

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 2057, Page 1, In the Title, Line 3, by  
2 deleting the words "concealed carry permits" and inserting in lieu thereof the word "firearms"; and  
3  
4 Further amend said bill and page, Section A, Line 2, by inserting after all of said section and line  
5 the following:

6  
7 "563.031. 1. A person may, subject to the provisions of subsection 2 of this section, use  
8 physical force upon another person when and to the extent he or she reasonably believes such force  
9 to be necessary to defend himself or herself or a third person from what he or she reasonably  
10 believes to be the use or imminent use of unlawful force by such other person, unless:

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

13 (a) He or she has withdrawn from the encounter and effectively communicated such  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

16 (b) He or she is a law enforcement officer and as such is an aggressor pursuant to section  
17 563.046; or

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

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

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

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

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

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

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

35 3. A person does not have a duty to retreat from a dwelling, residence, or vehicle where the  
36 person is not unlawfully entering or unlawfully remaining. A person does not have a duty to retreat

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1 from private property that is owned or leased by such individual.

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

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

10 571.030. 1. A person commits the crime of unlawful use of weapons if he or she  
11 knowingly:

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

14 (2) Sets a spring gun; or

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

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

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

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

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

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

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

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

38 (11) Possesses a firearm while also knowingly in possession of a controlled substance that is  
39 sufficient for a felony violation of section 195.202.

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

47 (1) All state, county and municipal peace officers who have completed the training required  
48 by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and

1 who possess the duty and power of arrest for violation of the general criminal laws of the state or  
 2 for violation of ordinances of counties or municipalities of the state, whether such officers are on or  
 3 off duty, and whether such officers are within or outside of the law enforcement agency's  
 4 jurisdiction, or all qualified retired peace officers, as defined in subsection 12 of this section, and  
 5 who carry the identification defined in subsection 13 of this section, or any person summoned by  
 6 such officers to assist in making arrests or preserving the peace while actually engaged in assisting  
 7 such officer;

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

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

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

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

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

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

20 (8) Any corporate security advisor meeting the definition and fulfilling the requirements of  
 21 the regulations established by the department of public safety under section 590.750;

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

23 (10) Any municipal or county prosecuting attorney or assistant prosecuting attorney[,];  
 24 circuit attorney or assistant circuit attorney[,]; municipal, associate circuit, or circuit judge; or any  
 25 person appointed by a court to be a special prosecutor who has completed the firearms safety  
 26 training course required under subsection 2 of section 571.111;

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

31 (12) Upon the written approval of the governing body of a fire department or fire protection  
 32 district, any paid fire department or fire protection district chief who is employed on a full-time  
 33 basis and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid  
 34 concealed carry permit, when such uses are reasonably associated with or are necessary to the  
 35 fulfillment of such person's official duties.

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

1 school-sanctioned firearm-related event or club event.

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

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

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

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

21 8. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision  
22 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or  
23 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor if  
24 the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection  
25 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of  
26 subsection 1 of this section results in injury or death to another person, it is a class A felony.

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

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

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

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

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

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

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

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

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

48 (2) Before such retirement, was authorized by law to engage in or supervise the prevention,

1 detection, investigation, or prosecution of, or the incarceration of any person for, any violation of  
2 law, and had statutory powers of arrest;

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

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

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

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

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

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

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

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

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

27  
28 Further amend said bill, Page 12, Section 571.104, Line 164, by inserting after all of said section  
29 and line the following:

30  
31 "571.111. 1. An applicant for a concealed carry permit shall demonstrate knowledge of  
32 firearms safety training. This requirement shall be fully satisfied if the applicant for a concealed  
33 carry permit:

34 (1) Submits a photocopy of a certificate of firearms safety training course completion, as  
35 defined in subsection 2 of this section, signed by a qualified firearms safety instructor as defined in  
36 subsection 5 of this section; or

37 (2) Submits a photocopy of a certificate that shows the applicant completed a firearms  
38 safety course given by or under the supervision of any state, county, municipal, or federal law  
39 enforcement agency; or

40 (3) Is a qualified firearms safety instructor as defined in subsection 5 of this section; or

41 (4) Submits proof that the applicant currently holds any type of valid peace officer license  
42 issued under the requirements of chapter 590; or

43 (5) Submits proof that the applicant is currently allowed to carry firearms in accordance  
44 with the certification requirements of section 217.710; or

45 (6) Submits proof that the applicant is currently certified as any class of corrections officer  
46 by the Missouri department of corrections and has passed at least one eight-hour firearms training  
47 course, approved by the director of the Missouri department of corrections under the authority  
48 granted to him or her, that includes instruction on the justifiable use of force as prescribed in chapter

1 563; or

2 (7) Submits a photocopy of a certificate of firearms safety training course completion that  
3 was issued on August 27, 2011, or earlier so long as the certificate met the requirements of  
4 subsection 2 of this section that were in effect on the date it was issued.

