

DANIEL BOONE REGIONAL LIBRARY

SUBJECT: Weapons, Including Firearms

ADMIN 2-675

BOARD

SECTION: 600 – Library Administration

Approved: 03/16/17

POLICY

Weapons, other than firearms, are prohibited on all library premises, including buildings, and in all library vehicles.

By the Missouri Constitution and Section 21.750 of the Missouri Statutes, firearms are allowed, subject to federal law, on library premises except as prohibited by:

1. Section 571.030.1(1) RSMo. (prohibiting the carrying of a concealed knife, firearm, blackjack or any other weapon readily capable of lethal use into any area where firearms are restricted under section 571.107, but not with respect to law enforcement, valid concealed carry endorsement or permit holders, a person engaged in a lawful act of defense, or certain other persons as described in subsections 2, 3, 4 and 5 of section 571.030);

2. Section 571.030.1(8) RSMo. (prohibiting firearms and any other weapon readily capable of lethal use in public buildings, but not with respect to law enforcement, valid concealed carry endorsement or permit holders, a person engaged in a lawful act of defense, or certain other persons as described in subsections 2, 3, 4 and 5 of section 571.030);

3. Section 571.107.1(5) RSMo. (prohibiting firearms in meetings of the Daniel Boone Regional Library Board of Trustees, but not with respect to a board member who has a valid concealed carry permit or endorsement); or

4. Section 571.107.1(9) RSMo. (prohibiting firearms in any place where the carrying of a firearm is prohibited by federal law).

The Federal Gun Free School Zone Act, 18 USC §922(q) prohibits firearms on property within 1000 feet of school premises, and thus applies to prohibit firearms on the premises of the Columbia Public Library and the Southern Boone County Public Library. Such section does not apply, however, to possession (i) if the individual possessing the firearm is licensed to do so by the State of Missouri, or a political subdivision of the State of Missouri, after verification by law enforcement that the individual is qualified under law to receive the license, (ii) if the firearm is not loaded, and is in a locked container or a locked firearms rack that is on a motor vehicle, (iii) by an individual for use in a program approved by a school in the school zone, (iv) by an individual in accordance with a contract entered

into between a school in the school zone and the individual or an employer of the individual, or (v) by a law enforcement officer acting in his or her official capacity.

Summary Policy Statement

Therefore, in summary, it is the policy of the Library that:

1. Weapons, other than firearms, are prohibited on all library premises, including buildings, and in all library vehicles.

2. Only a person holding a valid concealed carry permit or endorsement from any state, law enforcement, a person engaged in a lawful act of defense, and certain other persons listed in subsections 2, 3, 4 and 5 of section 571.030, are allowed to carry a firearm into the Callaway County Public Library building. Firearms are otherwise prohibited by law in such building.

3. Only a person holding a valid Missouri concealed carry permit or endorsement and law enforcement are allowed to carry firearms on the premises of the Columbia Public Library or the Southern Boone County Public Library. Firearms are otherwise prohibited by law on such premises.

PROCEDURES

As defined by Missouri law, the term “firearm” includes any weapon that is designed or adapted to expel a projectile by the action of an explosive. § 571.010(8) RSMo. The term “weapons” includes knives, firearms, blackjacks or any other weapon readily capable of lethal use. See, § 571.030.1(1).

Section 571.030 RSMo.

1. A person commits the offense of unlawful use of weapons, except as otherwise provided by sections 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 section 571.107; or

* * *

(8) Carries a firearm or any other weapon readily capable of lethal use into... any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof.

2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether 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 . . . ;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions . . . ;

- (3) Members of the Armed Forces or National Guard while performing their official duty;
- (4) Those persons vested [by the Missouri or US Constitution] with judicial power;
- (5) Any person whose bona fide duty is to execute process, civil or criminal;
- (6) Any federal probation officer or federal flight deck officer . . . ;
- (7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;
- (8) Any corporate security advisor . . . under section 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 subsection 2 of section 571.111;
- (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 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 member who is employed on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

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.

4. Subdivisions (1), (8), and (10) of subsection 1 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, 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.

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.

Section 571.107 RSMo.

1. A concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry

endorsement or permit issued by another state or political subdivision of another state shall authorize the person in whose name the permit or endorsement is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No concealed carry permit issued pursuant to sections 571.101 to 571.121, valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize any person to carry concealed firearms into:

* * *

(5) Any meeting of the governing body of a unit of local government;...except that nothing in this subdivision shall preclude a member of the body holding a valid concealed carry permit or endorsement from carrying a concealed firearm at a meeting of the body which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

* * *

(9) Any place where the carrying of a firearm is prohibited by federal law;

Federal Gun Free School Zone Act

The Federal Gun Free School Zone Act, is applicable within 1000 feet of school property (a "school zone"). 18 USC § 921(a)(25). The Act states in relevant part as follows:

(2)(A) It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.

(B) Subparagraph (A) does not apply to the possession of a firearm--

(i) on private property not part of school grounds;

(ii) if the individual possessing the firearm is licensed to do so by the State in which the school zone is located or a political subdivision of the State, and the law of the State or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;

(iii) that is--

(I) not loaded; and

(II) in a locked container, or a locked firearms rack that is on a motor vehicle;

(iv) by an individual for use in a program approved by a school in the school zone;

(v) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

(vi) by a law enforcement officer acting in his or her official capacity; . . .

18 USC § 922(q).