

## 2016 LEGISLATION & SENATE BILL 656 BY DALE ROBERTS

Senate Bill 656 is 49 pages long and, as is often the case, rather complex. I will not review the administrative sections as those really only affect how different sheriff's offices perform their functions and those sections do not affect your rights.

When House Bill 1468 (Constitutional Carry, etc.) moved from the House to the Senate, it was combined with Senate Bill 656, and SB 656 is the bill that passed. The legislature passed SB 656 on May 13<sup>th</sup> and it was vetoed by Governor Nixon on June 27<sup>th</sup>. The legislature took the bill up during the annual veto session and voted to over-ride the Governor's veto on September 14<sup>th</sup>. Different sections of the law take effect at different times (see text). In a nutshell, the goal of SB 656 is to enact the following changes:

### **SELF DEFENSE: RSMo 563.031** (This is an expansion of the Castle Doctrine, **Effective 10/14/16.**)

Under current law, a person who owns or leases private property may use deadly force in self-defense or defense of others against a person who unlawfully enters or attempts to unlawfully enter the property.

This act provides that *deadly force may also be used by* a person who occupies private property pursuant to specific authority of the property owner to occupy the property. In other words, any lawful guest on the property. (This might be an out-of-town guest, visiting family member, babysitter, etc.)

Currently, a person does not have a duty to retreat from a dwelling, residence, or vehicle where the person is not unlawfully entering or unlawfully remaining or from private property that is owned or leased by such individual.

This act provides that a person *does not have a duty to retreat* from any place such person who is not engaged in an unlawful activity has a right to be. (So now...**anywhere** you may legally be, you are not obligated to retreat.)

### **UNLAWFUL USE OF WEAPONS: RSMo 571.030** (Effective 01/01/17)

Under current law, a person commits the offense of unlawful use of weapons if the person carries a concealed knife, firearm, blackjack, or another weapon readily capable of lethal use. (Without a permit)

This act provides that the crime is committed if a person carries one of the above types of weapons ***in an area in which a person with a concealed carry permit is restricted from carrying firearms***. The penalty is a class B misdemeanor.

Current law exempts prosecuting and assistant prosecuting attorneys and circuit and assistant circuit attorneys from provisions criminalizing certain unlawful uses of weapons.

This act specifies that municipal and county prosecuting attorneys, assistant prosecuting attorneys, circuit attorneys, and assistant circuit attorneys are (also) exempt and adds municipal, associate circuit, and circuit judges to the list of persons who are exempt.

Current law also exempts full time chiefs of fire departments and fire districts from certain otherwise unlawful uses of weapons.

This act expands the exemption to apply to (all) *full-time* fire department and fire district members.



*Dale Roberts grew up in Columbia and attended law school here. He was appointed to the bench under the Ashcroft Administration, served as the state Director of Alcohol and Tobacco Control, and spent two years investigating insurance fraud. Dale is a POST certified law Enforcement Firearms Instructor and he specializes in Firearms Law. Dale is currently the Director of the Columbia Police Officer's Association, FOP #26.*

Dale may be reached at [hugajudge@gmail.com](mailto:hugajudge@gmail.com).

## **2016 LEGISLATIVE CHANGES (CONTINUED)**

**FIREARMS, INTOXICATION, & SCHOOL PROPERTY - (Effective 10/14/16)** A person violates Missouri State Law if they:

571.030(5): Have a firearm or projectile weapon readily capable of lethal use on his or her person, while he or 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

571.030(10): Carry 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;

In both of the above circumstances it is Class A misdemeanor if the firearm is unloaded and it is a class E felony if the firearm is loaded.

**IMPORTANT REMINDER - GUN FREE SCHOOL ZONES ACT** (*Detailed in the Winter 2016 issue of The Shooting Times*):

The GFSZA [Federal Law, 18 U.S.C. § 921(a)(25)] prohibits the possession of a firearm in a school zone. And, school zones are defined as;

(A) in, or on the grounds of, a public, parochial or private school; or

(B) **within a distance of 1,000 feet** from the grounds of a public, parochial or private school.

The exceptions to this possession prohibition include:

1. If you have a valid Missouri CCW permit (Constitutional Carry does not count), or;
2. The firearm is unloaded and in a locked container or locked firearms rack on a motor vehicle, or;
3. The firearm is unloaded and possessed while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

*(This should not be confused with the **GUN FREE SCHOOLS ACT [GFSA]** from the focuses on student behavior, penalizing students in an attempt to deter them from bringing firearms to school or possessing them at school. This is the law which has led to overzealous enforcement and cases where it is an offense to wear a t-shirt to school with a picture of a gun on it, or to shape a pop-tart into the figure of a gun.)*

**CONCEALED CARRY PERMIT FEES: RSMo 571.101 (Effective 10/14/16)**

Under current law, an applicant for a concealed carry permit may be charged a fee that does not exceed \$100. This act specifies that no additional fee may be charged, including any fee for fingerprinting or criminal background checks. The act also allows for an additional fee to be charged for each credit card, debit card, or other electronic transaction equal to the charge paid by the state or applicant for the use of the credit card, debit card, or other electronic payment method by the applicant.

