

ORDINANCE NO. 160808

Amending Section 50-261, Code of Ordinances, entitled “Unlawful use of weapons – Generally” to comply with the new provisions of Section 571.030, RSMo, enacted by Senate Bill 656 (2016) over the veto of the Governor and amending Section 50-270, Code of Ordinances, entitled “Failure to leave locations where carrying concealed weapons is not permitted” to update a reference to Missouri statutes.

WHEREAS, the State of Missouri adopted Senate Bill 656 over the veto of the Governor; and

WHEREAS, the State of Missouri has preempted substantially all local regulation of weapons unless an ordinance is identical to State regulations; and

WHEREAS, Senate Bill 656 amends the State regulations, thus requiring the City to amend its ordinance to remain consistent with State regulations; and

WHEREAS, the State of Missouri now requires the City to permit a person to carry concealed weapons without first obtaining a State permit, and that loosening of current law must be recognized by the City if the City is to impose local regulations; and

WHEREAS, the State of Missouri expanded the categories of people who may carry concealed weapons without certain restrictions, and that loosening of current law must be recognized by the City if the City is to impose local regulations; and

WHEREAS, the new State regulations become effective January 1, 2017; NOW, THEREFORE

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That as required by the State of Missouri to impose limited local restrictions on the carrying and use of weapons 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, except as otherwise provided by RSMo 571.101 to 571.121, 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 into any area where firearms are restricted under RSMo 571.107; 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

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- (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
- (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 579.015.

(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

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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;

- (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. 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 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 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 under 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

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- (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 Missouri concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry, 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 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 or club 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 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), (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.

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(2) Exceptions.

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

Section 2. That Section 50-270, Code of Ordinances is amended to correct a reference to the Missouri Revised Statutes to read as follows:

**Sec. 50-270. Failure to leave locations where carrying concealed weapons is not permitted.**

(a) Prohibition carrying concealed weapons in unauthorized locations. A person who has been issued a concealed carry endorsement, a certificate of qualification, or permit or endorsement issued by another state or political subdivision in another state, and is carrying a concealed weapon, shall not enter, and if already within the location must leave when requested, the premises for locations named in Section 571.107.1(1) through (17), RSMo.

(b) Penalty. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation. A fine may be imposed according to the following schedule:

First offense: not to exceed \$100.00

Second offense within six months of the date of the first offense: not to exceed \$250.00

Third offense within 12 months of the date of the first offense: not to exceed \$500.00

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(c) Duty of court administrator. The court administrator will provide a notice to the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and the department of revenue of the imposition of such fines.

Section 3. That this ordinance shall become effective on January 1, 2017.

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Approved as to form and legality:

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William Geary  
City Attorney