

Bill No. \_\_\_\_\_

Ordinance No. \_\_\_\_\_

**AN ORDINANCE REPEALING SECTION \_\_\_\_ OF THE \_\_\_\_\_,  
MISSOURI, CITY CODE RELATING TO FIREARMS AND  
ENACTING SEVEN NEW SECTIONS ON THE SAME SUBJECT.**

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**WHEREAS**, with the passage of SS HS HCS HB 349 by the Missouri General Assembly the laws of Missouri with regard to the possession of firearms has been substantially changed and many people will now be able to obtain concealed carry endorsements from the State and be permitted to carry concealed firearms on and about their persons; and

**WHEREAS**, the City Council of the City of \_\_\_\_\_ wishes to bring its ordinances into conformity with the new state law while still attempting to insure the greatest level of public safety possible under the circumstances;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_, MISSOURI, AS FOLLOWS:**

**Section One.**

Section \_\_\_\_ of Chapter \_\_\_\_ of the \_\_\_\_\_, Missouri, City Code is hereby repealed and seven new Sections, initially identified as Section \_\_\_\_ through \_\_\_\_, are hereby enacted in lieu thereof to read as follows:

**CHAPTER \_\_\_\_: \_\_\_\_**

**SECTION \_\_\_\_: DEFINITIONS**

As used in this Article, the following terms shall have the meanings indicated herein:

1. "Antique, curio or relic firearm" means any firearm so defined by the National Gun Control Act, 18 U.S.C. Title 26, Section 5845, and the United States Treasury/Bureau of Alcohol Tobacco and Firearms, 27 CFR Section 178.11:

- (1) Antique firearm is any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, said ammunition not being manufactured any longer; this includes

any matchlock, wheel lock, flintlock, percussion cap or similar type ignition system, or replica thereof;

- (2) Curio or relic firearm is any firearm deriving value as a collectible weapon due to its unique design, ignition system, operation or at least fifty years old, associated with a historical event, renown personage or major war;

2. "Blackjack" means any instrument that is designed or adapted for the purpose of stunning or inflicting physical injury by striking a person, and which is readily capable of lethal use;

3. "Concealable firearm" means any firearm with a barrel less than sixteen inches in length, measured from the face of the bolt or standing breech;

4. "Deface" means to alter or destroy the manufacturer's or importer's serial number or any other distinguishing number or identification mark;

5. "Explosive weapon" means any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury, or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon;

6. "Firearm" means any weapon that is designed or adapted to expel a projectile by the action of an explosive;

7. "Firearm silencer" means any instrument, attachment, or appliance that is designed or adapted to muffle the noise made by the firing of any firearm;

8. "Gas gun" means any gas ejection device, weapon, cartridge, container or contrivance other than a gas bomb, that is designed or adapted for the purpose of ejecting any poison gas that will cause death or serious physical injury, but not any device that ejects a repellant or temporary incapacitating substance;

9. "Intoxicated" means substantially impaired mental or physical capacity resulting from introduction of any substance into the body;

10. "Knife" means any dagger, dirk, stiletto, or bladed hand instrument that is readily capable of inflicting serious physical injury or death by

cutting or stabbing a person. For purposes of this chapter, "knife" does not include any ordinary pocketknife with no blade more than four inches in length;

11. "Knuckles" means any instrument that consists of finger rings or guards made of a hard substance that is designed or adapted for the purpose of inflicting serious physical injury or death by striking a person with a fist enclosed in the knuckles;

12. "Machine gun" means any firearm that is capable of firing more than one shot automatically, without manual reloading, by a single function of the trigger;

13. "Projectile weapon" means any bow, crossbow, pellet gun, slingshot or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person;

14. "Rifle" means any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger;

15. "Short barrel" means a barrel length of less than sixteen inches for a rifle and eighteen inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall rifle or shotgun length of less than twenty-six inches;

16. "Shotgun" means any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile through a smooth bore barrel by a single function of the trigger;

17. "Spring gun" means any fused, timed or nonmanually controlled trap or device designed or adapted to set off an explosion for the purpose of inflicting serious physical injury or death;

18. "Switchblade knife" means any knife which has a blade that folds or closes into the handle or sheath, and

- (1) That opens automatically by pressure applied to a button or other device located on the handle; or

- (2) That opens or releases from the handle or sheath by the force of gravity or by the application of centrifugal force.