**CONCEALED CARRY EXPIRATION FOR MILITARY: RSMo 571.104 (Effective Immediately)**

This act provides that if a concealed carry permit expires while the permit holder is on active duty in the Armed Forces, active state duty, full-time national guard duty, or active duty with the National Guard, or the permit holder is incapacitated due to an injury incurred while in military service, the permit may be renewed within two months of the permit holder's return to Missouri after discharge from duty or recovery from the incapacitation.

Once the two-month period has expired, the provisions governing late renewals apply except the penalties begin to accrue upon the expiration of the two-month period rather than on the permit's expiration date.

## **2016 LEGISLATIVE CHANGES (CONTINUED)**

### **CONCEALED CARRY PERMIT TRAINING: RSMo 571.111 (Effective 10/14/16)**

Currently an applicant for a CCW license must submit proof of completion of an 8-hour course completed *in person*. This act removes that requirement! Instead, an individual may complete the a training component covering:

- (a) The basic principles of marksmanship
- (b) Care and cleaning of firearms and
- (c) Safe storage of firearms...

by taking an on-line class of *as little as* (but not less than) 60 minutes and no one is authorized to provide that on-line training except NRA certified instructors. (!)

After completing a one-hour video on-line, the applicant must still complete all the other sections required by 571.111. [Requirements for gaining a permit, firearms laws, **and the laws relating to justifiable use of force.**] However, there is no longer any minimum amount of time that additional training must take.

**The 8 hour training requirement is gone.**

### **LIFETIME CONCEALED CARRY PERMIT : RSMo 571.126 to 571.230 (Effective 10/14/16)**

Under current law, concealed carry permits must be renewed once every five years.

This act allows a Missouri resident who meets the requirements for a concealed carry permit specified under the act and pays a \$500 fee to receive a concealed carry permit that is valid for the duration of the person's life.

This act also allows Missouri residents who meet the requirements for a permit to pay \$200 to receive a Missouri extended concealed carry permit that is valid for 10 years or

\$250 for an extended permit that is valid for 25 years.

To renew an extended permit, the permit holder must pay \$50. The lifetime and extended permits are only valid throughout the state of Missouri. The lifetime and extended permits are still subject to the same suspension and revocation provisions that apply to permits that expire every five years.

The sheriff must conduct a name-based criminal background check on extended and lifetime permit holders once every five years.

**NOTE:** The lifetime and extended concealed carry permits must include a statement that the **permit is valid only** throughout the state of Missouri. There is no reciprocity in other states for a lifetime or extended permit.

### **CONSTITUTIONAL CARRY: RSMo 571.030 (Effective 1/1/17)**

Currently, an individual with a permit to carry a concealed weapon is exempt from the general statute banning the carrying of concealed weapons in public areas.

This bill repeals this general prohibition on carrying concealed weapons such as firearms and knives, except in the those places listed under Section 571.107, RSMo.

The bill **does not** grant the same rights to carry firearms concealed, except for carrying concealed firearms onto private property whose owner has posted the premises as being off-limits to concealed firearms, as the permit system which imposes only minimal penalties for mistakes. (See RSMo 571.107.2)

