

SECOND REGULAR SESSION

SENATE BILL NO. 812

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS WILSON AND SMITH.

Pre-filed December 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3066S.011

AN ACT

To repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to the unlawful use of weapons, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 571.030, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 571.030, to read as follows:

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

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

5 (2) Sets a spring gun; or

6 (3) Discharges or shoots a firearm into a dwelling house, a railroad train,
7 boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any
8 building or structure used for the assembling of people **or discharges or shoots**
9 **a firearm into the air for celebratory purposes in an urban area, as**
10 **defined in section 226.510, RSMo;** or

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

13 (5) Possesses or discharges a firearm or projectile weapon while
14 intoxicated; or

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

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

20 (8) Carries a firearm or any other weapon readily capable of lethal use

21 into any church or place where people have assembled for worship, or into any
22 election precinct on any election day, or into any building owned or occupied by
23 any agency of the federal government, state government, or political subdivision
24 thereof; or

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

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

33 2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this
34 section shall not apply to or affect any of the following:

35 (1) All state, county and municipal peace officers who have completed the
36 training required by the police officer standards and training commission
37 pursuant to sections 590.030 to 590.050, RSMo, and possessing the duty and
38 power of arrest for violation of the general criminal laws of the state or for
39 violation of ordinances of counties or municipalities of the state, whether such
40 officers are on or off duty, and whether such officers are within or outside of the
41 law enforcement agency's jurisdiction, or all qualified retired peace officers, as
42 defined in subsection 10 of this section, and who carry the identification defined
43 in subsection 11 of this section, or any person summoned by such officers to assist
44 in making arrests or preserving the peace while actually engaged in assisting
45 such officer;

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

48 (3) Members of the armed forces or national guard while performing their
49 official duty;

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

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

56 (6) Any federal probation officer or federal flight deck officer as defined

57 under the federal flight deck officer program, 49 U.S.C. Section 44921;

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

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

63 (9) Any coroner, deputy coroner, medical examiner, or assistant medical
64 examiner.

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

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

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

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

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

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

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

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

109 (3) For any violation by a persistent offender as defined in section
110 558.016, RSMo, a person shall be sentenced to the maximum authorized term of
111 imprisonment for a class B felony without the possibility of parole, probation, or
112 conditional release;

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

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

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

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

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

126 (3) Before such retirement, was regularly employed as a peace officer for
127 an aggregate of fifteen years or more, or retired from service with such agency,
128 after completing any applicable probationary period of such service, due to a

129 service-connected disability, as determined by such agency;

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

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

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

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

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

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

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

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

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