

JOURNAL OF THE HOUSE

Second Regular Session, 97th GENERAL ASSEMBLY

FORTY-NINTH DAY, WEDNESDAY, APRIL 9, 2014

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicky, Chaplain.

Now the God of peace be with you all. (Romans 15:33)

Most Merciful and Gracious God, beyond whose love and care we cannot drift, in the glory of a new day we come lifting our hearts to You as we prepare ourselves for the many tasks before us. We would be still in Your presence and receive from Your hand strength for the day, wisdom for these hours, and faith for every moment to carry us through with high honor and creative courage.

Amid the debates of these days may we hear Your voice calling us to be faithful and true, strong and steady, and hearing may we respond with all our hearts.

We pray for our wonderful state sometimes going separate ways to different ends. May we not increase division by our dissension but may we seek to increase the circle of intelligent good will whereby the people of Missouri can learn the fine art of living together in peace. Give to us this peace in our time, O Lord.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the forty-eighth day was approved as printed.

A moment of silence was observed in memory of Representative Rory Ellinger.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Joe Kaiser, Lauryn Allgeyer, RJ Morgan, and Payton Elli.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1828 through House Resolution No. 1902

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HJR 68**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HBs 1179 & 1765**, begs leave to report it has examined the same and recommends that it **Do Pass**.

THIRD READING OF HOUSE JOINT RESOLUTIONS

HJR 68, relating to a temporary tax to improve the state highway system, city streets, county roads, and the state transportation system, was taken up by Representative Hinson.

Speaker Pro Tem Hoskins assumed the Chair.

On motion of Representative Hinson, **HJR 68** was read the third time and passed by the following vote:

AYES: 096

Allen	Anderson	Austin	Bames	Bemskoetter
Black	Brown	Burns	Colona	Conway 10
Conway 104	Cross	Curtis	Davis	Diehl
Dohrman	Elmer	English	Englund	Entlicher
Fitzwater	Flanigan	Fraker	Frame	Franklin
Gannon	Gatschenberger	Gosen	Guemsey	Hampton
Hansen	Harris	Hicks	Hinson	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Justus	Kelley 127	Kelly 45	Kolkmeyer	Korman
Kratky	Lair	Lant	Lauer	Lichtenegger
Love	Lynch	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Molendorp	Montecillo
Morgan	Morris	Muntzel	Neth	Newman
Nichols	Norr	Otto	Pace	Phillips
Pierson	Pike	Redmon	Reiboldt	Riddle
Rizzo	Runions	Schatz	Schieffer	Shull
Shumake	Solon	Sommer	Stream	Swan
Swearingen	Thomson	Walker	Webber	White
Wood				

NOES: 053

Anders	Bahr	Berry	Brattin	Burlison
Butler	Carpenter	Cierpiot	Cookson	Cox
Crawford	Curtman	Dugger	Dunn	Ellington
Engler	Fitzpatrick	Frederick	Funderburk	Gardner
Haahr	Johnson	Jones 50	Keeney	Kirkton
Koenig	Leara	Marshall	May	Mayfield
Mitten	Moon	Neely	Parkinson	Peters

Pogue	Rehder	Remole	Rhoads	Richardson
Ross	Rowland	Scharnhorst	Schieber	Schupp
Smith	Spencer	Torpey	Walton Gray	Wilson
Wright	Zerr	Mr. Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 011

Comejo	Ellinger	Grisamore	Haefner	Higdon
Hodges	LaFaver	Pfautsch	Roorda	Rowden
Wieland				

VACANCIES: 003

Speaker Pro Tem Hoskins declared the bill passed.

PERFECTION OF HOUSE BILLS

HB 1539, relating to training requirements for a concealed carry permit, was taken up by Representative Kelley (127).

