

SECOND REGULAR SESSION

# HOUSE BILL NO. 1751

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BASYE.

3169H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 571.107, RSMo, and to enact in lieu thereof two new sections relating to the concealed carrying of firearms on campuses of higher education institutions.

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*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Section A. Section 571.107, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 571.107 and 571.109, to read as follows: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 be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

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 (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~~ **public** elementary or secondary school  
81 facility without the consent of ~~[the governing body of the higher education institution or]~~ a  
82 school official or the district school board, unless the person with the concealed carry  
83 endorsement or permit is a teacher or administrator of an elementary or secondary school who  
84 has been designated by his or her school district as a school protection officer and is carrying  
85 a firearm in a school within that district, in which case no consent is required. Possession of a  
86 firearm in a vehicle on the premises of any higher education institution or elementary or  
87 secondary school facility shall not be a criminal offense so long as the firearm is not removed  
88 from the 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 in a location specified in subdivisions (1) to (17)  
128 of subsection 1 of this section by any individual who holds a concealed carry permit issued  
129 pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to  
130 August 28, 2013, shall not be a criminal act but may subject the person to denial to the  
131 premises or removal from the premises. If such person refuses to leave the premises and a  
132 peace officer is summoned, such person may be issued a citation for an amount not to exceed  
133 one hundred dollars for the first offense. If a second citation for a similar violation occurs  
134 within a six-month period, such person shall be fined an amount not to exceed two hundred  
135 dollars and his or her permit, and, if applicable, endorsement to carry concealed firearms shall  
136 be suspended for a period of one year. If a third citation for a similar violation is issued  
137 within one year of the first citation, such person shall be fined an amount not to exceed five  
138 hundred dollars and shall have his or her concealed carry permit, and, if applicable,  
139 endorsement revoked and such person shall not be eligible for a concealed carry permit for a  
140 period of three years. Upon conviction of charges arising from a citation issued pursuant to  
141 this subsection, the court shall notify the sheriff of the county which issued the concealed  
142 carry permit, or, if the person is a holder of a concealed carry endorsement issued prior to  
143 August 28, 2013, the court shall notify the sheriff of the county which issued the certificate of  
144 qualification for a concealed carry endorsement and the department of revenue. The sheriff  
145 shall suspend or revoke the concealed carry permit or, if applicable, the certificate of  
146 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.

**571.109. 1. Notwithstanding any provision of law to the contrary, a public  
2 institution of higher education may implement policies regarding concealed carry  
3 permits or endorsements issued under sections 571.101 to 571.121, valid lifetime or  
4 extended concealed carry permits issued under sections 571.205 to 571.230, valid  
5 concealed carry endorsements issued prior to August 28, 2013, or concealed carry  
6 endorsements or permits issued by another state or political subdivision of another  
7 state, but no such policies shall generally prohibit or have the effect of generally  
8 prohibiting the carrying, chambering, or active operation or storage of a concealed  
9 firearm on the campus of the institution.**

10           **2. No institution of higher education shall impose any contractual requirement**  
11 **or condition of employment upon any employee, faculty member, or student that**  
12 **generally prohibits or has the effect of generally prohibiting the lawful possession or**  
13 **carry of firearms by such persons, nor shall an institution of higher education impose**  
14 **any tax, fee, or other monetary charge as a condition for the lawful possession or**  
15 **carrying of a firearm.**

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