

SECOND REGULAR SESSION  
[ P E R F E C T E D ]  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILLS NOS. 489 & 637

## 96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Offered March 27, 2012.

Senate Substitute adopted, March 27, 2012.

Taken up for Perfection March 27, 2012. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

4464S.05P

### AN ACT

To repeal sections 571.020 and 571.111, RSMo, and to enact in lieu thereof two new sections relating to weapons, with existing penalty provisions and an emergency clause.

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

Section A. Sections 571.020 and 571.111, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 571.020 and 571.111, to read as follows:

571.020. 1. A person commits a crime if such person knowingly possesses, manufactures, transports, repairs, or sells:

(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 gas gun;

(4) [A switchblade knife;

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

[(6)] (5) Knuckles; or

[(7)] (6) Any of the following in violation of federal law:

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

- 13 (a) A machine gun;
- 14 (b) A short-barreled rifle or shotgun; [or]
- 15 (c) A firearm silencer; **or**
- 16 **(d) A switchblade knife.**

17 2. A person does not commit a crime pursuant to this section if his  
18 conduct involved any of the items in subdivisions (1) to ~~[(6)]~~ **(5)** of subsection 1,  
19 the item was possessed in conformity with any applicable federal law, and the  
20 conduct:

21 (1) Was incident to the performance of official duty by the armed forces,  
22 national guard, a governmental law enforcement agency, or a penal institution;  
23 or

24 (2) Was incident to engaging in a lawful commercial or business  
25 transaction with an organization enumerated in subdivision (1) of this section; or

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

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

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

32 3. A crime pursuant to subdivision (1), (2), (3) or ~~[(7)]~~ **(6)** of subsection 1  
33 of this section is a class C felony; a crime pursuant to subdivision (4)~~[,]~~ **or** (5) ~~[or~~  
34 **(6)]** of subsection 1 of this section is a class A misdemeanor.

571.111. 1. An applicant for a concealed carry endorsement shall  
2 demonstrate knowledge of firearms safety training. This requirement shall be  
3 fully satisfied if the applicant for a concealed carry endorsement:

4 (1) Submits a photocopy of a certificate of firearms safety training course  
5 completion, as defined in subsection 2 of this section, signed by a qualified  
6 firearms safety instructor as defined in subsection 5 of this section; or

7 (2) Submits a photocopy of a certificate that shows the applicant  
8 completed a firearms safety course given by or under the supervision of any state,  
9 county, municipal, or federal law enforcement agency; or

10 (3) Is a qualified firearms safety instructor as defined in subsection 5 of  
11 this section; or

12 (4) Submits proof that the applicant currently holds any type of valid  
13 peace officer license issued under the requirements of chapter 590; or

14 (5) Submits proof that the applicant is currently allowed to carry firearms

15 in accordance with the certification requirements of section 217.710; or

16 (6) Submits proof that the applicant is currently certified as any class of  
17 corrections officer by the Missouri department of corrections and has passed at  
18 least one eight-hour firearms training course, approved by the director of the  
19 Missouri department of corrections under the authority granted to him or her by  
20 section 217.105, that includes instruction on the justifiable use of force as  
21 prescribed in chapter 563; or

22 **(7) Submits a photocopy of a certificate of firearms safety**  
23 **training course completion that was issued on August 27, 2011, or**  
24 **earlier so long as the certificate met the requirements of subsection 2**  
25 **of this section that were in effect on the date it was issued.**

26 2. A certificate of firearms safety training course completion may be  
27 issued to any applicant by any qualified firearms safety instructor. On the  
28 certificate of course completion the qualified firearms safety instructor shall  
29 affirm that the individual receiving instruction has taken and passed a firearms  
30 safety course of at least eight hours in length taught by the instructor that  
31 included:

32 (1) Handgun safety in the classroom, at home, on the firing range and  
33 while carrying the firearm;

34 (2) A physical demonstration performed by the applicant that  
35 demonstrated his or her ability to safely load and unload a revolver and a  
36 semiautomatic pistol and demonstrated his or her marksmanship with both;

37 (3) The basic principles of marksmanship;

38 (4) Care and cleaning of concealable firearms;

39 (5) Safe storage of firearms at home;

40 (6) The requirements of this state for obtaining a certificate of  
41 qualification for a concealed carry endorsement from the sheriff of the individual's  
42 county of residence and a concealed carry endorsement issued by the department  
43 of revenue;

44 (7) The laws relating to firearms as prescribed in this chapter;

45 (8) The laws relating to the justifiable use of force as prescribed in  
46 chapter 563;

47 (9) A live firing exercise of sufficient duration for each applicant to fire  
48 both a revolver and a semiautomatic pistol, from a standing position or its  
49 equivalent, a minimum of fifty rounds from each handgun at a distance of seven  
50 yards from a B-27 silhouette target or an equivalent target;

51 (10) A live fire test administered to the applicant while the instructor was  
52 present of twenty rounds from each handgun from a standing position or its  
53 equivalent at a distance from a B-27 silhouette target, or an equivalent target,  
54 of seven yards.

55 3. A qualified firearms safety instructor shall not give a grade of passing  
56 to an applicant for a concealed carry endorsement who:

57 (1) Does not follow the orders of the qualified firearms instructor or  
58 cognizant range officer; or

59 (2) Handles a firearm in a manner that, in the judgment of the qualified  
60 firearm safety instructor, poses a danger to the applicant or to others; or

61 (3) During the live fire testing portion of the course fails to hit the  
62 silhouette portion of the targets with at least fifteen rounds, with both handguns.

63 4. Qualified firearms safety instructors who provide firearms safety  
64 instruction to any person who applies for a concealed carry endorsement shall:

65 (1) Make the applicant's course records available upon request to the  
66 sheriff of the county in which the applicant resides;

67 (2) Maintain all course records on students for a period of no less than  
68 four years from course completion date; and

69 (3) Not have more than forty students in the classroom portion of the  
70 course or more than five students per range officer engaged in range firing.

71 5. A firearms safety instructor shall be considered to be a qualified  
72 firearms safety instructor by any sheriff issuing a certificate of qualification for  
73 a concealed carry endorsement pursuant to sections 571.101 to 571.121 if the  
74 instructor:

75 (1) Is a valid firearms safety instructor certified by the National Rifle  
76 Association holding a rating as a personal protection instructor or pistol  
77 marksmanship instructor; or

78 (2) Submits a photocopy of a certificate from a firearms safety instructor's  
79 course offered by a local, state, or federal governmental agency; or

80 (3) Submits a photocopy of a certificate from a firearms safety instructor  
81 course approved by the department of public safety; or

82 (4) Has successfully completed a firearms safety instructor course given  
83 by or under the supervision of any state, county, municipal, or federal law  
84 enforcement agency; or

85 (5) Is a certified police officer firearms safety instructor.

86 6. Any firearms safety instructor who knowingly provides any sheriff with

87 any false information concerning an applicant's performance on any portion of the  
88 required training and qualification shall be guilty of a class C misdemeanor.

Section B. Because immediate action is necessary to clarify the  
2 requirements for concealed carry endorsements, section A of this act is deemed  
3 necessary for the immediate preservation of the public health, welfare, peace and  
4 safety, and is hereby declared to be an emergency act within the meaning of the  
5 constitution, and section A of this act shall be in full force and effect upon its  
6 passage and approval.

Unofficial ✓

Bill

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