

What does the law say about carrying a firearm into a school?

Note: This information was presented as a classroom academic discussion - **it is not legal advice.**

Question Presented: Does a Missouri conceal carry license (a.k.a. 'permit') allow someone to carry a firearm into a school zone and/or into a school in Missouri?

DISCUSSION:

I. What does Federal Law say about carrying a firearm into a public school?

1. Pursuant to the Gun-Free School Zones Act of 1995 (GFSZA), 18 USC 922 q(2)(A)¹, it is a violation of federal law to possess a gun in a school zone. The act states:
“(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.”²
2. However, section (B) creates an exception for possession of a firearm in a school as follows:
“Subparagraph (A) *does not apply* to the possession of a firearm—
(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;”
3. In other words, the GFSZA provides an exemption *if* the person with the firearm is licensed to carry by the state in which the event takes place (Missouri.) Thus, the federal prohibition would not seem to apply. What about state law?

II. Do Missouri statutes prohibit carrying a firearm into a public school?

1. RSMo 571.030. Unlawful use of weapons--exceptions—penalties³
Section 2. 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:
(10) *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;
2. However, subsection 4 of that statute goes on to state:

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

¹ <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title18-section922&num=0&edition=prelim>

² “School zone” is defined as the school grounds including within 1,000 feet from the grounds of a public, parochial, or private school.

³ <https://revisor.mo.gov/main/OneSection.aspx?section=571.030&bid=50144&hl=>

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. (Subdivision 10 applies to schools)

3. In other words, RSMo 571.030 seems to tell us possession of a firearm in a school is not a criminal offense *if* the person carrying that weapon is a valid CCW holder.
4. Next, we look at RSMo 571.107 Permit does not authorize concealed firearms, where--penalty for violation⁴ (Commonly referred to as “The 17 places.”) This statute states: (I have adjusted the font size to focus on the relevant text.)

“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. (But) 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:

(10) Any higher education institution or elementary or secondary **school** facility without the consent of the governing body of the higher education institution or a school official or the district school board, unless the person with the concealed carry endorsement or permit is a teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer and is carrying a firearm in a school within that district, in which case no consent is required. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility 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;”

Note: This does not say such conduct is prohibited. It only says ‘*it is not authorized.*’ In other words, this reminds us ‘just because you can carry ‘*throughout the state*’ that doesn’t mean you are (also) “authorized” to carry in these 17 places.’ (Private property owners may refuse entry.)

5. That statute does establish criminal prohibitions and, just to be safe, the statute provides specific language in Section 2 to make that clear. (Again, I have adjusted the font size to focus on the relevant text.)

“Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of subsection 1 of this section by any individual who holds a concealed carry permit issued pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars and his or her permit, and, if applicable, endorsement to carry concealed firearms shall be suspended for a period of one year. If a third citation for a similar violation is issued within one year of the first citation, such person shall be fined an amount not to exceed five hundred dollars and shall have his or her concealed carry permit, and, if applicable, endorsement revoked and such person shall not be eligible for a concealed carry permit for a period of three years. ...”

6. In other words, RSMo 571.107 provides an exception so that someone with a Missouri CCW permit may carry in a school zone without violating this statute.

CONCLUSION.

