

FIRST REGULAR SESSION

HOUSE BILL NO. 1223

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LOVASCO.

2608H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 571.020 and 571.107, RSMo, and to enact in lieu thereof two new sections relating to knuckles, with penalty provisions.

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

Section A. Sections 571.020 and 571.107, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 571.020 and 571.107, to read as follows:

571.020. 1. A person commits an offense if such person knowingly possesses,
2 manufactures, transports, repairs, or sells:

3 (1) An explosive weapon;

4 (2) An explosive, incendiary or poison substance or material with the purpose to
5 possess, manufacture or sell an explosive weapon;

6 (3) A gas gun;

7 (4) A bullet or projectile which explodes or detonates upon impact because of an
8 independent explosive charge after having been shot from a firearm; or

9 (5) ~~Knuckles; or~~

10 ~~(6)~~ Any of the following in violation of federal law:

11 (a) A machine gun;

12 (b) A short-barreled rifle or shotgun;

13 (c) A firearm silencer; or

14 (d) A switchblade knife.

15 2. A person does not commit an offense pursuant to this section if his or her conduct
16 involved any of the items in subdivisions (1) to ~~(5)~~ **(4)** of subsection 1, the item was
17 possessed in conformity with any applicable federal law, and the conduct:

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.

18 (1) Was incident to the performance of official duty by the Armed Forces, National
19 Guard, a governmental law enforcement agency, or a penal institution; or

20 (2) Was incident to engaging in a lawful commercial or business transaction with an
21 organization enumerated in subdivision (1) of this ~~[section]~~ **subsection**; or

22 (3) Was incident to using an explosive weapon in a manner reasonably related to a
23 lawful industrial or commercial enterprise; or

24 (4) Was incident to displaying the weapon in a public museum or exhibition; or

25 (5) Was incident to using the weapon in a manner reasonably related to a lawful
26 dramatic performance.

27 3. An offense pursuant to subdivision (1), (2), (3) or ~~[(6)]~~ **(5)** of subsection 1 of this
28 section is a class D felony; a crime pursuant to subdivision (4) ~~[or (5)]~~ of subsection 1 of this
29 section is a class A misdemeanor.

571.107. 1. A concealed carry permit issued pursuant to sections 571.101 to 571.121,
2 a valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry
3 endorsement or permit issued by another state or political subdivision of another state shall
4 authorize the person in whose name the permit or endorsement is issued to carry concealed
5 firearms on or about his or her person or vehicle throughout the state. No concealed carry
6 permit issued pursuant to sections 571.101 to 571.121, valid concealed carry endorsement
7 issued prior to August 28, 2013, or a concealed carry endorsement or permit issued by another
8 state or political subdivision of another state shall authorize any person to carry concealed
9 firearms **or knuckles** into:

10 (1) Any police, sheriff, or highway patrol office or station without the consent of the
11 chief law enforcement officer in charge of that office or station. Possession of a firearm in a
12 vehicle on the premises of the office or station shall not be a criminal offense so long as the
13 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

14 (2) Within twenty-five feet of any polling place on any election day. Possession of a
15 firearm in a vehicle on the premises of the polling place shall not be a criminal offense so
16 long as the firearm is not removed from the vehicle or brandished while the vehicle is on the
17 premises;

18 (3) The facility of any adult or juvenile detention or correctional institution, prison or
19 jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or
20 correctional institution, prison or jail shall not be a criminal offense so long as the firearm is
21 not removed from the vehicle or brandished while the vehicle is on the premises;

22 (4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any
23 courtrooms, administrative offices, libraries or other rooms of any such court whether or not
24 such court solely occupies the building in question. This subdivision shall also include, but
25 not be limited to, any juvenile, family, drug, or other court offices, any room or office wherein

