

FIRST REGULAR SESSION

# SENATE BILL NO. 416

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CROWELL.

Read 1st time March 1, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1704S.011

## AN ACT

To repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to exemptions from certain provisions of the crime of unlawful use of weapons for United States attorneys, with existing 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Section A. Section 571.030, RSMo, is repealed and one new section  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, or any building or  
8 structure used for the assembling of people; or

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

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

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

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

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, discharges or shoots a firearm at any person, or at any other  
27 motor vehicle, or at any building or habitable structure, unless the person was  
28 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 when such uses are  
35 reasonably associated with or are necessary to the fulfillment of such person's  
36 official duties:

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

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

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

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

55 States, the members of the federal judiciary;

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

58 (6) Any federal probation officer or federal flight deck officer as defined  
59 under the federal flight deck officer program, 49 U.S.C. Section 44921;

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

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

65 (9) Any coroner, deputy coroner, medical examiner, or assistant medical  
66 examiner; and

67 (10) Any prosecuting attorney or assistant prosecuting attorney [or], any  
68 circuit attorney or assistant circuit attorney, **or any United States attorney**  
69 **or assistant United States attorney**, who has completed the firearms safety  
70 training course required under subsection 2 of section 571.111.

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

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

90 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this

91 section shall not apply to persons who are engaged in a lawful act of defense  
92 pursuant to section 563.031.

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

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

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

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

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

115           (3) For any violation by a persistent offender as defined in section  
116 558.016, a person shall be sentenced to the maximum authorized term of  
117 imprisonment for a class B felony without the possibility of parole, probation, or  
118 conditional release;

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

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

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

126           (1) Retired in good standing from service with a public agency as a peace

127 officer, other than for reasons of mental instability;

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

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

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

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

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

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

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

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

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

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

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