

COUNCIL BILL NO. 97-059

ORDINANCE NO. 97-128

AN ORDINANCE

repealing Sections 26-101 Concealed weapons, 26-102 Discharge of firearms, missiles, etc. and 26-104 Possession of weapons in public of the Joplin City Code and enacting a new Section 26-101 Unlawful use of weapons, and containing an emergency clause.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI as follows:

Section 1. "That Section 26-101 Concealed weapons be repealed and a new Section 26-101 Unlawful use of weapons - exceptions. be enacted in lieu thereof as follows:

'26-101 Unlawful use of weapons - exceptions

- (a) For the purposes of this section, terms and phrases used herein shall have the definitions given them under Section 571.010 RSMo. as may be amended from time to time.
- (b) A person commits the crime of unlawful use of weapons if he knowingly:
 - (1) Carries concealed upon or about his person a knife, a firearm, a 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
 - (5) Possesses or discharges a firearm or projectile weapon while intoxicated; or
 - (6) Discharges a firearm within one hundred yards of any occupied school house, 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 discharges 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 school, 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 into any public assemblage of persons met for any lawful purpose; or
 - (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, RSMo, while within any city, town, or village, and 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.
2. Subdivisions (1), (3), (4), (6), (7), (8) and (9) of subsection (b) of this section shall not apply to or affect any of the following:
- (1) All state, county and municipal law enforcement officers possessing 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, 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; and
 - (7) 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
 - (8) Any state probation and parole officer, including supervisors and members of the board of probation and parole, authorized to carry a firearm pursuant to section 217.710, RSMo.
3. Subdivisions (1), (5) and (8) of subsection (b) 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 (b) of this section does not apply when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state.
 4. Any person violating this section shall be punished upon conviction thereof as provided by section 1-5 of the Joplin City Code.”

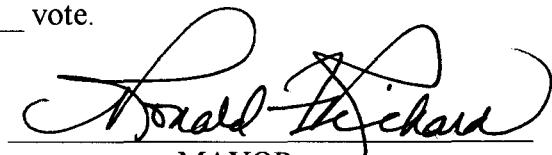
Section 2. That Section 26-102 Discharge of firearms, missiles etc., be repealed.

Section 3. That Section 26-104 Possession of weapons in public., be repealed.

Section 4. That this is an emergency rule within the meaning of Section 2.12(1) of the Home Rule Charter of the City of Joplin, Missouri, in that said ordinance provides for the

immediate public health and safety of the citizens of the City of Joplin, Missouri, and, as such, is considered an emergency and shall take effect immediately upon its passage.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 4th day of August, 1997, by a 9-0 vote.



MAYOR

ATTEST:



Acting CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY