

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 2116, Page 1, Section A, Line 3, by
2 inserting after all of said section and line the following:

3
4 "84.340. Except as provided under section 590.750, the police commissioner of the said
5 cities shall have power to regulate and license all private watchmen, private detectives and private
6 policemen, serving or acting as such in said cities, and no person shall act as such private watchman,
7 private detective or private policeman in said cities without first having obtained the written license
8 of the president or acting president of said police commissioners of the said cities, under pain of
9 being guilty of a misdemeanor."; and

10
11 Further amend said bill, Page 9, Section 321.210, Line 9, by inserting after all of said section and
12 line the following:

13
14 "571.030. 1. A person commits the crime of unlawful use of weapons if he or she
15 knowingly:

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

18 (2) Sets a spring gun; or

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

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

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

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

30 (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across
31 a public highway or discharges or shoots a firearm into any outbuilding; or

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

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

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

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

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

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

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

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

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

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

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

37 (8) Any corporate security advisor meeting the definition and fulfilling the requirements of
38 the regulations established by the [board of police commissioners under section 84.340] department
39 of public safety under section 590.750;

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

41 (10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or

1 assistant circuit attorney who has completed the firearms safety training course required under
2 subsection 2 of section 571.111;

3 (11) Any member of a fire department or fire protection district who is employed on a
4 full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to
5 August 28, 2013, or a valid concealed carry permit under section 571.111 when such uses are
6 reasonably associated with or are necessary to the fulfillment of such person's official duties; and

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

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

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

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

31 6. Notwithstanding any provision of this section to the contrary, the state shall not prohibit
32 any state employee from having a firearm in the employee's vehicle on the state's property provided
33 that the vehicle is locked and the firearm is not visible. This subsection shall only apply to the state
34 as an employer when the state employee's vehicle is on property owned or leased by the state and the
35 state employee is conducting activities within the scope of his or her employment. For the purposes
36 of this subsection, "state employee" means an employee of the executive, legislative, or judicial
37 branch of the government of the state of Missouri.

38 7. Nothing in this section shall make it unlawful for a student to actually participate in
39 school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored
40 or club-sponsored firearm-related events, provided the student does not carry a firearm or other
41 weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of

1 any other function or activity sponsored or sanctioned by school officials or the district school board.

2 8. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision (6),
3 (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision
4 (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is
5 unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection 1 of this
6 section, in which case it is a class B felony, except that if the violation of subdivision (9) of
7 subsection 1 of this section results in injury or death to another person, it is a class A felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 590.750. 1. The department of public safety shall have the authority to promulgate rules and
16 regulate and license all corporate security advisors. Any person acting as a corporate security
17 advisor without first obtaining the proper licensure from the department of public safety shall be
18 guilty of a misdemeanor.

19 2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
20 under the authority delegated in this section shall become effective only if it complies with and is
21 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
22 chapter 536 are nonseverable and if any of the powers vested with the general assembly under
23 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
24 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
25 August 28, 2014, shall be invalid and void."; and

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27 Further amend said bill by amending the title, enacting clause, and intersectional references
28 accordingly.
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