

CCS HCS SB 656 -- FIREARMS

(Vetoed by the Governor--
Overridden by the General Assembly)

This bill changes the laws regarding firearms.

OPEN CARRY ORDINANCES (Section 21.750, RSMo)

Any ordinance of a political subdivision cannot be construed to preclude the use of a firearm in the defense of person or property subject to the provisions regarding defense of justification. In any jurisdiction in which the open carry of firearms is prohibited by ordinance, the open carry of a firearm must not be prohibited in specified circumstances. In the absence of any reasonable and articulable suspicion of criminal activity, a person carrying a concealed or unconcealed firearm must not be disarmed or physically restrained by a law enforcement officer unless he or she is under arrest. Any person who violates these provisions must be subject to citation for up to \$35.

CORPORATE SECURITY ADVISORS (Sections 84.340 and 590.750)

Currently, the St. Louis Board of Police Commissioners has the authority to regulate corporate security advisors in the City of St. Louis. The bill specifies that the Department of Public Safety must have the sole authority to regulate and license all corporate security advisors and that the authority and jurisdiction of a corporate security advisor must be limited only by the geographical limits of the state unless the advisor's license is recognized by another state or the federal government. Any corporate security advisor licensed as of February 1, 2014, is not required to apply for a new license until his or her license expires or is otherwise revoked.

The bill specifies that acting as a corporate security advisor without a license is a class A misdemeanor.

SCHOOL PROTECTION OFFICERS (Sections 160.665, 571.107, 590.010, and 590.207)

The bill:

(1) Allows any school district to designate one or more school teachers or administrators as a school protection officer, whose responsibilities and duties are voluntary and must be in addition to his or her normal responsibilities and duties. Any compensation for service as a protection officer must be funded by the local school district with no use of state funds;

(2) Requires a school protection officer to be authorized to carry a concealed firearm or a self-defense spray device in any school in the district and prohibits him or her from allowing any firearm or device out of his or her personal control while the firearm or device is on school property. A person who violates this provision may be removed immediately from the classroom and subject to employment termination proceedings;

(3) Specifies that a school protection officer has the same authority to detain and use force against any person on school property as provided to any other person under the provisions regarding defense of justification;

(4) Requires a school protection officer to immediately notify a school administrator and a school resource officer when anyone is detained. If the person detained is a student, a school administrator must also immediately notify the student's parents or guardians. Any person detained must be turned over to a school administrator or law enforcement officer as soon as practically possible and must not be detained for more than one hour;

(5) Requires a teacher or administrator seeking to be designated as a school protection officer to request the designation in writing to the superintendent of the school district and submit proof that he or she has a valid concealed carry endorsement or permit and a certificate of completion of a school protection officer training program approved by the Director of the Department of Public Safety that demonstrates that the person has successfully completed the training requirements as established by the Peace Officer Standards and Training Commission for school protection officers;

(6) Requires, within 30 days, the school district to notify, in writing, the department director of the designation of any school protection officer or when the district has revoked a person's designation. Any identifying information must not be considered public information and must not be subject to a request under the Open Meetings and Records Law, commonly known as the Sunshine Law;

(7) Requires the department director to maintain a list of all school protection officers and make the list available to all law enforcement agencies; and

(8) Requires, before a district may designate a person as a school protection officer, the school board to hold a public hearing on whether to allow the designation and the notice of the hearing to be published in a newspaper as specified.

PATIENT OWNERSHIP OF FIREARMS (Section 571.012)

The bill:

(1) Specifies that a licensed health care professional, or anyone under his or her supervision, cannot be required by law to ask a patient whether he or she owns or has access to a firearm, document or maintain in a patient's medical records whether he or she owns or has access to a firearm, or notify any governmental entity of the identity of a patient based solely on the patient's status as a firearm owner or access to a firearm;

(2) Prohibits a licensed health care professional, or anyone under his or her supervision, or any person or entity that has possession or control of medical records from disclosing information gathered in a doctor/patient relationship regarding a person's status as a firearm owner or access to firearms except under certain specified circumstances; and

(3) Prohibits a health care professional licensed in this state from using an electronic medical record program that requires, in order to complete and save a medical record, entry of data regarding whether or not a patient owns, has access to, or lives in a home containing a firearm.