26 any of the courts or offices listed in this subdivision are temporarily conducting any business
27 within the jurisdiction of such courts or offices, and such other locations in such manner as
28 may be specified by supreme court rule pursuant to subdivision (6) of this subsection.
29 Nothing in this subdivision shall preclude those persons listed in subdivision (1) of subsection
30 2 of section 571.030 while within their jurisdiction and on duty, those persons listed in
31 subdivisions (2), (4), and (10) of subsection 2 of section 571.030, or such other persons who
32 serve in a law enforcement capacity for a court as may be specified by supreme court rule
33 pursuant to subdivision (6) of this subsection from carrying a concealed firearm within any of
34 the areas described in this subdivision. Possession of a firearm in a vehicle on the premises of
35 any of the areas listed in this subdivision shall not be a criminal offense so long as the firearm
36 is not removed from the vehicle or brandished while the vehicle is on the premises;

37 (5) Any meeting of the governing body of a unit of local government; or any meeting
38 of the general assembly or a committee of the general assembly, except that nothing in this
39 subdivision shall preclude a member of the body holding a valid concealed carry permit or
40 endorsement from carrying a concealed firearm at a meeting of the body which he or she is a
41 member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense
42 so long as the firearm is not removed from the vehicle or brandished while the vehicle is on
43 the premises. Nothing in this subdivision shall preclude a member of the general assembly, a
44 full-time employee of the general assembly employed under Section 17, Article III,
45 Constitution of Missouri, legislative employees of the general assembly as determined under
46 section 21.155, or statewide elected officials and their employees, holding a valid concealed
47 carry permit or endorsement, from carrying a concealed firearm in the state capitol building
48 or at a meeting whether of the full body of a house of the general assembly or a committee
49 thereof, that is held in the state capitol building;

50 (6) The general assembly, supreme court, county or municipality may by rule,
51 administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by
52 permit or endorsement holders in that portion of a building owned, leased or controlled by
53 that unit of government. Any portion of a building in which the carrying of concealed
54 firearms is prohibited or limited shall be clearly identified by signs posted at the entrance to
55 the restricted area. The statute, rule or ordinance shall exempt any building used for public
56 housing by private persons, highways or rest areas, firing ranges, and private dwellings
57 owned, leased, or controlled by that unit of government from any restriction on the carrying
58 or possession of a firearm. The statute, rule or ordinance shall not specify any criminal
59 penalty for its violation but may specify that persons violating the statute, rule or ordinance
60 may be denied entrance to the building, ordered to leave the building and if employees of the
61 unit of government, be subjected to disciplinary measures for violation of the provisions of

62 the statute, rule or ordinance. The provisions of this subdivision shall not apply to any other
63 unit of government;

64 (7) Any establishment licensed to dispense intoxicating liquor for consumption on the
65 premises, which portion is primarily devoted to that purpose, without the consent of the
66 owner or manager. The provisions of this subdivision shall not apply to the licensee of said
67 establishment. The provisions of this subdivision shall not apply to any bona fide restaurant
68 open to the general public having dining facilities for not less than fifty persons and that
69 receives at least fifty-one percent of its gross annual income from the dining facilities by the
70 sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the
71 premises of the establishment and shall not be a criminal offense so long as the firearm is not
72 removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this
73 subdivision authorizes any individual who has been issued a concealed carry permit or
74 endorsement to possess any firearm while intoxicated;

75 (8) Any area of an airport to which access is controlled by the inspection of persons
76 and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a
77 criminal offense so long as the firearm is not removed from the vehicle or brandished while
78 the vehicle is on the premises;

79 (9) Any place where the carrying of a firearm is prohibited by federal law;

80 (10) Any higher education institution or elementary or secondary school facility
81 without the consent of the governing body of the higher education institution or a school
82 official or the district school board, unless the person with the concealed carry endorsement or
83 permit is a teacher or administrator of an elementary or secondary school who has been
84 designated by his or her school district as a school protection officer and is carrying a firearm
85 in a school within that district, in which case no consent is required. Possession of a firearm
86 in a vehicle on the premises of any higher education institution or elementary or secondary
87 school facility shall not be a criminal offense so long as the firearm is not removed from the
88 vehicle or brandished while the vehicle is on the premises;

89 (11) Any portion of a building used as a child care facility without the consent of the
90 manager. Nothing in this subdivision shall prevent the operator of a child care facility in a
91 family home from owning or possessing a firearm or a concealed carry permit or
92 endorsement;

