

7571.030. 1. A person commits the crime of unlawful use of weapons if he or she knowingly:

Unlawful use of weapons--exceptions--penalties.

August 28, 2004

Section 571.030  
Weapons Offenses  
Chapter 571  
Missouri Revised Statutes

=====

In other words, the CFR cannot trump the U.S.C., and the U.S.C. allows lawful concealed carry in a federal facility.

In so far as firearms are concerned, 18 U.S.C. § 930 (a) is essentially the same as 39 CFR 232.1 (l), except that the regulations do not contain the exception for lawful concealed carry contained in 18 U.S.C. § 930 (d) (3). But by its own terms, the regulations do not override the United States Code ("Federal law"), which does allow carrying a firearm in federal facility.

It recognizes this fact. That is, the CFR cannot abrogate applicable Federal law.

Section (p)(2) of the 39 CFR 232.1 recognizes this fact. That is, the CFR cannot abrogate applicable Federal laws or regulations of any State and local laws and regulations applicable to any area in which the property is situated. Regulations in the CFR have to be based on laws in the United States Code, must be consistent with them, and cannot supersede them. Section (p)(2) of the 39 CFR 232.1 recognizes this fact. That is, the CFR cannot abrogate applicable Federal law.

Notice of the provisions of subsections (a) and (b) shall be posted conspicuously at each public entrance to each Federal facility, and notice of subsection (e) shall be posted conspicuously at each public entrance to each Federal court facility, and no person shall be convicted of an offense under subsection (a) or (e) with respect to a Federal facility if such notice is not so posted at such facility, unless such person had actual notice of subsection (a) or (e), as the case may be.

=====

Addendum  
The Code of Federal Regulations contains the following regulation (excerpted in pertinent part; full text from link):  
39 C.F.R. 232.1 Conduct on Postal Property:  
(1) Weapons and explosives. No person while on postal property may carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, or store the same on postal property, except for official purposes.  
However, looking further down the regulation, we see the following:  
(p) Penalties and other law.  
(2) Whoever shall be found guilty of violating the rules and regulations in this section while on property under the charge and control of the Postal Service is subject to fine of not more than \$50 or imprisonment of not more than 30 days, or both. Nothing contained in these rules and regula-

21.750. 1. The general assembly hereby occupies and preempts the entire field of legislation touching in any way firearms, components, ammunition and supplies to the complete exclusion of any order, ordinance or regulation by any political subdivision of this state. Any existing or future orders, ordinances or regulations in this field are hereby and shall be null and void except as provided in subsection 3 of this section.  
(1) Weapons and explosives. No person while on postal property may carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, or store the same on postal property, except for official purposes.  
However, looking further down the regulation, we see the following:  
(p) Penalties and other law.  
(2) Whoever shall be found guilty of violating the rules and regulations in this section while on property under the charge and control of the Postal Service is subject to fine of not more than \$50 or imprisonment of not more than 30 days, or both. Nothing contained in these rules and regula-

Missouri Revised Statutes  
Chapter 21  
General Assembly  
Section 21.750  
August 28, 2004

Firearms legislation preemption by general assembly, exceptions--limitation on civil recovery against firearms or ammunition manufacturers, when, exception.

21.750. 1. The general assembly hereby occupies and preempts the entire field of legislation touching in any way firearms, components, ammunition and supplies to the complete exclusion of any order, ordinance or regulation by any political subdivision of this state. Any existing or future orders, ordinances or regulations in this field are hereby and shall be null and void except as provided in subsection 3 of this section.  
(1) Weapons and explosives. No person while on postal property may carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, or store the same on postal property, except for official purposes.  
However, looking further down the regulation, we see the following:  
(p) Penalties and other law.  
(2) Whoever shall be found guilty of violating the rules and regulations in this section while on property under the charge and control of the Postal Service is subject to fine of not more than \$50 or imprisonment of not more than 30 days, or both. Nothing contained in these rules and regula-

Assault to commit bus hijacking shall be a class C felony.

3. Any person, who, in the commission of such intimidation, threat, assault or battery with the intent to commit bus hijacking, employs a dangerous or deadly weapon or other means capable of inflicting serious bodily injury shall, upon conviction, be guilty of a class A felony.

4. Any passenger who boards a bus with a dangerous or deadly weapon or other means capable of inflicting serious bodily injury concealed upon his person or effects is guilty of the felony of "possession and concealment of a dangerous or deadly weapon" upon a bus. Possession and concealment of a dangerous and deadly weapon by a passenger upon a bus shall be a class C felony. The provisions of this subsection shall not apply to duly elected or appointed law enforcement officers or commercial security personnel who are in possession of weapons used within the course and scope of their employment; nor shall the provisions of this subsection apply to persons who are in possession of weapons or other means of inflicting serious bodily injury with the consent of the owner of such bus, or his agent, or the lessee or bailee of such bus.

=====

6. 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,

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031, RSMo.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

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 (10) of subsection 1 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.

Page 9

These handbooks are composed of specific sections of the Revised Statutes of the State of Missouri and do not reflect the complete chapters nor do they represent any attempt to provide comprehensive legal advice. Inclusion in this handbook is a matter of editorial preference and should not be considered a full account of current state law. It is your duty to know your rights and responsibilities as they apply to the lawful carry and discharge of firearms.

www.giltweasel.com

By The Giltweasel  
&  
Buggin'  
Uffly  
Press  
Union, Missouri  
January 21, 2005

Page 16

3. Subdivisions (1), (5), (8), and (10) of subsection 1 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 1 of this section does not apply to any person twenty-one years of age or older transporting a concealable firearm in the passenger compartment of a motor

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner.

