

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 140136

Amending Section 50-261, Code of Ordinances, entitled "Unlawful use of weapons – generally" by establishing qualifying factors consistent with those established by the Missouri General Assembly, by requiring an intoxicated person who carries a weapon to also use the weapon in a negligent or unlawful manner or discharge the weapon, other than in self-defense, before the intoxicated person is considered to unlawfully use the weapon, and by codifying statutory changes describing the exemption for retired law enforcement officers and deleting terminology no longer used in state statute.

WHEREAS, currently the City defines the unlawful use of weapons in Section 50-261(a)(3) as including "possesses or discharges a firearm or projectile weapon while intoxicated", but the Missouri General Assembly has further narrowed this violation in Section 571.030.1(5), RSMo, to require an intoxicated person who carries a weapon to also use the weapon in a negligent or unlawful manner or discharge the weapon, other than in self-defense, before the intoxicated person is considered to unlawfully use the weapon; and

WHEREAS, the General Assembly has also modified the rules applicable to retired law enforcement officers and has altered some terminology that the City should replicate in its ordinance; and

WHEREAS, by Section 21.750, RSMo, the Missouri General Assembly requires any local restrictions touching in any way firearms to match the restrictions imposed by the State; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That 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 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

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- (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.

(b) Subsections (a)(1), (4) and (5) of this section shall not apply to or affect any of the following, and subsection (a)(2) 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 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 section 571.030.11, RSMo, and who carry the identification defined in section 571.030.12, 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;
- (7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;

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- (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.

(c) Subdivisions (1), (3), (4) and (5) 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 21 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 (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 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) Subdivisions (2), (3), (4), and (5) of subsection (a) of this section 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 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.



Authenticated as Passed

FAILED
Marilyn Sanders, City Clerk

Date Passed

Approved as to form and legality:

William Geary
William Geary
City Attorney