## **SECTION \_\_\_\_ UNLAWFUL USE OF WEAPONS; EXCEPTIONS**

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

- (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack, bow and arrow (steel-tipped), or any other weapon readily capable of lethal use; or
- (2) Sets a spring gun; or
- (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the assembling of people; or
- (4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
- (5) Possesses or discharges a firearm or projectile weapon while intoxicated; or
- (6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or
- (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or
- (8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

- (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, RSMo, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or
- (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this Section shall not apply to or affect any of the following:

- (1) All state, county and municipal peace officers possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are within or outside their jurisdictions or on or off duty, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
- (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
- (3) Members of the armed forces or national guard while performing their official duty;
- (4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;
- (5) Any person whose bona fide duty is to execute process, civil or criminal;
- (6) Any federal probation officer;

- (7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;
- (8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340, RSMo; and
- (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner.

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

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

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

6. Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored firearm-related events,

provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

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

**SECTION \_\_\_\_: POSSESSION, MANUFACTURE, TRANSPORT, REPAIR, SALE OF CERTAIN WEAPONS**

1. Except as provided in Subsection 2 of this Section, it shall be unlawful for any person to knowingly possess, manufacture, transport, repair or sell:

- (1) An explosive weapon;
- (2) An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;
- (3) A machine gun;
- (4) A gas gun;
- (5) A short-barreled rifle or shotgun;
- (6) A firearm silencer;
- (7) A switchblade knife;
- (8) A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or
- (9) Knuckles.

2. A person does not commit an offense under this Section if his/her conduct:

- (1) Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental law enforcement agency, or a penal institution; or
- (2) Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in Paragraph (1) of this Subsection; or
- (3) Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or
- (4) Was incident to displaying the weapon in a public museum or exhibition; or
- (5) Was incident to dealing with the weapon solely as a curio, ornament, or keepsake, or to using it in a manner reasonably related to a lawful dramatic performance; but if the weapon is the type described in Paragraph (1), (3) or (5) of Subsection 1 of this Section it must be in such a non-functioning condition that it cannot readily be made operable. No barreled rifle, short-barreled shotgun, or machine gun may be possessed, manufactured, transported, repaired or sold as a curio, ornament, or keepsake unless such person is an importer, manufacturer, dealer, or collector licensed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968, U.S.C. title 18, or unless such firearm is an "antique firearm" as defined in Subsection (3) of Section 571.080, RSMo., or unless such firearm has been designated a "collectors item" by the Secretary of the Treasury pursuant to the U.S.C. title 26, Section 5845(a).

**SECTION \_\_\_\_: DEFACING FIREARM—POSSESSION OF A DEFACED FIREARM**

1. It shall be unlawful for any person to knowingly deface a firearm.
2. It shall be unlawful for any person to knowingly be in possession of a firearm which has been defaced.

## **SECTION \_\_\_\_: UNLAWFUL TRANSFER OF WEAPONS**

A person commits the offense of unlawful transfer of weapons if he/she:

1. Knowingly, sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to any person who, under the provisions of Section 571.070, RSMo., is not lawfully entitled to possess such;
2. Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian, or recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers any firearm to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian; provided, that this does not prohibit the delivery of such weapons to any Peace Officer or member of the Armed Forces or National Guard while performing his/her official duty; or
3. Recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

## **SECTION \_\_\_\_: POSSESSION OF CONCEALABLE FIREARM UNLAWFUL FOR CERTAIN PERSONS**

A person commits the offense of unlawful possession of a concealable firearm if he/she has any concealable firearm in his/her possession and:

1. He/she has pled guilty to or has been convicted of a dangerous felony, as defined in Section 556.061, RSMo., or of any attempt to commit a dangerous felony, or of a crime under the laws of any State or of the United States which, if committed within this State, would be a dangerous felony, or confined therefor in this State or elsewhere during the five (5) year period immediately preceding the date of such possession; or
2. He/she is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.