Representative McGaugh offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 1539, Page 1, in the title, Line 3, by deleting the words, "training requirements for a concealed carry permit" and inserting in lieu thereof the words, "public safety"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

"563.031. 1. A person may, subject to the provisions of subsection 2 of this section, use physical force upon another person when and to the extent he or she reasonably believes such force to be necessary to defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of unlawful force by such other person, unless:

(1) The actor was the initial aggressor; except that in such case his or her use of force is nevertheless justifiable provided:

(a) He or she has withdrawn from the encounter and effectively communicated such withdrawal to such other person but the latter persists in continuing the incident by the use or threatened use of unlawful force; or

(b) He or she is a law enforcement officer and as such is an aggressor [pursuant to] **under** section 563.046;

or

(c) The aggressor is justified under some other provision of this chapter or other provision of law;

(2) Under the circumstances as the actor reasonably believes them to be, the person whom he or she seeks to protect would not be justified in using such protective force;

(3) The actor was attempting to commit, committing, or escaping after the commission of a forcible felony.

2. A person may not use deadly force upon another person under the circumstances specified in subsection 1 of this section unless:

(1) He or she reasonably believes that such deadly force is necessary to protect himself, or herself or her unborn child, or another against death, serious physical injury, or any forcible felony;

(2) Such force is used against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter a dwelling, residence, or vehicle lawfully occupied by such person; or

(3) Such force is used against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter private property that is owned or leased by an individual, **or is occupied by an individual who has been given specific authority by the property owner to occupy the property**, claiming a justification of using protective force under this section.

3. A person does not have a duty to retreat from a dwelling, residence, or vehicle where the person is not unlawfully entering or unlawfully remaining. A person does not have a duty to retreat from private property that is owned or leased by such individual **or if the individual has been given specific authority by the property owner to occupy the property.**

4. The justification afforded by this section extends to the use of physical restraint as protective force provided that the actor takes all reasonable measures to terminate the restraint as soon as it is reasonable to do so.

5. The defendant shall have the burden of injecting the issue of justification under this section. If a defendant asserts that his or her use of force is described under subdivision (2) of subsection 2 of this section, the burden shall then be on the state to prove beyond a reasonable doubt that the defendant did not reasonably believe that the use of such force was necessary to defend against what he or she reasonably believed was the use or imminent use of unlawful force." ; and

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

Speaker Jones resumed the Chair.

On motion of Representative McGaugh, **House Amendment No. 1** was adopted by the following vote:

AYES: 118

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Cierpiot	Conway 10
Conway 104	Cookson	Cox	Crawford	Cross
Curtman	Davis	Dohrman	Dugger	Elmer
Engler	English	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guemsey	Haahr	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Justus
Keeney	Kelley 127	Koenig	Kolkmeier	Korman
Kratky	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	Mayfield
McCaherty	McGaugh	McKenna	Meredith	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Nichols	Otto	Parkinson	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowland	Schamhorst	Schatz	Schieber
Schieffer	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr. Speaker		

NOES: 031

Butler	Carpenter	Colona	Curtis	Dunn
Ellington	Englund	Gardner	Hummel	Kelly 45
Kirkton	May	McCann Beatty	McDonald	McManus
McNeil	Mims	Mitten	Montecillo	Morgan
Newman	Norr	Pace	Peters	Pierson
Rizzo	Runions	Schupp	Smith	Walton Gray
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 011

Comejo	Diehl	Ellinger	Haefner	Hodges
Jones 50	LaFaver	Neth	Pfautsch	Rowden
Webber				

VACANCIES: 003

Representative Rhoads offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Bill No. 1539, Page 1, in the title, Line 3, by deleting all of said line and inserting in lieu thereof the words, "public safety, with existing penalty provisions and an emergency clause for certain sections."; and

Further amend said bill and page, Section A, Line 2, by inserting immediately after all of said line the following:

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

"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
- (8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or
- (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or
- (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Further amend said bill, Page 4, Section 571.111, Line 86, by inserting after all of said line the following:

"590.750. 1. The department of public safety shall have the sole authority to regulate and license all corporate security advisors. The authority and jurisdiction of a corporate security advisor shall be limited only by the geographical limits of the state, unless the corporate security advisor's license is recognized by the laws or regulations of another state or the federal government.

