

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 140560, AS AMENDED

Amending Section 50-261, Code of Ordinances, entitled “Unlawful use of weapons – generally” to be consistent with state requirements that an intoxicated person lawfully carrying a weapon must be negligent or act in an unlawful manner or discharge the weapon to unlawfully use a weapon; to codify statutory changes to the exemption for retired law enforcement officers to carry a weapon; and to prohibit the open carrying of a firearm readily capable of lethal use.

WHEREAS, the State of Missouri has generally preempted local regulations of firearms unless those regulations mirror the Missouri statutes; and

WHEREAS, the Missouri statutes have changed concerning the unlawful use of a weapon by an intoxicated person, and to be consistent with the statute an amendment must be made to the City’s ordinance; and

WHEREAS, one of the limited areas of local control allowed by the State of Missouri concerning firearm regulations is the open carrying of weapons; and

WHEREAS, the State of Missouri leaves it to local governments to determine whether the open carrying of firearms capable of lethal use should be prohibited; and

WHEREAS, the Mayor and City Council find that it is in the interest of the public health, welfare, and public safety to prohibit the open carrying of firearms capable of lethal use within the City; NOW, THEREFORE

BE IT ORDAINED BY THE CITY 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

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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.

(b) Subsections (a)(1), (2), (4), (5) and (6) 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 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, Revised Statutes of Missouri, and who carry the identification defined in section 571.030.12, Revised Statutes of Missouri, 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;

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- (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 board of police commissioners under section 84.340, RSMo;
- (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;
- (10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or assistant circuit attorney 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 a 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 chief who is employed on a full-time basis and who has a valid concealed carry endorsement, 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 21 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

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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), (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 section 563.031, RSMo.

(f) Subdivision (6) of subsection (a) of this section shall not apply to persons who, pursuant to Section 571.037, RSMo, have a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, and who are lawfully carrying a firearm in a concealed manner and who briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.

(g) 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.

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Approved as to form and legality:

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Alan Holtkamp  
Assistant City Attorney