(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

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;

(6) Any federal probation officer;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(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;

performing their official duty;

Page 8

Missouri! CCW  
Handbooks vol. 3

Appendix

Supplemental Information  
For Concealed Carry permit  
holders

“A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.”  
*Ignorantia juris nocet*

cl, as defined in section 301.010, RSMo, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(3) Possesses or discharges a firearm or projectile weapon while intoxicated; or

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharge or shoots a firearm into any outbuilding; or

(8) 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 building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

(9) Discharges or shoots a firearm at or from a motor vehicle.

U.S. Code  
 Title 18, Part I, Chapter 44  
 § 930. Possession of firearms and dangerous weapons in Federal facilities  
 Release date: 2004-08-06

- (a) Except as provided in subsection (d), whoever knowingly possesses or causes to be present a firearm or other dangerous weapon in a Federal facility (other than a Federal court facility), or attempts to do so, shall be fined under this title or imprisoned not more than 1 year, or both.
- (b) Whoever, with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon in a Federal facility, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.
- (c) A person who kills any person in the course of a violation of subsection (a) or (b), or in the course of an attack on a Federal facility involving the use of a firearm or other dangerous weapon, or attempts or conspires to do such an act, shall be punished as provided in sections 1111, 1112, 1113, and 1117.
- (d) Subsection (a) shall not apply to—
  - (1) the lawful performance of official duties by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law;
  - (2) the possession of a firearm or other dangerous weapon by a Federal official or a member of the Armed Forces if such possession is authorized by law; or

or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (2) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subsection (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

8. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony.

(2) For any violation by a prior offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years.

(3) For any violation by a persistent offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or

From packing.org

States that honor Missouri's permit

Alabama	Alaska	Arizona	Florida
Georgia	Idaho	Indiana	Kentucky
Louisiana	Michigan	Montana	New Hampshire
Ohio	Oklahoma	Tennessee	Utah
Vermont			

States' permits that are honored in Missouri

Alabama	Alaska	Arizona	Arkansas
California	Colorado	Connecticut	Delaware
Florida	Georgia	Hawaii	Idaho
Indiana	Iowa	Kentucky	Louisiana
Maine	Maryland	Massachusetts	Michigan
Minnesota	Mississippi	Montana	Nevada
New Hampshire	New Jersey	New Mexico	New York
North Carolina	North Dakota	Ohio	Oklahoma
Oregon	Pennsylvania	Rhode Island	
South Carolina	South Dakota	Tennessee	
Texas	Utah	Virginia	Washington
	West Virginia	Wyoming	

Verify all state and local laws before traveling while exercising your rights.



(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

9. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

Missouri Revised Statutes  
 Chapter 578  
 Miscellaneous Offenses  
 Section 578.305

August 28, 2004

Bus hijacking, definition, penalty--assault with intent to commit bus hijacking, penalty, with a deadly weapon, penalty--possession and concealment of deadly weapon by passenger, penalty, exception.

578.305. 1. The offense of "bus hijacking" is defined as the seizure or exercise of control, by force or violence or threat of force or violence, of any bus within the jurisdiction of this state. Bus hijacking shall be a class B felony.

2. The offense of "assault with the intent to commit bus hijacking" is defined as an intimidation, threat, assault or battery toward any driver, attendant or guard of a bus so as to interfere with the performance of duties by such person.

- 571.070. RSMo, with appropriate penalty provisions, which regulates the open carrying of firearms readily capable of lethal use or the discharge of firearms within a jurisdiction.
- 4. The lawful design, marketing, manufacture, distribution, or sale of firearms or ammunition to the public is not an abnormally dangerous activity and does not constitute a public or private nuisance.
- 5. No county, city, town, village or any other political subdivision nor the state shall bring suit or have any right to recover against any firearms or ammunition manufacturer, trade association or dealer for damages, abatement or injunctive relief resulting from or relating to the lawful design, manufacture, marketing, distribution, or sale of firearms or ammunition to the public. This subsection shall apply to any suit pending as of October 12, 2003, as well as any suit which may be brought in the future. Provided, however, that nothing in this section shall restrict the rights of individual citizens to recover for injury or death caused by the negligent or defective design or manufacture of firearms or ammunition.
- 6. Nothing in this section shall prevent the state, a county, city, town, village or any other political subdivision from bringing an action against a firearms or ammunition manufacturer or dealer for breach of contract or warranty as to firearms or ammunition purchased by the state or such political subdivision.

(1) Carries concealed upon or about his or her person a knife, a firearm, blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(3) Possesses or discharges a firearm or projectile weapon while intoxicated; or

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharge or shoots a firearm into any outbuilding; or

(8) 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 building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

(9) Discharges or shoots a firearm at or from a motor vehicle.

- (3) the lawful carrying of firearms or other dangerous weapons in a Federal facility incident to hunting or other lawful purposes.
- (e) (1) Except as provided in paragraph (2), whoever knowingly possesses or causes to be present a firearm in a Federal court facility, or attempts to do so, shall be fined under this title, imprisoned not more than 2 years, or both.
- (2) Paragraph (1) shall not apply to conduct which is described in paragraph (1) or (2) of subsection (d).
- (f) Nothing in this section limits the power of a court of the United States to punish for contempt or to promulgate rules or orders regulating, restricting, or prohibiting the possession of weapons within any building housing such court or any of its proceedings, or upon any grounds appurtenant to such building.
- (g) As used in this section:
  - (1) The term "Federal facility" means a building or part thereof owned or leased by the Federal Government, where Federal employees are regularly present for the purpose of performing their official duties.
  - (2) The term "dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length.
  - (3) The term "Federal court facility" means the courtroom, judges' chambers, witness rooms, jury deliberation rooms, attorney conference rooms, prisoner holding cells, offices of the court clerks, the United States attorney, and the United States marshal, probation and parole offices, and adjoining corridors of any court of the United States.