

STAY OUT OF JAIL CARD 2016
WESTERN MISSOURI SHOOTERS ALLIANCE
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If this keeps you out of a dollar's worth of trouble, please send us the dollar.

UNIFORM LAW: ("Preemption"): Except for the **open carry** of firearms and **discharge of weapons**, local governments may NOT pass any laws on firearms or ammunition that are more restrictive than state law. This law does NOT prohibit cities from regulating other weapons § 21.750 RSMO. The License To Carry law (LTC) authorizes cities and counties to post certain premises off limits to license holders. § 571.107_RSMo.

INTOXICATION: FELONY (a) possess a firearm (b) while intoxicated with alcohol or drugs, (even prescription medication) (c) in an unsafe or illegal manner.

REGISTRATION: None

PURCHASE: Permit None. **Private Sale** legal. **Across State Line** Only adjacent states, only long guns and only from FFL

OPEN CARRY: No state law against. Certain cities have laws against. Can still carry openly if have license to carry concealed.

If stopped with a weapon in the car:

1. Pull over to right
2. Stay in car
3. Turn car off
4. Turn off music/radio
5. Turn on dome light
6. Keep hands on top of wheel
7. Inform LEO of gun

CONCEALED: Illegal only in Prohibited areas; even out of state persons.

CONCEALED CARRY LICENSE HOLDERS: A license issued by any state is as valid as a Missouri license. All licenses are valid throughout Missouri, except where prohibited areas; § 571.107 (below). Missouri

licenses are recognized in some other states; see www.handgunlaw.us or www.nraila.org/gunlaws/. Must carry license, failure to produce upon request is punishable by a fine. Do not have to volunteer possession to officer, but it is wise to do so. License holders can carry any legal weapon. Some law enforcement disagrees. Unusual weapons draw unusual attention and may be illegal under city ordinances. License holders may carry into restaurants serving alcohol. You cannot be arrested for carrying into any of the prohibited places unless you are asked to leave and refuse to leave **except** for Post Offices, Military and Indian Reservations, trains, airports, buses and bus stations. Federal parks allow concealed carry only under the same terms as in the surrounding state **but** not in buildings in the park. Other federal lands have different rules. If asked to leave, leave immediately and without a single word of argument.

Ways to get in trouble with a license: You are required to notify the sheriffs of the old and new county within (a) 30 days after moving or changing name (b) within 7 days after you notice your license is lost or destroyed. License is good for 5 years. If you don't provide the 30 or 7 days notification or renew before it expires and you still carry, you are committing a felony. Extended licenses only good in Mo.

PROHIBITED PLACES: Guns may not be carried into:

| | | |
|--------------------------|-----------------------------|-----------------------|
| Law Enforcement office | w/in 25 ft of polling place | Adult/juvenile prison |
| Courthouse/Court Offices | Government meeting | Gov't Building |
| Bars | Airport Controlled area | Banned by |
| Federal law | | |
| Post Office | Any school or college | Child Care Facility |
| Riverboat Gambling | Amusement Park | Church or similar |
| Posted areas | Sports arena/stadium | Hospital |
| Bus Terminal | Bus | Train |

Guns may be driven into parking lots (except Post Offices) if not displayed. Businesses may have more restrictive rules for employees. A Missouri license, *but NOT an out of state license*, will allow you to carry a gun onto the parking lot of a school under FEDERAL and state law.

Governing bodies of schools, churches, bars, daycare centers, gambling boats, and law enforcement offices may give *written* permission to specific persons to carry.

PERMITLESS CARRY: B misdemeanor to carry into a prohibited area without a license to carry. Punishable 6 months jail/\$500 fine or both.

TRANSPORTING: Federal law 18 US Code, section 926A allows transport of a gun across state lines anywhere in the United States, even through states which ban possession of such guns, **IF** the gun is legally possessed in the **state of origin**, and **destination**. Gun must also be unloaded and in a locked container. A glove compartment or console does *not* qualify as a locked container, even if it has a lock. Any other container, of any material will qualify. **CAUTION:** Beware of brief stays in hostile jurisdictions. If traveling by air **DO NOT** touch the bag holding your gun until reaching your destination. If the plane is diverted, **demand the airline secure the bag; DO NOT TOUCH IT!**