CONCEALED CARRY PERMITS (Sections 571.030, 571.101, 571.117, and 590.750)

The bill:

(1) Specifies that a person commits the crime of unlawful use of weapons if he or she knowingly possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation;

(2) Adds a person appointed by a court to be a special prosecutor who has completed the firearms safety training course to the list of individuals for whom specified provisions regarding the crime of unlawful use of weapons do not apply;

(3) Lowers, from at least 21 years old to at least 19 years old, the age when a person may apply for a concealed carry endorsement;

(4) Changes the time period that a concealed carry permit is valid from five years from the date of issue or renewal to five years from the last day of the month in which the permit was issued or renewed. A person who fails to renew his or her permit within five years from the date of issuance or renewal must not be eligible for an exception to a National Instant Criminal Background Check under

federal regulations currently codified under 27 CFR 478.102(d) relating to the transfer, sale, or delivery of firearms from licensed dealers. A concealed carry endorsement issued prior to August 28, 2013, must continue until three years from the last day of the month in which the endorsement was issued or renewed;

(5) Repeals the provision requiring the sheriff or his or her designee to take, within seven days of receipt of the certificate of qualification, the certificate to the Department of Revenue and the Director of the Department of Revenue to issue a new driver's license or nondriver's license with an endorsement which identifies that the applicant has received a certificate of qualification to carry concealed weapons and the provision requiring a nondriver's license with a concealed carry endorsement to expire three years from the date the certificate of qualification was issued;

(6) Specifies that consent from an educational facility is not required for a person with a concealed carry endorsement or permit who has been designated by his or her school district as a school protection officer to carry a firearm in a school within that district;

(7) Specifies that an applicant for a conceal carry permit only needs to demonstrate an ability to safely load a revolver or a semiautomatic pistol, demonstrate his or her marksmanship with either firearm, and complete a live firing exercise and test with either firearm. Currently, an applicant must perform a physical demonstration of his or her ability to safely load a revolver and a semiautomatic pistol, demonstrate his or her marksmanship with both firearms, and complete a live firing exercise and a live firing test with both firearms; and

(8) Specifies that a qualified firearms safety instructor cannot have more than 40 students per certified instructor in the classroom. Currently, a qualified firearms safety instructor cannot have more than 40 students in the classroom.

LANDLORD-TENANT AGREEMENTS (Section 571.510)

The bill defines the terms "authority" or "housing authority" to mean any of the corporations created pursuant to the authority of Section 99.040 and any entity or agent associated with the authority that administers or uses public moneys provided by the United States Department of Housing and Urban Development to fund very low, lower, and moderate income public rental housing assistance. The term "lessee" means a lessee of residential premises.

A housing authority, authority, or lessor receiving public funds

cannot prohibit a lessee or a member of the lessee's immediate household or guest from personally possessing firearms within an individual residence or common areas or from carrying or transporting firearms to and from the residence in a manner allowed by law. Any provision of a lease, policy, rule, or agreement in violation of these provisions must be void and unenforceable.

A housing authority, authority, or lessor cannot be liable in tort or any other civil action for damages caused by a lessee's possession or use of a firearm on property owned by the lessor unless the housing authority, authority, or lessor or an officer, agent, or employee of the housing authority, authority, or lessor:

(1) Violated Section 571.060 or otherwise caused the lessee, the household member, or guest to engage in any unsafe or illegal actions with a firearm; or

(2) Engaged in acts or failures to act that were manifestly outside the scope of employment, duties, or responsibilities or were committed maliciously, in bad faith, or in a wanton and reckless manner.

DISARMING A POLICE OFFICER OR A CORRECTIONAL OFFICER (Section 575.153)

The bill changes the laws regarding the crime of disarming a peace officer or correctional officer by specifying that a person also commits the crime by intentionally removing a less-lethal weapon from a peace officer or a correctional officer including any blunt impact, chemical, or conducted energy device used in the performance of the his or her official duties while the officer is acting within the scope of his or her official duties or intentionally depriving a peace officer or a correctional officer of a less-lethal weapon while the officer is acting within the scope of his or her official duties.

PEACE OFFICER STANDARDS AND TRAINING COMMISSION (Section 590.200)

The Peace Officer Standards and Training Commission must establish minimum standards for the training of school protection officers, set the minimum number of hours of the required training, and set the curriculum for school protection officer training programs.