2. Acting as a corporate security advisor without a license from the department of public safety is a class A misdemeanor.

3. The director may promulgate rules to implement the provisions of this section under chapter 536 and section 590.190.

4. Any corporate security advisor licensed as of February 1, 2014 shall not be required to apply for a new license from the department until the advisor's license expires or is otherwise revoked."; and

"Section B. Because of the need to provide for the regulation and licensure of corporate security advisors, the repeal and reenactment of sections 84.340 and 571.030 and the enactment of section 590.750 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 84.340 and 571.030 and the enactment of section 590.750 of this act shall be in full force and effect upon its passage and approval."; and

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

On motion of Representative Rhoads, **House Amendment No. 2** was adopted.

Representative Kelley (127) offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Bill No. 1539, in the title, Line 3, by deleting the phrase "training requirements for a concealed carry permit" on said line and inserting in lieu thereof the phrase "activities or speech involving actual or simulated weapons"; and

Further amend said bill, Section A, Page 1, Line 2, by inserting after all of said section and line the following:

"160.850. 1. Notwithstanding any other provision of this chapter, chapter 167, or any other provision of law to the contrary, public school students shall not be subject to any civil or criminal penalties, fines, or discipline of any nature for simulating a weapon while playing. Simulating a weapon while playing includes, but is not limited to:

- (1) Brandishing a food item;**
- (2) Possessing a toy firearm less than two inches in length;**
- (3) Using the hand or fingers to simulate a weapon;**
- (4) Vocalizing an imaginary weapon;**
- (5) Using a pen, pencil, or other writing instrument to simulate a weapon; or**
- (6) Drawing or possessing an image of a weapon.**

2. Public school students may wear clothing and accessories depicting a weapon or express opinions regarding the right to bear arms or the right of self defense unless such actions or speech are properly restricted by a viewpoint-neutral school policy applying equally to all students.

3. Nothing in this section shall prohibit civil or criminal penalties, fines, or discipline imposed for acts of simulating a weapon that cause bodily harm to another individual, disrupt the student learning environment, or constitute a serious threat which reasonably places another person in fear of bodily harm."; and

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

On motion of Representative Kelley (127), **House Amendment No. 3** was adopted.

Representative Kratky offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Bill No. 1539, Page 1, in the title, Line 3, by deleting all of said line and inserting in lieu thereof the words "firearms, with penalty provisions."; and

Further amend said bill and page, Section A, Line 2, by inserting after all of said line the following:

"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

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

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

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

(11) Possesses a firearm while also knowingly in possession of illegal controlled substances that are sufficient for a felony violation under section 195.202.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Representative Cox offered **House Amendment No. 1 to House Amendment No. 4.**

*House Amendment No. 1
to
House Amendment No. 4*

AMEND House Amendment No. 4 to House Bill No. 1539, Page 1, Lines 34-35, by deleting the phrase "**knowingly in possession of illegal controlled substances that are**" and inserting in lieu thereof the words "**illegally in possession of a controlled substance**"; and

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

On motion of Representative Cox, **House Amendment No. 1 to House Amendment No. 4** was adopted.

On motion of Representative Kratky, **House Amendment No. 4, as amended**, was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Bames
Bernskoetter	Bery	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cox	Crawford
Curtman	Davis	Diehl	Dohman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guemsey
Haahr	Hampton	Hansen	Hicks	Higdon
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Päutsch	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowland	Scharnhorst	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr. Speaker	

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellington
English	Englund	Frame	Gardner	Harris
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten

Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Rizzo	Roorda
Runions	Schieffer	Schupp	Swearingen	Walton Gray
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 014

Comejo	Cross	Ellinger	Haefner	Hinson
Hodges	LaFaver	Lauer	Phillips	Pierson
Rowden	Schatz	Smith	Stream	

VACANCIES: 003

On motion of Representative Kelley (127), **HB 1539, as amended**, was ordered perfected and printed.

HB 1770, relating to labor organizations, was taken up by Representative Burlison.

HB 1770 was laid over.

On motion of Representative Diehl, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Jones.

