

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 34, Page 11, Section
2 557.035, Line 13, by inserting immediately after said section and line the following:

3
4 "565.024. 1. A person commits the offense of involuntary manslaughter in the first degree
5 if he or she recklessly causes the death of another person.

6 2. The offense of involuntary manslaughter in the first degree is a class C felony, unless the
7 victim of such offense is a law enforcement officer, as defined under section 556.061, in which case
8 it is a class B felony.

9 565.027. 1. A person commits the offense of involuntary manslaughter in the second
10 degree if he or she acts with criminal negligence to cause the death of any person.

11 2. The offense of involuntary manslaughter in the second degree is a class E felony, unless
12 the victim of such offense is a law enforcement officer, as defined under section 556.061, in which
13 case it is a class D felony."; and

14
15 Further amend said bill, Page 13, Section 566.010, Line 40, by inserting immediately after said
16 section and line the following:

17
18 "569.100. 1. A person commits the offense of property damage in the first degree if such
19 person:

20 (1) Knowingly damages property of another to an extent exceeding seven hundred fifty
21 dollars; or

22 (2) Damages property to an extent exceeding seven hundred fifty dollars for the purpose of
23 defrauding an insurer; or

24 (3) Knowingly damages a motor vehicle of another and the damage occurs while such
25 person is making entry into the motor vehicle for the purpose of committing the crime of stealing
26 therein or the damage occurs while such person is committing the crime of stealing within the motor
27 vehicle.

28 2. The offense of property damage in the first degree committed under subdivision (1) or (2)
29 of subsection 1 of this section is a class E felony. The offense of property damage in the first degree
30 committed under subdivision (3) of subsection 1 of this section is a class D felony unless committed
31 as a second or subsequent violation of subdivision (3) of subsection 1 of this section in which case it
32 is a class B felony.

33 3. Notwithstanding subsection 2 of this section to the contrary, for a violation of subdivision
34 (1) of subsection 1 of this section in which the victim is a law enforcement officer, as defined under
35 section 556.061, such offense is a class D felony.

36 569.120. 1. A person commits the offense of property damage in the second degree if he or

Action Taken _____ Date _____

1 she:

- 2 (1) Knowingly damages property of another; or
 3 (2) Damages property for the purpose of defrauding an insurer.

4 2. The offense of property damage in the second degree is a class B misdemeanor.

5 3. Notwithstanding subsection 2 of this section, for a violation of subdivision (1) of
 6 subsection 1 of this section in which the victim is a law enforcement officer, as defined under
 7 section 556.061, such offense is a class A misdemeanor.

8 569.140. 1. A person commits the offense of trespass in the first degree if he or she
 9 knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure
 10 or upon real property.

11 2. A person does not commit the offense of trespass in the first degree by entering or
 12 remaining upon real property unless the real property is fenced or otherwise enclosed in a manner
 13 designed to exclude intruders or as to which notice against trespass is given by:

14 (1) Actual communication to the actor; or

15 (2) Posting in a manner reasonably likely to come to the attention of intruders.

16 3. The offense of trespass in the first degree is a class B misdemeanor, unless the victim of
 17 such offense is a law enforcement officer, as defined under section 556.061, in which case it is a
 18 class A misdemeanor.

19 571.030. 1. A person commits the offense of unlawful use of weapons, except as otherwise
 20 provided by sections 571.101 to 571.121, if he or she knowingly:

21 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any
 22 other weapon readily capable of lethal use into any area where firearms are restricted under section
 23 571.107; or

24 (2) Sets a spring gun; or

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

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

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

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

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

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

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

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

48 (11) Possesses a firearm while also knowingly in possession of a controlled substance that is

1 sufficient for a felony violation of section 579.015.

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

9 (1) All state, county and municipal peace officers who have completed the training required
10 by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and
11 who possess the duty and power of arrest for violation of the general criminal laws of the state or
12 for violation of ordinances of counties or municipalities of the state, whether such officers are on or
13 off duty, and whether such officers are within or outside of the law enforcement agency's
14 jurisdiction, or all qualified retired peace officers, as defined in subsection 12 of this section, and
15 who carry the identification defined in subsection 13 of this section, or any person summoned by
16 such officers to assist in making arrests or preserving the peace while actually engaged in assisting
17 such officer;

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

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

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

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

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

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

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

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

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

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

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

46 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the
47 actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
48 ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision

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

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

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

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

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

31 8. A person who commits the [crime] offense of unlawful use of weapons under:

32 (1) Subdivision (2), (3), (4), or (11) of subsection 1 of this section shall be guilty of a class
33 E felony;

34 (2) Subdivision (1), (6), (7), or (8) of subsection 1 of this section shall be guilty of a class B
35 misdemeanor, except when a concealed weapon is carried onto any private property whose owner
36 has posted the premises as being off-limits to concealed firearms by means of one or more signs
37 displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the
38 writing thereon in letters of not less than one inch, in which case the penalties of subsection 2 of
39 section 571.107 shall apply;

40 (3) Subdivision (5) or (10) of subsection 1 of this section shall be guilty of a class A
41 misdemeanor if the firearm is unloaded and a class E felony if the firearm is loaded;

42 (4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony, except
43 that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to
44 another person, it is a class A felony.

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

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

48 (2) For any violation by a prior offender as defined in section 558.016, a person shall be

1 sentenced to the maximum authorized term of imprisonment for a class B felony without the
2 possibility of parole, probation or conditional release for a term of ten years;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 14. Notwithstanding any provision of this section to the contrary, for a violation of
46 subdivision (2), (3), (4), (6), or (7) of subsection 1 of this section in which the victim is a law
47 enforcement officer, as defined under section 556.061, such offense is a class D felony.

48 574.050. 1. A person commits the offense of rioting if he or she knowingly assembles with

1 six or more other persons and agrees with such persons to violate any of the criminal laws of this
2 state or of the United States with force or violence, and thereafter, while still so assembled, does
3 violate any of said laws with force or violence.

4 2. The offense of rioting is a class A misdemeanor, unless the victim of such offense is a
5 law enforcement officer, as defined under section 556.061, in which case it is a class E felony."; and

6
7 Further amend said bill by amending the title, enacting clause, and intersectional references
8 accordingly.