

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 140810, AS AMENDED

Amending Section 50-261, Code of Ordinances, entitled "Unlawful use of weapons - Generally," to conform with Senate Bill 656 enacted over the Governor's veto; and establishing the punishment for a violation.

WHEREAS, the City bars the open carry of firearms; and

WHEREAS, the General Assembly of the State of Missouri enacted Senate Bill No. 656 that requires cities to allow persons with a conceal carry permit to openly carry firearms; and

WHEREAS, Senate Bill No. 656 was vetoed by Governor Nixon, but the General Assembly voted on September 10, 2014, to override the Governor's veto; and

WHEREAS, Senate Bill No. 656 limits the punishment for a person openly carrying a firearm capable of lethal use who possesses a valid concealed carry endorsement or permit from the State of Missouri, or a permit from another state that is recognized by the State of Missouri, who fails to have the endorsement or permit in his or her possession, or who fails to provide the endorsement or permit upon the request of a law enforcement officer to a fine of not more than \$35; and

WHEREAS, the General Assembly has required local regulations of firearms to be identical to the regulations adopted by the State of Missouri, thereby removing all discretion from local officials to specially address issues of gun violence in their community through regulation; NOW, THEREFORE

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That as dictated by Senate Bill 656, passed by the General Assembly over the veto of the Governor, Section 50-261, Code of Ordinances, is amended to read as follows:

Sec. 50-261. Unlawful use of weapons - Generally.

(a) A person commits the ordinance violation 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 or any other weapon readily capable of lethal use; or
- (2) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
- (3) Has 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

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- 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
- (4) 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
 - (5) 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; or
 - (6) Openly carries a firearm readily capable of lethal use unless the person has in his or her possession his or her valid Missouri concealed carry endorsement issued prior to August 28, 2013, his or her valid Missouri concealed carry permit issued pursuant to RSMo §§ 571.101 to 571.121 or his or her valid concealed carry endorsement or permit issued by another state or political subdivision of another state that is recognized by the State of Missouri; or
 - (7) Fails to display his or her valid Missouri concealed carry endorsement issued prior to August 28, 2013, his or her valid Missouri concealed carry permit issued pursuant to RSMo §§ 571.101 to 571.121 or his or her valid concealed carry endorsement or permit issued by another state or political subdivision of another state that is recognized by the State of Missouri upon demand of a law enforcement officer while openly carrying a firearm; or
 - (8) Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of RSMo §195.202.

(b) Subdivisions (1), (2), (4), (5) and (6) of subsection (a) of this section shall not apply to or affect any of the following:

- (1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to RSMo §§ 590.030 to 590.050 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 RSMo § 571.030.12, and who carry the identification defined in RSMo § 571.030.13, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

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- (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;
- (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. Section 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 Missouri department of public safety under RSMo § 590.750;
- (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;
- (10) Any prosecuting attorney or assistant prosecuting attorney, circuit attorney or assistant circuit attorney, or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under RSMo § 571.111.2;
- (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 Missouri concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit issued pursuant to RSMo §§ 571.101 to 571.121, 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 chief who is employed on a full-time basis and who has a valid Missouri concealed carry endorsement issued prior to August 28, 2013, or a valid

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concealed carry permit issued pursuant to RSMo §§571.101 to 571.121, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

(c) Subdivisions (1), (3), (4), (5) and (6) of subsection (a) 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 (a) of this section does not apply to any person 19 years of age or older or 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 firearm in the passenger compartment of a motor vehicle, so long as such 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 (5) of subsection (a) 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.

(d) Subdivisions (1), (4), and (5) of subsection (a) of this section shall not apply to any person who has a valid concealed carry permit issued pursuant to RSMo §§ 571.101 to 571.121, a valid concealed carry endorsement issued prior to August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state that is recognized by the State of Missouri.

(e) Subdivisions (2), (3), (4), (5) and (6) of subsection (a) of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to RSMo § 563.031.

(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) Penalty.

(1) A violation of this section may be punished by a fine of not more than \$1,000.00, incarceration for not more than 180 days, or both such fine and incarceration.

(2) Exceptions.

(A) A person holding a valid concealed carry endorsement or permit who openly carries a firearm readily capable of lethal use without

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having in his or her possession his or her valid Missouri concealed carry endorsement issued prior to August 28, 2013, his or her valid concealed carry permit issued pursuant to RSMo §§ 571.101 to 571.121 or his or her valid concealed carry endorsement or permit issued by another state or political subdivision of another state that is recognized by the State of Missouri, may be punished by a fine not to exceed \$35.00.

- (B) A person who fails to display his or her valid Missouri concealed carry endorsement issued prior to August 28, 2013, his or her valid concealed carry permit issued pursuant to RSMo §§ 571.101 to 571.121 or his or her valid concealed carry endorsement or permit issued by another state or political subdivision of another state, that is recognized by the State of Missouri, upon demand of a law enforcement officer while openly carrying a firearm readily capable of lethal use, may be punished by a fine not to exceed \$35.00.

Approved as to form and legality:



William Geary
City Attorney



Authenticated as Passed


Sly James, Mayor


Marilyn Sanders, City Clerk

OCT 9 2014

Date Passed