

Section 215.840 Weapons – Carrying Concealed – Other Unlawful Use

- A. A person commits the offense of unlawful use of weapons, except as otherwise provided by Sections 571.101 to 571.121, RSMo., if he/she knowingly:
1. Carries concealed upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use into any area where firearms are restricted under Section 571.107, RSMo.; or
 2. (Reserved)
 3. Discharges or shoots a firearm within the City limits; or
 4. (Reserved)
 5. Has a firearm or projectile weapon readily capable of lethal use on his/her person, while he/she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self defense; or
 6. 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 into any public assemblage of persons meeting for any lawful purpose; or
 7. 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.
 8. Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of Section 579.015, RSMo.
- B. Subsections **(A)(1)**, **(6)** and **(7)** of this Section shall not apply to the persons described in this Subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this Subsection. Subsections **(A)(3)** and **(4)** of this Section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this Subsection:
1. All State, County and Municipal Peace Officers who have completed the training required by the Police Officer Standards and Training Commission pursuant to Sections 590.030 to 590.050, RSMo., and who possess 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 on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired Peace Officers, as defined in and who carry the identification defined in Subsections (12) and (13) of Section 571.030, RSMo., 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 or Federal Flight Deck Officer as defined under the Federal Flight Deck Officer Program, 49 U.S.C. §44921, regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;
 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 Department of Public Safety under Section 590.750, RSMo.;
 9. Any coroner, deputy coroner, medical examiner or assistant medical examiner;
 10. Any municipal or county prosecuting attorney or assistant prosecuting attorney, circuit attorney or assistant circuit attorney, municipal, associate or circuit judge; or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under Subsection (2) of Section 571.111, RSMo.;
 11. Any member of a Fire Department or Fire Protection District who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or valid concealed carry permit under Section 571.111, RSMo., when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and
 12. Upon the written approval of the Governing Body of a Fire Department or Fire Protection District, any paid Fire Department or Fire Protection District member who is employed on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.
 13. Any person discharging a firearm inside the City limits in connection with any turkey shoot or other charitable event authorized by the City Council.
- C. Subsections **(A)(1)**, **(5)** and **(7)** of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subsection **(A)(1)** of this Section does not apply to any person nineteen (19) years of age or older or eighteen (18) years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, 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/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. Subsection **(A)(7)** 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 or club event.

- D. Subsections **(A)(1)** and **(7)** of this Section shall not apply to any person who has a valid concealed carry permit issued pursuant to Sections 571.101 to 571.121, RSMo., a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State.
- E. Subsections **(A)(3)**, **(4)**, **(5)** and **(7)** of this Section and Section **215.940(B)** of this Article shall not apply to persons who are engaged in a lawful act of defense pursuant to Section 563.031, RSMo.
- F. 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 or club-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.
- ~~G. The prohibition on discharge of a firearm contained in Subparagraph (3) of Subsection **(A)** of this Section shall not apply to those engaged in the lawful pursuit of game so long as the discharge of the handgun or shotgun takes place in a rural, agriculturally zoned area of the City and so long as the fired projectile does not enter onto or pass through property within two hundred (200) feet of a residence or commercial structure at a height lower than the top of the roofline of the residence or commercial structure.
 - ~~1. For purposes of this Section, the phrase "rural, agriculturally zoned area" shall be described as properties of the City within an area commonly referred to as the "former Village of Brookline" and generally referenced as Farm Road 97 to the west, Farm Road 140 to the north, Farm Road 115 to the east and Farm Road 168/State Highway MM/State Route 60 to the south including the four contiguous forty-acre parcels adjacent to Farm Road 115 and south of Farm Road 146;~~
 - ~~2. This exception shall only apply to the discharge of handguns or shotguns within the area described above.~~
 - ~~3. This exception shall sunset on the 31st day of December, 2022, and shall no longer be in force and effect unless extended or renewed by the City Council.~~~~
- H. The prohibition on discharge of a firearm contained in Subparagraph (3) of Subsection **(A)** of this Section shall not apply to discharge of a firearm when authorized by State law with regard to defense of livestock or other animals specifically identified by Statute and when such discharge takes place in the area and under the conditions as authorized in Subsection **(G)**.
- I. The prohibition on discharge of a firearm contained in Subparagraph (3) of Subsection **(A)** of this Section shall not apply to firing ranges operated by a duly recognized law enforcement agency at a location approved by the City.
- J. Nothing in Subsections **(G)**, **(H)** and **(I)** is intended to allow what is prohibited by Section 571.030, RSMo.

EXPLANATION(S) - Matter in underlined type in the above is added language. Matter in ~~striketrough~~ in the above is deleted.