## 2016 LEGISLATIVE CHANGES (CONCLUSION)

Our Rights to Carry and Possess a Concealable Firearm:	CCW Permit	Constitutional Carry
1. Allows possession <b>in vehicle on premises*</b> of police, sheriff, or highway patrol office or station.	Yes 571.107.2	<b>B misdemeanor 571.030.8(2)</b>
2. Allows possession <b>in vehicle on premises*</b> of adult or juvenile detention or correctional institution, prison or jail.	Yes	<b>NO - B Misd.</b>
3. Allows possession <b>in vehicle on premises*</b> of courthouse solely occupied by the circuit, appellate or supreme court, or any courtrooms, administrative offices, libraries or other rooms.	Yes 571.107.2	<b>NO - B Misd.</b>
4. Allows possession <b>in vehicle on premises*</b> of governing body of a unit of local government; or any meeting of the general assembly or a committee of the general assembly.	Yes 571.107.2	<b>NO - B Misd.</b>
5. Allows possession <b>in vehicle on premises*</b> of any establishment licensed to dispense intoxicating liquor for consumption on the premises.	Yes 571.107.2	<b>NO - B Misd.</b>
6. Allows possession <b>in vehicle on premises*</b> of any area of an airport.	Yes	<b>NO - B Misd.</b>
7. Allows possession <b>in vehicle on premises*</b> of school zone.	Yes	<b>NO - B Misd.</b>
8. Allows possession <b>in vehicle on premises*</b> of any riverboat gambling operation.	Yes	<b>NO - B Misd.</b>
9. Allows possession <b>in vehicle on premises*</b> of gated area of an amusement park.	Yes	<b>NO - B Misd.</b>
10. Allows possession in any church or other place of religious worship without the consent of the minister or persons representing the religious organization.	Yes 571.030.4	<b>NO</b>
11. Carry on any private property whose owner has posted the premises as being off-limits to concealed firearms.	Yes 571.107.2	Yes <b>per 571.030.8(2)</b>
12. Allows <b>possession in vehicle on premises*</b> of any sports arena or stadium with a seating capacity of five thousand or more.	Yes 571.107	<b>NO - B Misd.</b>
13. Allows possession <b>in vehicle on premises*</b> of a hospital accessible by the pub-	Yes	<b>NO - B Misd.</b>
14. Must be at least 19 years old.	Yes	<b>NO</b>
15. Available to someone who has received a Suspended Imposition of Sentence for a Felony.	<b>NO</b>	Yes
16. Available to someone who has had 2 or more misdemeanor drug convictions in the past 5 years.	<b>NO</b> 571.101.2(4)	Yes
17. Available to someone who has had 2 or more DUIs in the past 5 years.	<b>NO</b> 571.101.2(4)	Yes
18. Reciprocity with other states. (According to <a href="http://www.ago.mo.gov">www.ago.mo.gov</a> )	Yes , with 34 other states	<b>NO</b>

**\*The list of places you MAY NOT carry even with a permit has not changed. Your vehicle remains a legal place to possess (or temporarily store) your firearm as long as it is not removed from the vehicle or “brandished.”**

### WHAT HAPPENED TO CAMPUS CARRY?

Campus Carry was proposed by a number of Legislators, Sate Representative Jered Taylor (R-139, Nixa area) was chief among them. However, the NRA pushed a limited Campus Carry that would have *only* applied to individuals 21 and older(!) No legislator was willing to pursue that legislation and as a result Campus Carry did not make it into the final bill. (Maybe next year?)

# Safety & Security - At Home and Away

Hallsville Baptist Church, 115 Elizabeth Street, Hallsville, Missouri 65255

Monday Evening, November 7th, 2016

6:30 – 9:00 pm

## COME AND JOIN US FREE OF CHARGE!

This program is endorsed by the Centralia, Ashland, and Hallsville Police Departments and it is being hosted by the Hallsville Baptist Church!

We all have concerns about increasing violent trends, but what purposeful and constructive steps can we take to prepare for these events as well as the “normal” emergencies that life throws at us? Come and enjoy an evening of information, sharing and learning with a team of experienced emergency services providers that will be led by Todd Burke, a credentialed instructor with over 30 years on the job! Topics we will address include:

- How to perform threat assessment with your family - how to get started “hardening the target” at home.
- Actions and behaviors that can substantially reduce your risk of being targeted or victimized.
- Deciding if a firearm is for you. This is not all about guns - but understand the law. Use of force, self-defense, and changes in CCW with Senate Bill 656.
- How to prepare for a medical emergency or trauma.
- What’s in a “go bag” and do I even need one?
- Preparing for the possibility of an active shooter.

It is important to honestly acknowledge that in most cases WE WILL BE OUR OWN FIRST RESPONDERS! Help may be on the way, but a successful outcome is often determined by the actions and teamwork of those who are already at the scene. Join us and learn!

## ENROLL BY E-MAIL

There is *no charge* to attend this event, but we do ask that you *register in advance*. Please send us your name, address, cell phone, and date of birth:

[todd@tactical-specialties.com](mailto:todd@tactical-specialties.com)

You will receive confirmation. Mature young adults are welcome with family members. Keep in mind the serious nature of the topics that we will be discussing.

**TODD BURKE: 573-999-7222**



Do you have a plan or course of action to protect and defend your family in case of an emergency?



Learning and practicing firearms fundamentals is not difficult and it is a rewarding family activity!



Performing live-saving interventions is easily taught to young children. This 7 year old can assess life-threats in less than a minute, open and maintain an airway, treat penetrating trauma to the chest/abdomen, and control life-threatening bleeding with a tourniquet!