## **SECTION \_\_\_\_: CARRYING CONCEALED FIREARMS PROHIBITED; PENALTY FOR VIOLATION**

1. It shall be a violation of this Section, punishable as hereinafter provided, for any person to carry any concealed firearm 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 violation 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 violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
- (3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or correctional institution, prison or jail shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
- (4) Any courthouse, courtrooms, administrative offices, libraries or other rooms of any court whether or not such court solely occupies the building in question. This subdivision shall also include, but not be limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of the courts or offices listed in this subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by court rule pursuant to state law. Nothing in this subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section 571.030, RSMo., while within their jurisdiction and on duty, those persons listed in subdivisions (2) and (4) of subsection 2 of section 571.030, RSMo., or such other persons who serve in a law enforcement capacity for a court as may be specified by court rule pursuant to state law, from carrying a concealed firearm within any of the areas described in this subdivision. Possession of a firearm in a vehicle on the premises of any of

the areas listed in this subdivision shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

- (5) Any meeting of the \_\_\_\_\_ City Council. Possession of a firearm in a vehicle on the premises shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
- (6) Any building owned, leased or controlled by the City of \_\_\_\_\_ identified by signs posted at the entrance to the building. This subdivision shall not apply to any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by the City of \_\_\_\_\_. Persons violating this subdivision may be denied entrance to the building, ordered to leave the building and, if employees of the City, be subjected to disciplinary measures for violation;
- (7) Any establishment licensed to dispense intoxicating liquor or nonintoxicating beer for consumption on the premises, which portion is primarily devoted to that purpose without the consent of the owner or manager. The provisions of this subdivision shall not apply to the licensee of said establishment. The provisions of this subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty persons and that receives at least fifty-one percent of its gross annual income from the dining facilities by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes any individual who has been issued a concealed carry endorsement to possess any firearm while intoxicated;
- (8) Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

- (9) Any place where the carrying of a firearm is prohibited by federal law;
- (10) Any higher education institution or elementary or secondary school facility without the consent of the governing body of the higher education institution or a school official or the district school board. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
- (11) Any portion of a building used as a child care facility without the consent of the manager. Nothing in this subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a driver's license or nondriver's license containing a concealed carry endorsement;
- (12) Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the gaming commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation 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;
- (13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
- (14) Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

- (15) Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a concealed carry endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry endorsement from carrying a concealed firearm in vehicles owned by the employer;
  - (16) Any sports arena or stadium with a seating capacity of five thousand or more. Possession of a firearm in a vehicle on the premises 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;
  - (17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
2. Any person violating any of the provisions of Subsection 1 of this Section shall be punished as follows:
    - (1) If the violator holds a concealed carry endorsement issued pursuant to state law the violator may be subject to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars for the first

offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars. If a third citation for a similar violation is issued within one year of the first citation such person shall be fined an amount not to exceed five hundred dollars. Upon conviction of charges arising from a citation issued pursuant to this Section, the court shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and the department of revenue.

- (2) If the violator does not hold a current valid concealed carry endorsement issued pursuant to state law, upon conviction of a charge of violating this Section the defendant shall be punished as provided in Section [*general penalty provision*] of this Code of Ordinances.
- (3) Employees of the City of \_\_\_ may, in addition to any other punishment provided hereby, be subject to disciplinary action.

3. It shall be a violation of this Section, punishable by a citation for an amount not to exceed thirty-five dollars, for any person issued a concealed carry endorsement pursuant to state law to fail to carry the concealed carry endorsement at all times the person is carrying a concealed firearm, or to fail to display the concealed carry endorsement upon the request of any peace officer.

## **Section Two.**

The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

## **Section Three.**

It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the

City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

**Section Four.**

This Ordinance shall be in full force and effect from and after the date of its passage.