93 (12) Any riverboat gambling operation accessible by the public without the consent
94 of the owner or manager pursuant to rules promulgated by the gaming commission.
95 Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall
96 not be a criminal offense so long as the firearm is not removed from the vehicle or brandished
97 while the vehicle is on the premises;

98 (13) Any gated area of an amusement park. Possession of a firearm in a vehicle on
99 the premises of the amusement park shall not be a criminal offense so long as the firearm is
100 not removed from the vehicle or brandished while the vehicle is on the premises;

101 (14) Any church or other place of religious worship without the consent of the
102 minister or person or persons representing the religious organization that exercises control
103 over the place of religious worship. Possession of a firearm in a vehicle on the premises shall
104 not be a criminal offense so long as the firearm is not removed from the vehicle or brandished
105 while the vehicle is on the premises;

106 (15) Any private property whose owner has posted the premises as being off-limits to
107 concealed firearms by means of one or more signs displayed in a conspicuous place of a
108 minimum size of eleven inches by fourteen inches with the writing thereon in letters of not
109 less than one inch. The owner, business or commercial lessee, manager of a private business
110 enterprise, or any other organization, entity, or person may prohibit persons holding a
111 concealed carry permit or endorsement from carrying concealed firearms on the premises and
112 may prohibit employees, not authorized by the employer, holding a concealed carry permit or
113 endorsement from carrying concealed firearms on the property of the employer. If the
114 building or the premises are open to the public, the employer of the business enterprise shall
115 post signs on or about the premises if carrying a concealed firearm is prohibited. Possession
116 of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm
117 is not removed from the vehicle or brandished while the vehicle is on the premises. An
118 employer may prohibit employees or other persons holding a concealed carry permit or
119 endorsement from carrying a concealed firearm in vehicles owned by the employer;

120 (16) Any sports arena or stadium with a seating capacity of five thousand or more.
121 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as
122 the firearm is not removed from the vehicle or brandished while the vehicle is on the
123 premises;

124 (17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the
125 premises of a hospital shall not be a criminal offense so long as the firearm is not removed
126 from the vehicle or brandished while the vehicle is on the premises.

127 2. Carrying of a concealed firearm **or knuckles** in a location specified in subdivisions
128 (1) to (17) of subsection 1 of this section by any individual who holds a concealed carry
129 permit issued pursuant to sections 571.101 to 571.121, or a concealed carry endorsement
130 issued prior to August 28, 2013, shall not be a criminal act but may subject the person to
131 denial to the premises or removal from the premises. If such person refuses to leave the
132 premises and a peace officer is summoned, such person may be issued a citation for an
133 amount not to exceed one hundred dollars for the first offense. If a second citation for a
134 similar violation occurs within a six-month period, such person shall be fined an amount not

135 to exceed two hundred dollars and his or her permit, and, if applicable, endorsement to carry
136 concealed firearms shall be suspended for a period of one year. If a third citation for a similar
137 violation is issued within one year of the first citation, such person shall be fined an amount
138 not to exceed five hundred dollars and shall have his or her concealed carry permit, and, if
139 applicable, endorsement revoked and such person shall not be eligible for a concealed carry
140 permit for a period of three years. Upon conviction of charges arising from a citation issued
141 pursuant to this subsection, the court shall notify the sheriff of the county which issued the
142 concealed carry permit, or, if the person is a holder of a concealed carry endorsement issued
143 prior to August 28, 2013, the court shall notify the sheriff of the county which issued the
144 certificate of qualification for a concealed carry endorsement and the department of revenue.
145 The sheriff shall suspend or revoke the concealed carry permit or, if applicable, the certificate
146 of qualification for a concealed carry endorsement. If the person holds an endorsement, the
147 department of revenue shall issue a notice of such suspension or revocation of the concealed
148 carry endorsement and take action to remove the concealed carry endorsement from the
149 individual's driving record. The director of revenue shall notify the licensee that he or she
150 must apply for a new license pursuant to chapter 302 which does not contain such
151 endorsement. The notice issued by the department of revenue shall be mailed to the last
152 known address shown on the individual's driving record. The notice is deemed received three
153 days after mailing.

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