or unlawful manner or discharges such  
25 firearm or projectile weapon unless acting in self-defense; or

26 (6) Discharges a firearm within one hundred yards of any  
27 occupied schoolhouse, courthouse, or church building; or

28 (7) Discharges or shoots a firearm at a mark, at any  
29 object, or at random, on, along or across a public highway or

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1 discharges or shoots a firearm into any outbuilding; or

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

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

13 (10) Carries a firearm, whether loaded or unloaded, or any  
14 other weapon readily capable of lethal use into any school, onto  
15 any school bus, or onto the premises of any function or activity  
16 sponsored or sanctioned by school officials or the district  
17 school board; or

18 (11) Possesses a firearm while also illegally in possession  
19 of controlled substances that are sufficient for a felony  
20 violation under section 195.202.

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

31 (1) All state, county and municipal peace officers who have  
32 completed the training required by the police officer standards  
33 and training commission pursuant to sections 590.030 to 590.050  
34 and who possess the duty and power of arrest for violation of the  
35 general criminal laws of the state or for violation of ordinances  
36 of counties or municipalities of the state, whether such officers  
37 are on or off duty, and whether such officers are within or

1 outside of the law enforcement agency's jurisdiction, or all  
2 qualified retired peace officers, as defined in subsection 11 of  
3 this section, and who carry the identification defined in  
4 subsection 12 of this section, or any person summoned by such  
5 officers to assist in making arrests or preserving the peace  
6 while actually engaged in assisting such officer;

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

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

12 (4) Those persons vested by Article V, Section 1 of the  
13 Constitution of Missouri with the judicial power of the state and  
14 those persons vested by Article III of the Constitution of the  
15 United States with the judicial power of the United States, the  
16 members of the federal judiciary;

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

19 (6) Any federal probation officer or federal flight deck  
20 officer as defined under the federal flight deck officer program,  
21 49 U.S.C. Section 44921 regardless of whether such officers are  
22 on duty, or within the law enforcement agency's jurisdiction;

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

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

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

30 (10) Any prosecuting attorney or assistant prosecuting  
31 attorney or any circuit attorney or assistant circuit attorney  
32 who has completed the firearms safety training course required  
33 under subsection 2 of section 571.111;

34 (11) Any member of a fire department or fire protection  
35 district who is employed on a full-time basis as a fire  
36 investigator and who has a valid concealed carry endorsement  
37 issued prior to August 28, 2013, or a valid concealed carry

1 permit under section 571.111 when such uses are reasonably  
2 associated with or are necessary to the fulfillment of such  
3 person's official duties; and

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

10 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of  
11 this section do not apply when the actor is transporting such  
12 weapons in a nonfunctioning state or in an unloaded state when  
13 ammunition is not readily accessible or when such weapons are not  
14 readily accessible. Subdivision (1) of subsection 1 of this  
15 section does not apply to any person twenty-one years of age or  
16 older or eighteen years of age or older and a member of the  
17 United States Armed Forces, or honorably discharged from the  
18 United States Armed Forces, transporting a concealable firearm in  
19 the passenger compartment of a motor vehicle, so long as such  
20 concealable firearm is otherwise lawfully possessed, nor when the  
21 actor is also in possession of an exposed firearm or projectile  
22 weapon for the lawful pursuit of game, or is in his or her  
23 dwelling unit or upon premises over which the actor has  
24 possession, authority or control, or is traveling in a continuous  
25 journey peaceably through this state. Subdivision (10) of  
26 subsection 1 of this section does not apply if the firearm is  
27 otherwise lawfully possessed by a person while traversing school  
28 premises for the purposes of transporting a student to or from  
29 school, or possessed by an adult for the purposes of facilitation  
30 of a school-sanctioned firearm-related event or club event.

31 4. Subdivisions (1), (8), and (10) of subsection 1 of this  
32 section shall not apply to any person who has a valid concealed  
33 carry permit issued pursuant to sections 571.101 to 571.121, a  
34 valid concealed carry endorsement issued before August 28, 2013,  
35 or a valid permit or endorsement to carry concealed firearms  
36 issued by another state or political subdivision of another  
37 state.

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

5           6. Notwithstanding any provision of this section to the  
6 contrary, the state shall not prohibit any state employee from  
7 having a firearm in the employee's vehicle on the state's  
8 property provided that the vehicle is locked and the firearm is  
9 not visible. This subsection shall only apply to the state as an  
10 employer when the state employee's vehicle is on property owned  
11 or leased by the state and the state employee is conducting  
12 activities within the scope of his or her employment. For the  
13 purposes of this subsection, "state employee" means an employee  
14 of the executive, legislative, or judicial branch of the  
15 government of the state of Missouri.

16           7. Nothing in this section shall make it unlawful for a  
17 student to actually participate in school-sanctioned gun safety  
18 courses, student military or ROTC courses, or other  
19 school-sponsored or club-sponsored firearm-related events,  
20 provided the student does not carry a firearm or other weapon  
21 readily capable of lethal use into any school, onto any school  
22 bus, or onto the premises of any other function or activity  
23 sponsored or sanctioned by school officials or the district  
24 school board.

25           8. Unlawful use of weapons is a class D felony unless  
26 committed pursuant to subdivision (6), (7), or (8) of subsection  
27 1 of this section, in which cases it is a class B misdemeanor, or  
28 subdivision (5) or (10) of subsection 1 of this section, in which  
29 case it is a class A misdemeanor if the firearm is unloaded and a  
30 class D felony if the firearm is loaded, or subdivision (9) of  
31 subsection 1 of this section, in which case it is a class B  
32 felony, except that if the violation of subdivision (9) of  
33 subsection 1 of this section results in injury or death to  
34 another person, it is a class A felony.

35           9. Violations of subdivision (9) of subsection 1 of this  
36 section shall be punished as follows:

37           (1) For the first violation a person shall be sentenced to

1 the maximum authorized term of imprisonment for a class B felony;

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

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

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

14 10. Any person knowingly aiding or abetting any other  
15 person in the violation of subdivision (9) of subsection 1 of  
16 this section shall be subject to the same penalty as that  
17 prescribed by this section for violations by other persons.

18 11. Notwithstanding any other provision of law, no person  
19 who pleads guilty to or is found guilty of a felony violation of  
20 subsection 1 of this section shall receive a suspended imposition  
21 of sentence if such person has previously received a suspended  
22 imposition of sentence for any other firearms- or weapons-related  
23 felony offense.

24 12. As used in this section "qualified retired peace  
25 officer" means an individual who:

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

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

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

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

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

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

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

10          13. The identification required by subdivision (1) of  
11 subsection 2 of this section is:

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

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

22           (3) A certification issued by the state in which the  
23 individual resides that indicates that the individual has, not  
24 less recently than one year before the date the individual is  
25 carrying the concealed firearm, been tested or otherwise found by  
26 the state to meet the standards established by the state for  
27 training and qualification for active peace officers to carry a  
28 firearm of the same type as the concealed firearm."; and

29  
30          Further amend said title, enacting clause and intersectional  
31 references accordingly.