

SECOND REGULAR SESSION

SENATE BILL NO. 731

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Pre-filed December 1, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4194S.011

AN ACT

To repeal section 571.107, RSMo, and to enact in lieu thereof two new sections relating to the carrying of concealed firearms at higher education institutions, with existing penalty provisions.

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

Section A. Section 571.107, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 571.107 and 650.040, to read as follows:

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

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

(2) Within twenty-five feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not

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

18 be a criminal offense so long as the firearm is not removed from the vehicle or
19 brandished while the vehicle is on the premises;

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

25 (4) Any courthouse solely occupied by the circuit, appellate or supreme
26 court, or any courtrooms, administrative offices, libraries or other rooms of any
27 such court whether or not such court solely occupies the building in
28 question. This subdivision shall also include, but not be limited to, any juvenile,
29 family, drug, or other court offices, any room or office wherein any of the courts
30 or offices listed in this subdivision are temporarily conducting any business
31 within the jurisdiction of such courts or offices, and such other locations in such
32 manner as may be specified by supreme court rule pursuant to subdivision (6) of
33 this subsection. Nothing in this subdivision shall preclude those persons listed
34 in subdivision (1) of subsection 2 of section 571.030 while within their jurisdiction
35 and on duty, those persons listed in subdivisions (2), (4), and (10) of subsection
36 2 of section 571.030, or such other persons who serve in a law enforcement
37 capacity for a court as may be specified by supreme court rule pursuant to
38 subdivision (6) of this subsection from carrying a concealed firearm within any
39 of the areas described in this subdivision. Possession of a firearm in a vehicle on
40 the premises of any of the areas listed in this subdivision shall not be a criminal
41 offense so long as the firearm is not removed from the vehicle or brandished while
42 the vehicle is on the premises;

43 (5) Any meeting of the governing body of a unit of local government; or
44 any meeting of the general assembly or a committee of the general assembly,
45 except that nothing in this subdivision shall preclude a member of the body
46 holding a valid concealed carry permit or endorsement from carrying a concealed
47 firearm at a meeting of the body which he or she is a member. Possession of a
48 firearm in a vehicle on the premises shall not be a criminal offense so long as the
49 firearm is not removed from the vehicle or brandished while the vehicle is on the
50 premises. Nothing in this subdivision shall preclude a member of the general
51 assembly, a full-time employee of the general assembly employed under Section
52 17, Article III, Constitution of Missouri, legislative employees of the general
53 assembly as determined under section 21.155, or statewide elected officials and

54 their employees, holding a valid concealed carry permit or endorsement, from
55 carrying a concealed firearm in the state capitol building or at a meeting whether
56 of the full body of a house of the general assembly or a committee thereof, that
57 is held in the state capitol building;

58 (6) The general assembly, supreme court, county or municipality may by
59 rule, administrative regulation, or ordinance prohibit or limit the carrying of
60 concealed firearms by permit or endorsement holders in that portion of a building
61 owned, leased or controlled by that unit of government. Any portion of a building
62 in which the carrying of concealed firearms is prohibited or limited shall be
63 clearly identified by signs posted at the entrance to the restricted area. The
64 statute, rule or ordinance shall exempt any building used for public housing by
65 private persons, highways or rest areas, firing ranges, and private dwellings
66 owned, leased, or controlled by that unit of government from any restriction on
67 the carrying or possession of a firearm. The statute, rule or ordinance shall not
68 specify any criminal penalty for its violation but may specify that persons
69 violating the statute, rule or ordinance may be denied entrance to the building,
70 ordered to leave the building and if employees of the unit of government, be
71 subjected to disciplinary measures for violation of the provisions of the statute,
72 rule or ordinance. The provisions of this subdivision shall not apply to any other
73 unit of government;

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

87 (8) Any area of an airport to which access is controlled by the inspection
88 of persons and property. Possession of a firearm in a vehicle on the premises of
89 the airport shall not be a criminal offense so long as the firearm is not removed

90 from the vehicle or brandished while the vehicle is on the premises;

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

92 (10) Any [higher education institution or] elementary or secondary school
93 facility without the consent of [the governing body of the higher education
94 institution or] a school official or the district school board, unless the person with
95 the concealed carry endorsement or permit is a teacher or administrator of an
96 elementary or secondary school who has been designated by his or her school
97 district as a school protection officer and is carrying a firearm in a school within
98 that district, in which case no consent is required. Possession of a firearm in a
99 vehicle on the premises of any [higher education institution or] elementary or
100 secondary school facility shall not be a criminal offense so long as the firearm is
101 not removed from the vehicle or brandished while the vehicle is on the premises;

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

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

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

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

121 (15) Any private property whose owner has posted the premises as being
122 off-limits to concealed firearms by means of one or more signs displayed in a
123 conspicuous place of a minimum size of eleven inches by fourteen inches with the
124 writing thereon in letters of not less than one inch. The owner, business or
125 commercial lessee, manager of a private business enterprise, or any other