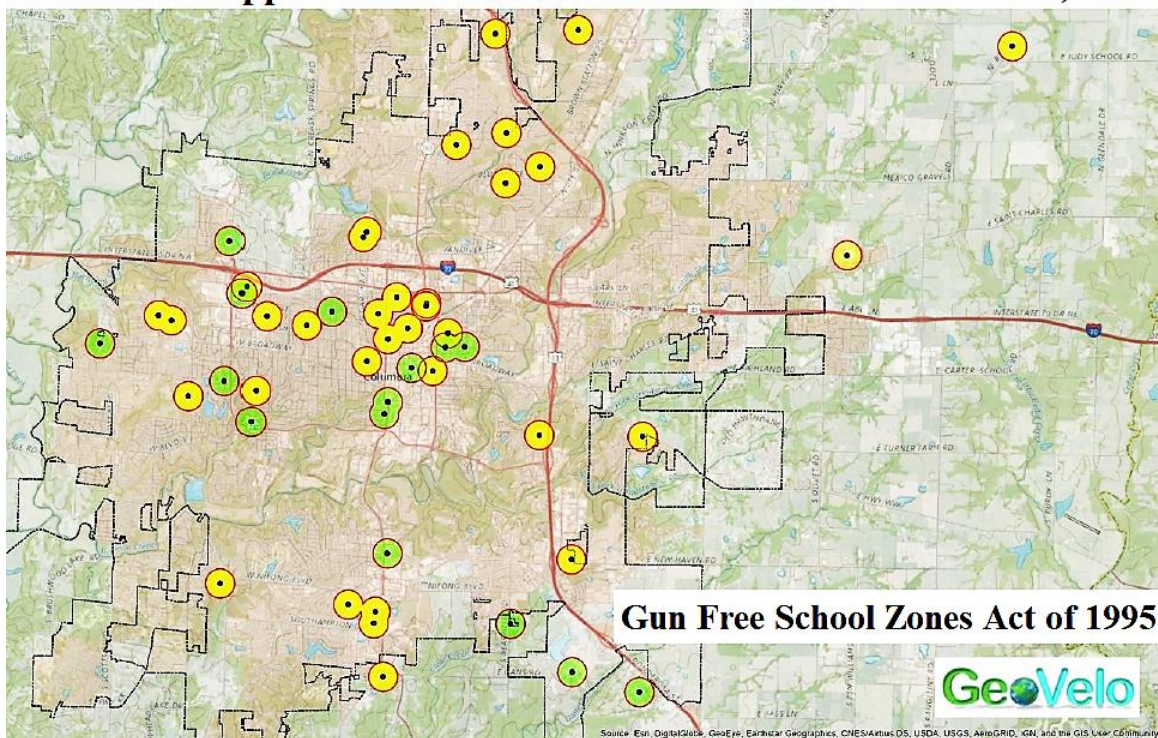
Both the Gun Free School Zones Act of 1995 and Missouri’s chapter on ‘Weapons Offenses’ are cited as if they prohibit firearms in schools. However, each law appears to provide an exception for someone who holds a Missouri (5-year) CCW license.*

⁴ <https://revisor.mo.gov/main/OneSection.aspx?section=571.107&bid=29721&hl=>

PLEASE NOTE:

- Although RSMo 571.107 refers to permits issued by any state, both the GFSZA and RSMo 571.030 make exception only for someone with a CCW license issued by Missouri.
- Missouri's statute refers only to a permit "issued pursuant to sections 571.101 to 571.121" which means Missouri only allows someone with a 'five-year' permit to carry in a school zone. There is no such exception for someone who has a Missouri 'lifetime' or 'extended' permit – and none of these exceptions would allow someone who carries under Missouri's "Constitutional Carry" to enter a school zone with a firearm.
- "School zone" is defined as the school grounds including *within 1,000 feet from the grounds of a public, parochial, or private school.*² Using the 1000-foot rule leads to large 'Gun Free Zones' as shown on the map below.

Circles show approximate 'Gun Free School Zones' in Columbia, Mo.



Map created by the geo-spatial mapping professionals at <https://geovelo.com/>

***Remember**, this information was presented for a classroom presentation as an academic discussion - **it is not legal advice**. Each situation is fact-specific. If you intend to carry in a school zone, **please consult your attorney**.

It is also important to remember this topic is widely misunderstood. If you are going to carry on school property you might want to have your attorney on speed-dial (unless you are carrying in Morgan County, where the Sheriff understands the law.) See screenshot below or go to <https://www.morgancountymoso.org/ccw>.

Missouri Firearms Laws

Concealed Carry Permit vs. Permitless Carry

	<u>Concealed Carry Permit</u>	<u>Permitless Carry</u>
Carry Throughout the State	Legal	Legal
Open Carry	Legal	Only in municipalities in which open carry is not prohibited.
Carry in Police Departments, Polling Places, Prisons, Courthouses, Government Buildings, Bars, Airports, Daycares, Casinos, Amusement Parks, Churches, Sports Arena, or Hospitals.	Permit does not authorize but it is NOT a criminal offense.	Illegal
Federal Buildings	Illegal	Illegal
Schools	Not a good idea but NOT a criminal offense. <small>(applies ONLY to one with a MO permit in a school zone that is also in MO)</small>	Illegal
Posted Private Property	Permit does not authorize but it is NOT a criminal offense.	Permit does not authorize but it is NOT a criminal offense.
Carry on Buses	Illegal	Illegal
Carry on Metro Trains	Illegal	Illegal
Carry outside of Missouri	The Missouri permit is valid in 34 other states including 7 bordering states.	Only legal in a handful of other states.
Training Requirement	Yes	No

Taking the necessary training to obtain a permit not only gives one much needed knowledge on the safe use of a firearm but, even more importantly, it gives one the knowledge on the laws of the state of Missouri for carrying and using a firearm, particularly in self-defense. This training can also help to protect one in the legal aftermath after using deadly force.

<https://www.morgancountymoso.org/ccw> updated as of May 25, 2022

End