PERFECTION OF HOUSE BILLS

HB 1770, relating to labor organizations, was again taken up by Representative Burlison.

Representative Burlison offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 1770, Page 1, Section 290.591, Line 1, by inserting after the number "**290.591. 1.**" the following:

"All people shall be guaranteed the freedom to work without being required to join or pay dues to any labor organization as a condition or continuation of employment. To this end, subsections 2 and 3 of this section shall apply to labor organizations, employers, and employees.

2."; and

Furtheramend said page and section, Line 9, by deleting the number "**2**" and inserting in lieu thereof the number "**3**"; and

Further amend said bill, Page 2, Section C, Lines 5 through 7, by deleting all of said lines and inserting in lieu thereof the following:

""Shall Missouri law be amended to guarantee all people the freedom to work without being required to join or pay dues to any labor organization as a condition or continuation of employment?

It is estimated this proposal will result in little or no costs or savings for state and local governmental entities."."; and

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

On motion of Representative Burlison, **House Amendment No. 1** was adopted.

On motion of Representative Burlison, **HB 1770, as amended**, was ordered perfected and printed by the following vote:

AYES: 078

Allen	Anderson	Austin	Bahr	Bames
Bernskoetter	Brattin	Brown	Burlison	Cierpiot
Cookson	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohman	Dugger	Elmer
Entlicher	Fitzpatrick	Flanigan	Fraker	Franklin
Frederick	Gosen	Guemsey	Haahr	Hampton
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Lair	Lant	Leara	Lichtenegger
Love	Lynch	Marshall	McGaugh	Messenger
Miller	Moon	Morris	Muntzel	Parkinson
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Ross
Rowland	Schamhorst	Schatz	Schieber	Shull
Shumake	Swan	Thomson	Walker	White
Wilson	Wood	Mr. Speaker		

NOES: 068

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Conway 104	Curtis	Dunn
Ellington	Engler	English	Englund	Fitzwater
Frame	Funderburk	Gannon	Gardner	Gatschenberger
Harris	Hicks	Higdon	Hubbard	Hummel
Kelly 45	Kirkton	Korman	Kratky	Lauer
May	Mayfield	McCaherty	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Molendorp	Montecillo	Morgan	Neth
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Riddle	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith	Sommer
Spencer	Swearingen	Torpey	Walton Gray	Webber
Wieland	Wright	Zer		

PRESENT: 002

Bery	Pfautsch
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ABSENT WITH LEAVE: 012

Comejo	Ellinger	Grisamore	Haefner	Hansen
Hinson	Hodges	LaFaver	Neely	Rowden
Solon	Stream			

VACANCIES: 003

REFERRAL OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were referred to the Committee indicated:

HJR 84 - Transportation
HJR 87 - Elementary and Secondary Education
HJR 91 - Ways and Means

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HCS HB 1371 - Fiscal Review
HB 1921 - Judiciary
HB 2152 - Special Standing Committee on Emerging Issues in Health Care
HB 2180 - General Laws
HB 2203 - Children, Families, and Persons with Disabilities
HB 2209 - Health Insurance
HB 2285 - Professional Registration and Licensing

RE-REFERRAL OF HOUSE BILL

The following House Bill was re-referred to the Committee indicated:

HB 1416 - Downsizing State Government

COMMITTEE REPORTS

Committee on General Laws, Chairman Jones (50) reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 2238**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Health Care Policy, Chairman Frederick reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HB 1793**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Insurance Policy, Chairman Gosen reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **SB 610**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Transportation, Chairman Schatz reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 2141**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Ways and Means, Chairman Koenig reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 2049**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Thursday, April 10, 2014.

COMMITTEE HEARINGS

ADMINISTRATION AND ACCOUNTS

Thursday, April 10, 2014, 9:00 AM, House Hearing Room 6.

Public hearing will be held: HB 2155

Executive session will be held: HB 2155

Executive session may be held on any matter referred to the committee.

AGRI-BUSINESS

Thursday, April 10, 2014, Upon Morning Adjournment, North Gallery.