5 2. A certificate of firearms safety training course completion may be issued to any applicant  
6 by any qualified firearms safety instructor. On the certificate of course completion the qualified  
7 firearms safety instructor shall affirm that the individual receiving instruction has taken and passed a  
8 firearms safety course of at least eight hours in length taught by the instructor that included:

9 (1) Handgun safety in the classroom, at home, on the firing range and while carrying the  
10 firearm;

11 (2) A physical demonstration performed by the applicant that demonstrated his or her ability  
12 to safely load and unload either a revolver or a semiautomatic pistol and demonstrated his or her  
13 marksmanship with either firearm;

14 (3) The basic principles of marksmanship;

15 (4) Care and cleaning of concealable firearms;

16 (5) Safe storage of firearms at home;

17 (6) The requirements of this state for obtaining a concealed carry permit from the sheriff of  
18 the individual's county of residence;

19 (7) The laws relating to firearms as prescribed in this chapter;

20 (8) The laws relating to the justifiable use of force as prescribed in chapter 563;

21 (9) A live firing exercise of sufficient duration for each applicant to fire either a revolver or  
22 a semiautomatic pistol, from a standing position or its equivalent, a minimum of twenty rounds  
23 from the handgun at a distance of seven yards from a B-27 silhouette target or an equivalent target;

24 (10) A live-fire test administered to the applicant while the instructor was present of twenty  
25 rounds from either a revolver or a semiautomatic pistol from a standing position or its equivalent at  
26 a distance from a B-27 silhouette target, or an equivalent target, of seven yards.

27 3. A certificate of firearms safety training course completion may also be issued to an  
28 applicant who presents proof to a qualified firearms safety instructor that the applicant has passed a  
29 regular or online course on firearm safety conducted by an instructor certified by the National Rifle  
30 Association that is at least one hour in length and who also passes the requirements of subdivisions  
31 (1), (2), (6), (7), (8), (9), and (10) of subsection 2 of this section in a course, not restricted by a  
32 period of hours, that is taught by a qualified firearms safety instructor.

33 4. A qualified firearms safety instructor shall not give a grade of passing to an applicant for  
34 a concealed carry permit who:

35 (1) Does not follow the orders of the qualified firearms instructor or cognizant range  
36 officer; or

37 (2) Handles a firearm in a manner that, in the judgment of the qualified firearm safety  
38 instructor, poses a danger to the applicant or to others; or

39 (3) During the live-fire testing portion of the course fails to hit the silhouette portion of the  
40 targets with at least fifteen rounds.

41 [4.] 5. Qualified firearms safety instructors who provide firearms safety instruction to any  
42 person who applies for a concealed carry permit shall:

43 (1) Make the applicant's course records available upon request to the sheriff of the county in  
44 which the applicant resides;

45 (2) Maintain all course records on students for a period of no less than four years from  
46 course completion date; and

47 (3) Not have more than forty students per certified instructor in the classroom portion of the  
48 course or more than five students per range officer engaged in range firing.

1           [5.] 6. A firearms safety instructor shall be considered to be a qualified firearms safety  
2 instructor by any sheriff issuing a concealed carry permit pursuant to sections 571.101 to 571.121 if  
3 the instructor:

4           (1) Is a valid firearms safety instructor certified by the National Rifle Association holding a  
5 rating as a personal protection instructor or pistol marksmanship instructor; or

6           (2) Submits a photocopy of a notarized certificate from a firearms safety instructor's course  
7 offered by a local, state, or federal governmental agency; or

8           (3) Submits a photocopy of a notarized certificate from a firearms safety instructor course  
9 approved by the department of public safety; or

10          (4) Has successfully completed a firearms safety instructor course given by or under the  
11 supervision of any state, county, municipal, or federal law enforcement agency; or

12          (5) Is a certified police officer firearms safety instructor.

13          [6.] 7. Any firearms safety instructor qualified under subsection [5] 6 of this section may  
14 submit a copy of a training instructor certificate, course outline bearing the notarized signature of  
15 the instructor, and a recent photograph of the instructor to the sheriff of the county in which the  
16 instructor resides. The sheriff shall review the training instructor certificate along with the course  
17 outline and verify the firearms safety instructor is qualified and the course meets the requirements  
18 provided under this section. If the sheriff verifies the firearms safety instructor is qualified and the  
19 course meets the requirements provided under this section, the sheriff shall collect an annual  
20 registration fee of ten dollars from each qualified instructor who chooses to submit such information  
21 and submit the registration to the Missouri sheriff methamphetamine relief taskforce. The Missouri  
22 sheriff methamphetamine relief taskforce, or its designated agent, shall create and maintain a  
23 statewide database of qualified instructors. This information shall be a closed record except for  
24 access by any sheriff. Firearms safety instructors may register annually and the registration is only  
25 effective for the calendar year in which the instructor registered. Any sheriff may access the  
26 statewide database maintained by the Missouri sheriff methamphetamine relief taskforce to verify  
27 the firearms safety instructor is qualified and the course offered by the instructor meets the  
28 requirements provided under this section. Unless a sheriff has reason to believe otherwise, a sheriff  
29 shall presume a firearms safety instructor is qualified to provide firearms safety instruction in  
30 counties throughout the state under this section if the instructor is registered on the statewide  
31 database of qualified instructors.

32          [7.] 8. Any firearms safety instructor who knowingly provides any sheriff with any false  
33 information concerning an applicant's performance on any portion of the required training and  
34 qualification shall be guilty of a class C misdemeanor. A violation of the provisions of this section  
35 shall result in the person being prohibited from instructing concealed carry permit classes and  
36 issuing certificates."; and

37  
38 Further amend said bill by amending the title, enacting clause, and intersectional references  
39 accordingly.