126 organization, entity, or person may prohibit persons holding a concealed carry
127 permit or endorsement from carrying concealed firearms on the premises and may
128 prohibit employees, not authorized by the employer, holding a concealed carry
129 permit or endorsement from carrying concealed firearms on the property of the
130 employer. If the building or the premises are open to the public, the employer of
131 the business enterprise shall post signs on or about the premises if carrying a
132 concealed firearm is prohibited. Possession of a firearm in a vehicle on the
133 premises shall not be a criminal offense so long as the firearm is not removed
134 from the vehicle or brandished while the vehicle is on the premises. An employer
135 may prohibit employees or other persons holding a concealed carry permit or
136 endorsement from carrying a concealed firearm in vehicles owned by the
137 employer;

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

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

146 **(18) Any higher education institution that has received an**
147 **exemption as described under section 650.040 and has posted the**
148 **premises as being off-limits to concealed firearms by means of one or**
149 **more signs displayed in a conspicuous place of a minimum size of**
150 **eleven inches by fourteen inches with the writing thereon in letters of**
151 **not less than one inch. Possession of a firearm in a vehicle on the**
152 **premises of a higher education institution that has received an**
153 **exemption and has posted the premises as required under this**
154 **subdivision shall not be a criminal offense so long as the firearm is not**
155 **removed from the vehicle or brandished while the vehicle is on the**
156 **premises.**

157 2. Carrying of a concealed firearm in a location specified in subdivisions
158 (1) to [(17)] **(18)** of subsection 1 of this section by any individual who holds a
159 concealed carry permit issued pursuant to sections 571.101 to 571.121, or a
160 concealed carry endorsement issued prior to August 28, 2013, shall not be a
161 criminal act but may subject the person to denial to the premises or removal from

162 the premises. If such person refuses to leave the premises and a peace officer is
163 summoned, such person may be issued a citation for an amount not to exceed one
164 hundred dollars for the first offense. If a second citation for a similar violation
165 occurs within a six-month period, such person shall be fined an amount not to
166 exceed two hundred dollars and his or her permit, and, if applicable, endorsement
167 to carry concealed firearms shall be suspended for a period of one year. If a third
168 citation for a similar violation is issued within one year of the first citation, such
169 person shall be fined an amount not to exceed five hundred dollars and shall have
170 his or her concealed carry permit, and, if applicable, endorsement revoked and
171 such person shall not be eligible for a concealed carry permit for a period of three
172 years. Upon conviction of charges arising from a citation issued pursuant to this
173 subsection, the court shall notify the sheriff of the county which issued the
174 concealed carry permit, or, if the person is a holder of a concealed carry
175 endorsement issued prior to August 28, 2013, the court shall notify the sheriff of
176 the county which issued the certificate of qualification for a concealed carry
177 endorsement and the department of revenue. The sheriff shall suspend or revoke
178 the concealed carry permit or, if applicable, the certificate of qualification for a
179 concealed carry endorsement. If the person holds an endorsement, the
180 department of revenue shall issue a notice of such suspension or revocation of the
181 concealed carry endorsement and take action to remove the concealed carry
182 endorsement from the individual's driving record. The director of revenue shall
183 notify the licensee that he or she must apply for a new license pursuant to
184 chapter 302 which does not contain such endorsement. The notice issued by the
185 department of revenue shall be mailed to the last known address shown on the
186 individual's driving record. The notice is deemed received three days after
187 mailing.

**650.040. 1. Any higher education institution may apply to the
2 department of public safety for an exemption to the concealed carry
3 permit provisions under sections 571.101 to 571.126. An institution
4 granted an exemption under this section that has posted the premises
5 as being off-limits to concealed firearms in accordance with section
6 571.107 may prohibit persons holding a concealed carry permit or
7 endorsement from carrying concealed firearms on the property of the
8 institution.**

9 **2. The department shall grant an exemption to the higher**
10 **education institution only if the institution can demonstrate:**

11 **(1) Permanent placement at each entrance to any building on the**
12 **property of the institution of security personnel and electronic**
13 **weapons screening devices;**

14 **(2) A requirement that security personnel electronically screen**
15 **each person who enters a building on the property to determine**
16 **whether the person is carrying a weapon of any kind; and**

17 **(3) A requirement that each person who is carrying a weapon of**
18 **any kind must leave the weapon in the possession of security personnel**
19 **while the person is in the building.**

20 **3. The director of the department of public safety shall make**
21 **necessary rules and regulations for the administration of this section,**
22 **and shall design all necessary forms required by this section. Any rule**
23 **or portion of a rule, as that term is defined in section 536.010 that is**
24 **created under the authority delegated in this section shall become**
25 **effective only if it complies with and is subject to all of the provisions**
26 **of chapter 536, and, if applicable, section 536.028. This section and**
27 **chapter 536 are nonseverable and if any of the powers vested with the**
28 **general assembly pursuant to chapter 536, to review, to delay the**
29 **effective date, or to disapprove and annul a rule are subsequently held**
30 **unconstitutional, then the grant of rulemaking authority and any rule**
31 **proposed or adopted after August 28, 2016, shall be invalid and void.**

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