Executive session may be held on any matter referred to the committee.

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Thursday, April 10, 2014, 9:45 AM, South Gallery.

Executive session will be held: SCS SB 567

Executive session may be held on any matter referred to the committee.

DOWNSIZING STATE GOVERNMENT

Thursday, April 10, 2014, 8:00 AM, House Hearing Room 4.

Public hearing will be held: HR 1016, HB 2076, SCS SJR 27, HB 2274

Executive session will be held: HB 2050, HB 2053, SB 523

Executive session may be held on any matter referred to the committee.

AMENDED

FISCAL REVIEW

Thursday, April 10, 2014, 8:30 AM, House Hearing Room 2.
Executive session may be held on any matter referred to the committee.

GENERAL LAWS

Thursday, April 10, 2014, 9:00 AM, House Hearing Room 3.
Public hearing will be held: HB 2190
Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, April 10, 2014, 8:00 AM, House Hearing Room 7.
Fiscal notes: testimony from department directors regarding Fiscal Impact Request responses and fiscal note process recommendations. Some portions of the meeting may be closed pursuant to Section 610.021.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, April 10, 2014, 8:00 AM, House Hearing Room 1.
Executive session may be held on any matter referred to the committee.

LOCAL GOVERNMENT

Thursday, April 10, 2014, 8:00 AM, House Hearing Room 5.
Public hearing will be held: SB 690
Executive session may be held on any matter referred to the committee.

RETIREMENT

Thursday, April 10, 2014, 9:00 AM, House Hearing Room 1.
Public hearing will be held: SCS SB 675
Executive session will be held: SCS SB 675
Executive session may be held on any matter referred to the committee.

RULES

Thursday, April 10, 2014, Upon Morning Adjournment, South Gallery.
Executive session will be held: HCS HB 1867, HCS HB 2238, HCR 27, HCS HB 1728, HCS HB 1873
Executive session may be held on any matter referred to the committee.

TRANSPORTATION

Thursday, April 10, 2014, 9:45 AM, South Gallery.
Executive session will be held: HB 2163
Executive session may be held on any matter referred to the committee.

WAYS AND MEANS

Thursday, April 10, 2014, Upon Morning Adjournment, House Hearing Room 1.
Public hearing will be held: SS#3 SCS SBs 509 & 496
Executive session will be held: SS#3 SCS SBs 509 & 496
Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FIFTIETH DAY, THURSDAY, APRIL 10, 2014

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1655 - Burlison
- 2 HB 1821 - Diehl
- 3 HB 1342 - Scharnhorst
- 4 HCS HB 1936 - Dugger
- 5 HCS HB 1350 - Richardson
- 6 HCS HB 1801 - White
- 7 HB 1906 - Schieber
- 8 HCS HB 1116 - Hicks
- 9 HB 1251 - Elmer
- 10 HB 1591 - Brown
- 11 HCS HB 1614 - Burlison
- 12 HCS HB 1662 - Richardson
- 13 HCS HB 1999 - Dugger

HOUSE BILLS FOR PERFECTION - INFORMAL

- 1 HB 1454 - Swan
- 2 HB 1219 - Dugger

HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING

HCR 29 - Scharnhorst

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 1371, (Fiscal Review 4/9/14) - Cox
- 2 HB 1372 - Cox
- 3 HB 1594 - Davis
- 4 HCS HBs 1179 & 1765 - Burlison
- 5 HB 1490 - Bahr
- 6 HB 1144 - White
- 7 HCS HB 1918, E.C. - Dugger
- 8 HB 1539, E.C. - Kelley (127)
- 9 HB 1770 - Burlison

HOUSE BILLS FOR THIRD READING - CONSENT

HB 1568 - Frederick

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 8 - Richardson
- 2 HCR 9 - Cookson
- 3 HCR 16 - Guernsey

SENATE BILLS FOR THIRD READING

- 1 SB 652 - Funderburk
- 2 SCS SB 613 - Funderburk

HOUSE RESOLUTIONS

HR 1485 - Diehl