

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 852
97TH GENERAL ASSEMBLY

5816H.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 84.340, 105.935, and 571.030, RSMo, and to enact in lieu thereof five new sections relating to public safety, with a penalty provision.

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

Section A. Sections 84.340, 105.935, and 571.030, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 44.095, 84.340, 105.935, 571.030, and 590.750, to read as follows:

44.095. 1. As used in this section, the following terms mean:

(1) "Critical incident", an incident that could result in serious physical injury or loss of life;

(2) "Kansas border counties", the counties of Johnson, Leavenworth, Miami, and Wyandotte;

(3) "Law enforcement mutual aid region", the nine counties of the Kansas City Metropolitan area as identified by the Mid-America Regional Council (MARC). Those counties include Kansas border counties and Missouri border counties as defined in this section;

(4) "Missouri border counties", the counties of Platte, Clay, Ray, Jackson and Cass;

(5) "Noncritical incident", an incident or event that requires specialized equipment, training, or resources that can be provided from an outside agency in that region.

2. All law enforcement officers in the law enforcement mutual aid region shall be permitted, in critical incidents or noncritical incidents, to respond to lawful requests for aid in any other jurisdiction in the law enforcement mutual aid region.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

17 **3. The on-scene incident commander as defined by the National Incident**
18 **Management System shall have the authority to make a request for assistance in a critical**
19 **incident and shall be responsible for on-scene management until command authority is**
20 **transferred to another person.**

21 **4. The chief executive of the requesting political subdivision or public safety agency,**
22 **or his or her designee, shall have the authority to make a request for assistance in a**
23 **noncritical incident. The request shall be made to the chief executive of the assisting**
24 **political subdivision or public safety agency, or his or her designee.**

25 **5. In the event that an officer makes an arrest or apprehension outside his or her**
26 **home state, the offender shall be delivered to the first officer who is commissioned in the**
27 **jurisdiction in which the arrest was made.**

28 **6. For the purposes of liability, all members of any political subdivision or public**
29 **safety agency responding under operational control of the requesting political subdivision**
30 **or public safety agency are deemed employees of such responding political subdivision or**
31 **public safety agency and are subject to the liability and workers' compensation provisions**
32 **provided to them as employees of their respective political subdivision or public safety**
33 **agency. Qualified immunity shall be given to responding members acting in good faith, in**
34 **an objectively reasonable manner, and consistent with the lawful authority granted to them**
35 **by the political subdivision's or agency's home state. Qualified immunity, sovereign**
36 **immunity, official immunity, and the public duty rule shall apply to the provisions of this**
37 **section as interpreted by the federal and state courts of the responding agency.**

38 **7. If the director of the Missouri department of public safety determines that the**
39 **state of Kansas has enacted legislation or the governor of Kansas has issued an executive**
40 **order or similar action that permits Kansas border counties to enter into a similar mutual-**
41 **aid agreement as described under this section, then the director shall execute and deliver**
42 **to the governor, the speaker of the house of representatives, and the president pro tempore**
43 **of the senate a written certification of such determination. Upon the execution and delivery**
44 **of such written certification and the parties receiving such certification providing a**
45 **unanimous written affirmation, the provisions of this section shall be effective unless**
46 **otherwise provided by law.**

47 **8. The director of the Missouri department of public safety shall notify the revisor**
48 **of statutes of any changes that would render the provisions of this section effective.**

 84.340. **Except as provided under section 590.750,** the police commissioner of the said
2 cities shall have power to regulate and license all private watchmen, private detectives and
3 private policemen, serving or acting as such in said cities, and no person shall act as such private
4 watchman, private detective or private policeman in said cities without first having obtained the

5 written license of the president or acting president of said police commissioners of the said cities,
6 under pain of being guilty of a misdemeanor.

105.935. 1. Any state employee who has accrued any overtime hours may choose to use
2 those hours as compensatory leave time provided that the leave time is available and agreed upon
3 by both the state employee and his or her supervisor.

4 2. A state employee who is a nonexempt employee pursuant to the provisions of the Fair
5 Labor Standards Act shall be eligible for payment of overtime in accordance with subsection [4]
6 5 of this section. A nonexempt state employee who works on a designated state holiday shall
7 be granted equal compensatory time off duty or shall receive, at his or her choice, the employee's
8 straight time hourly rate in cash payment. A nonexempt state employee shall be paid in cash for
9 overtime unless the employee requests compensatory time off at the applicable overtime rate.
10 As used in this section, the term "state employee" means any person who is employed by the
11 state and earns a salary or wage in a position normally requiring the actual performance by him
12 or her of duties on behalf of the state, but shall not include any employee who is exempt under
13 the provisions of the Fair Labor Standards Act or any employee of the general assembly.