PROHIBITED PERSONS: Felony (571.070) for fugitives from justice, persons convicted of **any** felony, habitually drugged, intoxicated, or found mentally incompetent by a court, illegal aliens or aliens other than permanent residents or with a hunting visa to possess or have access to firearms. Federal law prohibits possession by persons involuntarily committed to mental institutions (unless restored by court). A federal felony under 18 US Code Section 922(d)(9) for persons convicted of misdemeanor adult abuse or the *defendant* in a civil adult abuse final order to possess any firearms and under section 922(h) and for ex-felons to possess any firearm. § 571.060 RSMo makes it a misdemeanor to transfer a weapon to a fugitive from justice, or ex-felon or juvenile except with parental permission and written permission in the case of handguns (even when parents are present). A federal felony under 18 US Code section 922(b). It may also be charged as a state felony for endangering the welfare of a minor.

Suspended Imposition of Sentence Not a conviction in Missouri. It is for some federal purposes and in some states such as Kansas. Does not prevent gun possession in Mo. It will prevent persons from getting a Missouri license to carry.

INHERITANCE: Under federal law 18 US Code Section 922(a)(5)(A) a person can inherit a handgun from a person in another state without an FFL. Law in both states must be followed.

NICS: All firearms purchased from licensed dealers require a background check, even at gun shows. You will be told otherwise, but it is a lie.

MACHINE GUNS etc: Federally licensed only. **SAWED OFF:** Overall length must be at least 26 inches, measured parallel to the barrel. **Barrel:** Shotgun barrels at least 18 inches. Rifle barrels at least 16 inches. Barrel length measured from the face of the bolt or standing breech. Advisable to leave a half-inch margin of error, and have a gunsmith perform the operation.

AMMUNITION: Federal law prohibits armor piercing pistol ammunition. MO prohibits its use in crimes. **Exploding:** Prohibited if has explosive charge. **NOT** prohibit fragmenting or hollow point ammunition.

SEIZURE: Guns recovered by law enforcement must be returned to the owner. There is no authority for a judge to order a firearm destroyed unless used in a felony by the owner (571.095). **Law enforcement officers may not seize guns unless there is a reasonable suspicion that the gun is stolen or was used in a crime.** If they do so anyway, ask for a receipt, which they may or may not provide. The side of the road is no place for a constitutional argument. May be recovered by: phone calls, and proof the gun was lawfully acquired, a suit to recover property or Civil Rights suit, alleging deprivation of property without due process of law under the Fifth Amendment to the US Constitution. LEO may not disarm a person unless has “articulable reason” to believe a crime was committed §21.750.3(c). LEOs arrive with ambiguous information. The first rule of police work is to go home safe. It is better public relations to waive the protection of this statute.

BLACK POWDER: Antique or replica muzzle loading guns are not firearms for the purpose of sale or possession. They are firearms for the purpose of carrying. Modern designs or designs convertible to fire cartridges may be firearms for purpose of possession.

KILL/USE HAZARDOUS FORCE, only if you have reasonable fear, which equals, **JAM** – **J**eopardy: A threat, **A**bility: Close enough to injure, **M**eans: A weapon or ability to injure

Reasonably believe there is an
imminent risk of Forcible Felony,

- some form of human breakage incl:
- a. death or serious bodily injury, or
 - b. Rape/sexual assault, or
 - c. Kidnapping, or
 - d. Arson of OCCUPIED building
 - e. Burglary of OCCUPIED building
 - f. Assault

Do Not start a fight. Have a Reasonable belief deadly force is required. Avoid if at all possible. Retreat is not required but plays better in court.

CASTLE DOCTRINE: If an intruder breaks into a home (even temporary one) or vehicle tumultuously or by stealth (or remains after breaking in) and you reasonably believe he threatens “unlawful force” the citizen can kill without further provocation. “Unlawful force” appears to be any force that is not invited.

NEVER use deadly force to save property or when criminal is leaving. Do NOT Leave shooting scene, Change the scene, Move the body, Discard/hide the weapon, or Make a statement (you may be sued).

Tell 911 1. Location 2. He tried to kill me! 3. I was afraid for my life! 4. I defended myself. 5. Send an ambulance! 6. The scene is safe.

WHEN THE POLICE ARRIVE: Remember the acronym **S.H.I.E.L.D.**
Remain **Silent**
He attacked me
I am **innocent**
There is the **Evidence**
I want a **Lawyer**
Don't resist or consent.

Remember: good manners will *keep* you out of trouble cheaper than lawyers can *get* you out of trouble.