14 3. Beginning on January 1, 2006, and annually thereafter each department shall pay all
15 nonexempt state employees in full for any overtime hours accrued during the previous calendar
16 year which have not already been paid or used in the form of compensatory leave time. All
17 nonexempt state employees shall have the option of retaining up to a total of eighty
18 compensatory time hours.

19 **4. Missouri department of corrections employees classified as a corrections officer**
20 **I or a corrections officer II who have accrued any overtime hours may choose to use those**
21 **hours as compensatory leave time, provided that the leave time is available and agreed on**
22 **by such employee and his or her supervisor. Compensatory time shall be considered**
23 **accrued on completion of time worked in excess of such employee's normal assigned shift**
24 **and it will be the employee's decision whether to take the time off or request payment for**
25 **such hours. All employees classified as a corrections officer I or a corrections officer II**
26 **shall have the right to retain up to eighty hours of compensatory time at any time during**
27 **the year.**

28 [4.] 5. The provisions of subsection 2 of this section shall only apply to nonexempt state
29 employees who are otherwise eligible for compensatory time under the Fair Labor Standards Act,
30 excluding employees of the general assembly. Any nonexempt state employee requesting cash
31 payment for overtime worked shall notify such employee's department in writing of such
32 decision and state the number of hours, no less than twenty, for which payment is desired. The
33 department shall pay the employee within the calendar month following the month in which a

34 valid request is made. Nothing in this section shall be construed as creating a new compensatory
35 benefit for state employees.

36 [5.] 6. Each department shall, by November first of each year, notify the commissioner
37 of administration, the house budget committee chair, and the senate appropriations committee
38 chair of the amount of overtime paid in the previous fiscal year and an estimate of overtime to
39 be paid in the current fiscal year. The fiscal year estimate for overtime pay to be paid by each
40 department shall be designated as a separate line item in the appropriations bill for that
41 department. The provisions of this subsection shall become effective July 1, 2005.

42 [6.] 7. Each state department shall report quarterly to the house of representatives budget
43 committee chair, the senate appropriations committee chair, and the commissioner of
44 administration the cumulative number of accrued overtime hours for department employees, the
45 dollar equivalent of such overtime hours, the number of authorized full-time equivalent positions
46 and vacant positions, the amount of funds for any vacant positions which will be used to pay
47 overtime compensation for employees with full-time equivalent positions, and the current
48 balance in the department's personal service fund.

49 [7.] 8. This section is applicable to overtime earned under the Fair Labor Standards Act.
50 This section is applicable to employees who are employed in nonexempt positions providing
51 direct client care or custody in facilities operating on a twenty-four-hour seven-day-a-week basis
52 in the department of corrections, the department of mental health, the division of youth services
53 of the department of social services, and the veterans commission of the department of public
54 safety.

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

3 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or
4 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, boat, aircraft,
7 or motor vehicle as defined in section 302.010, or any building or structure used for the
8 assembling of people; or

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

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

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

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

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

23 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
24 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any
25 building or habitable structure, unless the person was lawfully acting in self-defense; or

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

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

36 (1) All state, county and municipal peace officers who have completed the training
37 required by the police officer standards and training commission pursuant to sections 590.030
38 to 590.050 and who possess the duty and power of arrest for violation of the general criminal
39 laws of the state or for violation of ordinances of counties or municipalities of the state, whether
40 such officers are on or off duty, and whether such officers are within or outside of the law
41 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection
42 11 of this section, and who carry the identification defined in subsection 12 of this section, or
43 any person summoned by such officers to assist in making arrests or preserving the peace while
44 actually engaged in assisting such officer;

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

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

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

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

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

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

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

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

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

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

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

74 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when
75 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
76 ammunition is not readily accessible or when such weapons are not readily accessible.
77 Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of
78 age or older or eighteen years of age or older and a member of the United States Armed Forces,
79 or honorably discharged from the United States Armed Forces, transporting a concealable
80 firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm
81 is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm
82 or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon
83 premises over which the actor has possession, authority or control, or is traveling in a continuous
84 journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not

85 apply if the firearm is otherwise lawfully possessed by a person while traversing school premises
86 for the purposes of transporting a student to or from school, or possessed by an adult for the
87 purposes of facilitation of a school-sanctioned firearm-related event or club event.

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

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

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

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

108 8. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision
109 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or
110 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor
111 if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of
112 subsection 1 of this section, in which case it is a class B felony, except that if the violation of
113 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is
114 a class A felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

152 (1) A photographic identification issued by the agency from which the individual retired
153 from service as a peace officer that indicates that the individual has, not less recently than one
154 year before the date the individual is carrying the concealed firearm, been tested or otherwise

155 found by the agency to meet the standards established by the agency for training and qualification
156 for active peace officers to carry a firearm of the same type as the concealed firearm; or

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

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

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

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

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

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

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